

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1990

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**January 3, 1990 to April 14, 1990**

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within ~~30~~ 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval shall be the date stated on the written approval.

See title page for effective date.

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## CHAPTER 643

S.P. 762 - L.D. 1987

### An Act to Enable the Department of Marine Resources to Issue Identification Tags for Lobster Gear

Be it enacted by the People of the State of Maine as follows:

**12 MRSA §6442**, as amended by PL 1985, c. 540, is further amended to read:

**§6442. Lobster identification tags; fee authorized**

The commissioner may impose a reasonable fee not to exceed 50¢ per tag, for the issuance of lobster trap identification tags in those areas of the State included in the Swan's Island ~~Experimental~~ Trap Limit Program.

The fees collected ~~shall~~ must be paid to the department. The commissioner shall use these fees for the administration of the lobster trap tag system. Any fees that are unexpended at the end of the fiscal year ~~shall do~~ not lapse.

~~This section is repealed on September 30, 1990.~~

See title page for effective date.

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## CHAPTER 644

H.P. 1399 - L.D. 1935

### An Act to Ensure That Residents of Long-term Care Facilities Are Provided with Information about the Services of the Long-term Care Ombudsman Program

Be it enacted by the People of the State of Maine as follows:

**22 MRSA §7924, sub-§6** is enacted to read:

**6. Notice of program.** Each long-term care facility shall provide to each resident, guardian or personal representative, at the time of admission, information that the long-term care ombudsman program is a source of assistance with complaints and problems. At least 2 posters must be mounted in prominent places in each long-term care facility to inform residents about the

services of the program. The posters must also include the department's current rules regarding the rights of residents of long-term care facilities.

See title page for effective date.

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## CHAPTER 645

S.P. 744 - L.D. 1948

### An Act to Amend the Employee Suggestion Awards System

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 5 MRSA §642, sub-§4**, as enacted by PL 1981, c. 289, §8, is amended to read:

**4. Maximum cash award.** The maximum cash award approved shall be limited to 10% of the first year's estimated savings, or \$2,000, whichever is less. ~~An~~ Except as provided in subsection 4-A, an award shall not be made for any suggested savings of less than \$250. Any cash awards approved by the board shall be charged against the fund or funds to which estimated savings apply. If it is not possible to reasonably estimate the savings, the board may pay an initial amount and pay an additional amount at the end of the first year, or may pay the full amount at the end of the first year.

**Sec. 2. 5 MRSA §642, sub-§4-A** is enacted to read:

**4-A. Improvements to service without cost savings.** Upon the recommendation of the agency head of the affected program, the board may approve an award not to exceed \$100 for a suggestion that results in improved services or operation of the program but does not result in identifiable cost savings.

**Sec. 3. 5 MRSA §642, sub-§7**, as enacted by PL 1981, c. 289, §8 is amended to read:

**7. Administration.** Notwithstanding any other law, whenever an award is made from a fund, an equal amount shall be transferred from the same fund to a special revenue fund available to the Department of ~~Personnel~~ Administration to be used to administer the program.

See title page for effective date.

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## CHAPTER 646

H.P. 1461 - L.D. 2038

### An Act to Provide for Expedited Merger, Consolidation or Acquisition of Credit Unions

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the laws governing mergers and consolidations of state-chartered credit unions require lengthy procedures that inhibit the expediency with which some mergers can be accomplished; and

**Whereas,** volatile economic conditions adversely impact the financial industry and may warrant immediate action by the Superintendent of Banking to merge or consolidate troubled credit unions in order to protect members or the public; and

**Whereas,** the federal regulatory agencies presently have the authority to act on merger, consolidation or acquisition plans in an expeditious manner; the superintendent should have the authority to act in the same expeditious manner when providing concurrent regulatory action; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**9-B MRSA §872-A** is enacted to read:

**§872-A. Authority for expedited mergers, consolidations and acquisitions**

Notwithstanding any other provision of law, or any charter, certificate of organization, articles of association, articles of incorporation or bylaw of any participating credit union, the superintendent may authorize a merger or consolidation of 2 or more credit unions or may authorize a credit union to purchase any of the assets of, or assume any of the liabilities of, any other credit union following approval of a plan of merger, consolidation or acquisition by a majority vote of the boards of directors of the participating credit unions and upon receipt by the superintendent of certified copies of the authorizing resolutions adopted by the respective boards of directors. That merger, consolidation or acquisition shall become effective immediately if the superintendent believes that the action is necessary for the protection of members of the credit union or the public. Any person aggrieved by a merger, consolidation or acquisition pursuant to this section is entitled to judicial review of the superintendent's order in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter VII.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 7, 1990.

## CHAPTER 647

S.P. 798 - L.D. 2046

### An Act to Clarify the Rule-making Authority of the Maine Historic Preservation Commission

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 27 MRSA §504, sub-§2-A** is enacted to read:

2-A. Rules. The Maine Historic Preservation Commission may adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375 to implement this section.

**Sec. 2. 27 MRSA §505, sub-§2, ¶A,** as enacted by PL 1979, c. 21, is amended to read:

A. The Maine Historic Preservation Commission ~~shall be~~ is under the management and supervision of a director who ~~shall make rules and regulations for the proper management of the bureau~~ may adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, to implement this section, subject to the approval of the Commissioner of Educational and Cultural Services.

**Sec. 3. 27 MRSA §509,** as repealed and replaced by PL 1979, c. 21, is amended to read:

**§509. Compliance with federal law**

The State Historic Preservation Officer may adopt ~~any regulation necessary~~ rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, to enable the State to comply with any law of the United States intended to promote public historic preservation services. The Treasurer of State shall be custodian of any money that may be allotted by the Federal Government for programs related to the purposes of the Maine Historic Preservation Commission.

See title page for effective date.

## CHAPTER 648

H.P. 1424 - L.D. 1976

### An Act to Codify the Creation of the Bureau of Safety and Change Its Name to the Bureau of Highway Safety

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §948, sub-§1, ¶H,** as amended by PL 1987, c. 666, §3, is further amended to read: