

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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.

---

---

J.S. McCarthy Company  
Augusta, Maine  
1990

---

**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**

---

a shareholder of the professional corporation by which that person is employed and that this waiver was not a prerequisite condition to employment. For the purposes of this subparagraph, the term "professional corporation" has the same meaning as found in Title 13, section 703, subsection 1.

Any person may revoke or rescind ~~his~~ that person's waiver upon 30 days' written notice to the commission and ~~his~~ that person's employer. The parent, spouse or child of a person who has made a waiver under the previous sentence may state, in writing, that ~~he~~ the parent, spouse or child waives all the benefits and privileges provided by the workers' compensation laws if the commissioner finds that the waiver is not a prerequisite condition to employment and if the parent, spouse or child is employed by the same corporation which employs the person who has made the first waiver;

(5) The parent, spouse or child of a sole proprietor who is employed by that sole proprietor or the parent, spouse or child of a partner who is employed by the partnership of that partner may state, in writing, that ~~he~~ the parent, spouse or child waives all the benefits and privileges provided by the workers' compensation laws if the commission finds that the waiver is not a prerequisite condition to employment;

(6) Employees of an agricultural employer when harvesting 150 cords of wood or less each year from farm wood lots, provided that the employer is covered under an employer's liability insurance policy as required in subsection 1-A;

(7) An independent contractor; or

(8) If a person employs an individual contractor, any employee of the independent contractor is not considered an employee of that person for the purposes of this Act. The person who employs an independent contractor is not responsible for providing workers' compensation insurance covering the payment of compensation and benefits to the employees of the independent contractor. No insurance company may charge a premium to any person for any employee excluded by this subparagraph.

See title page for effective date.

## CHAPTER 676

H.P. 1630 - L.D. 2257

### An Act to Amend the Law Concerning the Hunting of Coyote

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

**12 MRSA §7108, sub-§3**, as amended by PL 1987, c. 684, §2, is further amended to read:

**3. Open season.** Notwithstanding section 7406, subsection 5, ~~there shall be~~ an open season for hunting coyotes at night in all counties of the State from January 1st to April 30th ~~in 1989 and 1990 and January 1st to March 31st thereafter~~ is established. The commissioner may terminate this open season at any time in any area if, in ~~his~~ the commissioner's opinion, an immediate emergency action is necessary due to adverse weather conditions or illegal hunting activity.

See title page for effective date.

## CHAPTER 677

S.P. 869 - L.D. 2229

### An Act Concerning Retirees' Return to Employment

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

**Sec. 1. 5 MRSA §17103, sub-§6**, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

**6. Rights, credits and privileges; decisions.** The board shall in all cases make the final and determining administrative decision in all matters affecting the rights, credits and privileges of all members of the retirement system whether in participating local districts or in the state service.

Whenever the board finds that, because of an error or omission on the part of the employer of a member or retired member, a member or retired member is required to make a payment or payments to the retirement system, the board may waive payment of all or part of the amount due from the member or retired member.

**Sec. 2. 5 MRSA §18252, sub-§6** is enacted to read:

**6. Restoration to service.** If any person who is the recipient of a service retirement benefit is covered by the United States Social Security Act upon being restored to service, continuation of that person's benefit is not subject to section 18457, but is governed by the following.

A. The person may elect to have the service retirement benefit continued during the period of time the person is restored to service and the person may not accumulate any additional service credits.

B. The person may elect to have the service retirement benefit terminated, again become a member of the retirement system and begin contributing at the current rate.

(1) The person is entitled to accumulate additional service credits during the period of time the person is restored to service.

(2) When the person again retires, the person is entitled to receive benefits computed on the person's entire creditable service and in accordance with the law in effect at the time.

C. Upon being restored to service, the person shall elect to have benefits either continued or terminated. If written notification of the person's election is not received by the executive director within 30 days of restoration to service, the person is deemed to have elected the provisions of paragraph B. The election, regardless of how it is made, is irrevocable during the period of restoration to services.

**Sec. 3. Application.** Section 1 of this Act retroactively applies to any member or retired member who has not completed making payments of money to the Maine State Retirement System. Any such member or retired member who has not completed making payments may request that the Board of Trustees of the Maine State Retirement System review the case. The board shall do so and grant whatever relief it finds appropriate. Section 2 of this Act does not apply to the restoration to service of any member before the effective date of this Act.

See title page for effective date.

---

## CHAPTER 678

H.P. 1562 - L.D. 2168

### An Act Regarding Mobile Home Safety Standards

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

**Sec. 1. 10 MRSA §9094, sub-§2, ¶B-1** is enacted to read:

B-1. At the time of sale or change in the principal occupant of a mobile home, the park owner or operator may require the owner of the home, if built before June 15, 1976, to provide evidence that the home meets the Manufactured Housing Board's used manufactured home standard regard-

ing heating and electrical systems and fire safety. The mobile home owner may demonstrate compliance with the standard by providing the park owner with a report signed by the following persons and indicating that the home complies with the standard's specifications regarding those aspects of the home inspected:

(1) A licensed electrician who inspected the home's electrical system;

(2) A licensed oil burner repairer who inspected the home's heating system; and

(3) A licensed engineer who inspected the home for fire safety.

Signature of the report may not be construed for any purpose as an endorsement that the home meets provisions of the standard other than those for which the inspection was conducted. A park owner who receives a signed report may not require removal of a home under this section on the basis of fire safety or the safety of the home's heating and electrical systems.

This paragraph is repealed on January 1, 1993.

**Sec. 2. 10 MRSA §9094, sub-§2, ¶¶F-1 and F-2** are enacted to read:

F-1. The Manufactured Housing Board shall adopt rules under Title 5, chapter 375, establishing a used manufactured home standard no later than December 1, 1990. The standard must cover all equipment and installations in the construction, the plumbing, heat-producing and electrical systems and fire safety of used manufactured homes that are designed to be used as dwellings. The standard must seek to ensure that used manufactured homes do not present an imminent and unreasonable risk of death or serious personal injury.

F-2. The Manufactured Housing Board shall report to the joint standing committee of the Legislature having jurisdiction over legal affairs on the implementation of paragraph B-1 and any changes to the used manufactured home standard no later than January 1, 1992.

**Sec. 3. 10 MRSA §9094, sub-§2, ¶G,** as enacted by PL 1989, c. 104, Pt. B, §3 and Pt. C, §10, is repealed.

See title page for effective date.

---

## CHAPTER 679

H.P. 1546 - L.D. 2131

### An Act to Amend the Laws Relating to the Maine Committee on Aging