

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

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NON-EMERGENCY LAWS IS
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J.S. McCarthy Company
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PUBLIC LAWS
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was issued or the heating, ventilation and air-conditioning system was installed, whichever is later; and

B. Operated continuously during school activity hours except:

(1) During scheduled maintenance and emergency repairs; and

(2) During periods for which school officials can demonstrate to the commissioner's satisfaction that the quantity of outdoor air supplied by an air supply system that is not mechanically driven and by infiltration meets the outdoor air supply rate required by paragraph A.

3. Inspection and record. Each school administrative unit is responsible for:

A. Inspection of the heating, ventilation and air-conditioning system at least annually and correction of any problems within a reasonable time; and

B. Maintaining written records of heating, ventilation and air-conditioning system inspection and maintenance for at least 5 years. The superintendent shall make these records available for examination upon request.

Sec. 3. 26 MRSA §565-A, sub-§1, as enacted by PL 1987, c. 733, §6, is amended to read:

1. Advise and propose standards. The board shall work with the Bureau of Public Improvements with respect to evaluation of indoor air quality and ventilation in public school buildings and buildings occupied by state employees and the preparation of the report pursuant to Title 5, section 1742, subsection 24, paragraph A.

A. The board may advise the Bureau of Public Improvements and propose for consideration by the bureau air quality and ventilation standards that are more stringent than the minimum standards as defined in Title 5, section 1742, subsection 24.

See title page for effective date.

CHAPTER 182

S.P. 413 - L.D. 1127

An Act to Increase the Probationary Period for Police Officers

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

30-A MRSA §2701, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§2701. Employee probation periods

Except as specifically provided otherwise by charter or ordinance, any reference to cause and hearing in this Part only applies to an employee who has completed a reasonable probation period established by the municipality. Periods of probation may not exceed 6 calendar months or the length of time in effect in a municipality on January 1, 1984, whichever is greater, except that in the case of police officers, a longer probationary period not to exceed one year may be established as the result of collective bargaining or provided for by the municipality in the absence of a bargaining agent.

See title page for effective date.

CHAPTER 183

H.P. 1019 - L.D. 1492

An Act to Permit Orderly Consideration of Department of Environmental Protection Applications

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

38 MRSA §344, sub-§1-A is enacted to read:

1-A. Governing rules. An application for a permit, license or approval is processed under the substantive rules in effect on the date the application or request for approval is determined to be complete for processing.

See title page for effective date.

CHAPTER 184

S.P. 242 - L.D. 646

An Act to Provide for the Recovery of Overpayments by the Maine State Retirement System

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

Sec. 1. 5 MRSA §17054, sub-§§1 and 2, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

1. Retirement allowance available for child support. A member's retirement allowance ~~shall be~~ is available to satisfy any child support obligation ~~which that~~ is otherwise enforceable by execution, garnishment, attachment, assignment or other process; ~~and~~

2. Accumulated contributions available for child support. A member's accumulated contributions, being

refundable under sections 17705, 17706, 18306 and 18307 ~~shall be~~ are available to satisfy any child support obligation ~~which that~~ is otherwise enforceable by execution, garnishment, attachment, assignment or other process: ; and

Sec. 2. 5 MRSA §17054, sub-§3 is enacted to read:

3. Recovery of overpayments by the retirement system. Any amounts due the retirement system as the result of overpayment of benefits or an excess refund of contributions may be recovered from an individual's contributions or any benefits payable under this Part to the individual or the beneficiary of the individual. If the overpayment or excess refund of contributions resulted from an unintentional mistake by an employee of the retirement system, the retiree or the recipient of the benefit, no interest may be collected by the retirement system on the amount to be recovered. The executive director may also take action to recover those amounts due from any amounts payable to the individual by any other state agency or by an action in a court of competent jurisdiction. Whenever the executive director makes a decision to recover any amounts under this subsection, that decision is subject to appeal under section 17451.

See title page for effective date.

CHAPTER 185

S.P. 361 - L.D. 963

An Act to Provide for the Payment of Late Fees by School Administrative Units and Participating Local Districts That Are Delinquent in Paying Contributions to the Maine State Retirement System

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

Sec. 1. 5 MRSA §17203, sub-§1, ¶B, as enacted by PL 1989, c. 95, §3, is amended to read:

B. Amounts deducted from the compensation of teachers ~~shall must~~ be paid to the retirement system by the chief administrative officer of each school administrative unit monthly in accordance with rules of the board. Delinquent payments due under this paragraph:

(1) May be subject to a late fee as directed by the board and interest at a rate, to be set by the board and paid by the school administrative unit, not to exceed regular interest by 5 or more percentage points;

(2) May be recovered by action in a court of competent jurisdiction against the school administrative unit; or

(3) May, at the request of the retirement system, be deducted from any other money payable to that school administrative unit.

Sec. 2. 5 MRSA §18303, sub-§3, ¶¶A and B, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

A. May be recovered by action in a court of competent jurisdiction against the participating local district liable for the payments; or

B. May, at the request of the retirement system, be deducted from any other money payable to that participating local district by any department of the State; or

Sec. 3. 5 MRSA §18303, sub-§3, ¶C is enacted to read:

C. May be subject to a late fee as directed by the board and interest at a rate, to be set by the board and paid by the school administrative unit, not to exceed regular interest by 5 or more percentage points.

See title page for effective date.

CHAPTER 186

H.P. 503 - L.D. 697

An Act to Provide an Opportunity for Complainants to be Heard before the Board of Registration in Medicine

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

32 MRSA §3282-A, sub-§1, as enacted by PL 1983, c. 378, §53, is amended to read:

1. Disciplinary proceedings and sanctions. The board shall investigate a complaint, on its own motion or upon receipt of a written complaint filed with the board, regarding noncompliance with or violation of this chapter or of any rules adopted by the board.

The board shall notify the licensee of the content of a complaint filed against the licensee as soon as possible, but in no event later than within 60 days of receipt of this information. The licensee shall respond within 30 days. If the licensee's response to the complaint satisfies the board that the complaint does not merit further investigation or action, the matter may be dismissed, with notice of the dismissal to the complainant, if any.

If, in the opinion of the board, the factual basis of the complaint is or may be true, and it is of sufficient gravity to warrant further action, the board may request an informal conference with the licensee. The board shall provide the