

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

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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

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PUBLIC LAWS
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3. Notice to guardian ad litem. The department shall notify the guardian ad litem, as described in section 4005, of any substantial change in circumstances that may have an impact on the best interests of the child. A substantial change in circumstances includes but is not limited to any change in the child's residence.

See title page for effective date.

CHAPTER 357

H.P. 755 - L.D. 1089

An Act to Authorize the Use of Gill Nets by the Penobscot Nation Department of Natural Resources Personnel for Scientific Purposes

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

Whereas, this legislation must be enacted as an emergency measure in order that scientific research necessary for the implementation of a fisheries management program for Indian territorial waters may begin; 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:

12 MRSA §7774 is enacted to read:

§7774. Penobscot Nation research

Under the direction of its director, the staff of the Department of Natural Resources of the Penobscot Nation may use gill nets for the purpose of scientific fisheries research and management on any waters within, flowing through or adjacent to Penobscot Indian territory as defined in Title 30, section 6205, subsection 2. The authority granted under this section is subject to the following constraints.

1. Gill nets. Both ends of the gill net must be marked with buoys that are clearly visible from a distance of 300 feet and that identify the Department of Natural Resources of the Penobscot Nation as the owner of the net.

2. Results. The results of each netting must be forwarded on a weekly basis to the office of the Commissioner of Inland Fisheries and Wildlife where the results are available for public inspection.

3. Prohibited acts. Any person who fails to comply with any provision of this section commits a prohibited act punishable as provided in chapter 721.

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

Effective June 18, 1991.

CHAPTER 358

H.P. 1121 - L.D. 1646

An Act Regarding Cable Television

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

30-A MRSA §3010, sub-§6-A is enacted to read:

6-A. Subscriber privacy. A cable television system operator may not intrude upon the privacy of a subscriber by installing or using any equipment that allows the system operator to observe or to listen to what is occurring in an individual subscriber's household without express, prior written consent of the subscriber.

See title page for effective date.

CHAPTER 359

S.P. 493 - L.D. 1331

An Act Regarding Sprinkler Systems in New Buildings

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

25 MRSA §2463, as amended by PL 1985, c. 183, is further amended to read:

§2463. Installation of sprinkler systems and smoke, heat or fire detection systems

All new hotels constructed after ~~September 23, 1971,~~ January 1, 1992 of any type construction, ~~other than fire resistive as defined in the current edition of National Fire Protection Association #220, Standard Types of Building Construction,~~ having 2 stories or more above grade level, ~~shall~~ must be protected by a complete approved automatic sprinkler system.

All high-rise buildings constructed after January 1, 1992 of any type construction must be protected by a complete approved automatic sprinkler system.

All other hotels having 2 stories or more above grade level ~~shall~~ must be protected by a complete approved smoke, heat or fire detection system operated by electrical current or powered by batteries by July 1, 1981.

The State Fire Marshal, or ~~his~~ the marshal's designee, shall inspect all systems installed pursuant to this section and shall approve all systems which comply with this section, except that when the hotel is located in a municipality which has a municipal fire department or incorporated volunteer fire department, that department ~~shall be~~ is responsible for the inspection and approval of the system, unless the State Fire Marshal agrees to undertake that responsibility.

The term "hotel" includes buildings or groups of buildings under the same management in which there are more than 15 sleeping rooms for hire, whether designated as a hotel, inn, club, motel, apartment hotel or by any other name.

The term "high-rise building" includes any building used for any commercial purpose that is 75 feet or more above grade level.

Any person or corporation violating this section ~~shall be~~ is guilty of a Class E crime.

See title page for effective date.

CHAPTER 360

S.P. 436 - L.D. 1157

An Act to Amend the Teacher Retirement Laws

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

Whereas, it is sound policy to encourage public school teachers to pursue leadership opportunities; and

Whereas, some teachers would refrain from seeking the presidency of the Maine Teachers Association because of retirement consequences; 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:

Sec. 1. 5 MRSA §17001, sub-§13, ¶D is enacted to read:

D. For a teacher who is eligible for participation in the retirement system who is on a leave of absence while serving as President of the Maine Teachers Association, "earnable compensation" means the amount that the teacher would have earned if the teacher had remained in a teaching position.

Sec. 2. 5 MRSA §17001, sub-§42, as repealed and replaced by PL 1989, c. 878, Pt. D, §4, is amended by adding at the end a new blocked paragraph to read:

"Teacher" also includes a person who is on a leave of absence from a position as a teacher and is duly elected as President of the Maine Teachers Association.

Sec. 3. 5 MRSA §17154, sub-§6, ¶D is enacted to read:

D. Notwithstanding this section, the employer retirement cost related to the retirement system applicable to a teacher who is permitted to continue to accrue service credit while on a leave of absence and serving as President of the Maine Teachers Association must be paid from funds provided by the Maine Teachers Association. For purposes of this paragraph, in computing the employer cost, "earnable compensation" means the amount that the teacher would have earned if the teacher had remained in a teaching position.

Sec. 4. Application. This Act applies to teacher members of the Maine State Retirement System holding the office of President of the Maine Teachers Association on or after September 1, 1990.

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

Effective June 18, 1991.

CHAPTER 361

H.P. 839 - L.D. 1205

An Act Concerning Landlord-tenant Contracts

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

Sec. 1. 10 MRSA §9097-A is enacted to read:

§9097-A. Unfair rental contracts

1. Illegal waiver of rights. It is an unfair and deceptive trade practice in violation of Title 5, section 207 for a park owner or operator to use a rental agreement or rule that has the effect of waiving a tenant right established in chapter 953 and, if applicable to mobile home park tenants,