

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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TITLE 3, SECTION 163-A, SUBSECTION 4.

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Augusta, Maine
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PUBLIC LAWS
OF THE
STATE OF MAINE

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with this Part, the United States Social Security Act or other local retirement program, the employee's basic life insurance only ~~shall~~ must be continued without cost to the employee and in the amounts provided in this subsection.

A. On retirement for reasons other than disability, the average amount of basic insurance in force for the last 3 years prior to retirement ~~shall~~ must be continued in force at no cost to the participant, if the participant has participated in the group life insurance program for a minimum of 10 years ~~continuously and immediately before retirement~~. For the purpose of determining the average amount of basic insurance in force, there must be excluded from the amount of basic coverage in force during the last 3 years prior to retirement that portion of basic coverage that exceeds the previous year's coverage by 10%.

(1) Except as provided in paragraph B, the average amount ~~shall~~ must be reduced at the rate of 15% a year to a minimum of 40% of the average amount or \$2,500, whichever is greater.

(2) In determining benefits under this subchapter, the reductions ~~shall~~ become effective at 12:01 a.m. of the day following the first year anniversary of the date of retirement and each succeeding retirement anniversary thereafter until the minimum has been reached.

B. On retirement for disability, the amount of basic insurance in force at the time of retirement ~~shall~~ must be continued in force until normal retirement age, after which the amount ~~shall~~ must be reduced, as provided in paragraph A at no cost to the recipient. The 10-year participation requirement does not apply to recipients of disability retirement benefits.

C. The premiums for the coverage provided by this subsection must be paid by the participating local district which employed the participant immediately before the participant's retirement. Delinquent payments under this section may be collected as provided under section 18303, subsection 3.

See title page for effective date.

CHAPTER 481

H.P. 824 - L.D. 1178

An Act to Improve Outdoor Lighting

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

Sec. 1. 5 MRSA §1768 is enacted to read:

§1768. Outdoor lighting

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Direct light" means light emitted directly from a lamp off a reflector or through a refractor of a luminaire.

B. "Fixture" means the assembly that holds the lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and a refractor or lens.

C. "Footcandle" means an illuminance equal to one lumen per square foot.

D. "Full cutoff luminaire" means a luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part.

E. "Glare" means direct light emitting from a luminaire that causes reduced vision or momentary blindness.

F. "Illuminance" means the level of light measured at a surface.

G. "Lamp" means the component of a luminaire that produces the light.

H. "Light trespass" means light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

I. "Lumen" means a unit of measurement of luminous flux.

J. "Luminaire" means the complete lighting system, including the lamp and the fixture.

K. "Permanent outdoor luminaire" means any luminaire or system of luminaires that is outdoors and that is intended to be used for 7 days or longer.

L. "State funds" means any bond revenues or any money appropriated or allocated by the Legislature.

2. Permanent outdoor luminaires. A person may not use any state funds to install or replace any permanent outdoor luminaire unless:

A. The luminaire is a full cutoff luminaire when the rated output of the luminaire is greater than 1,800 lumens;

B. The luminaire's maximum illuminance does not exceed the minimum illuminance recommended for that purpose by the Illuminating Engineering Society

of America or the federal Department of Transportation; and

C. The Director of the Bureau of Public Improvements ensures that consideration is given to minimizing glare and light trespass.

3. Exceptions. Exceptions from the provisions of this section are permitted only when:

A. Federal laws, rules and regulations take precedence over these provisions; or

B. The Director of the Bureau of Public Improvements determines that there is a compelling safety interest that can not be addressed by any other method.

Sec. 2. 23 MRSA §707 is enacted to read:

§707. Highway lighting

1. Definitions. All definitions in Title 5, section 1768, subsection 1 apply in this section. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commissioner" means the Commissioner of Transportation.

B. "Roadway lighting" means lighting that is specifically intended to illuminate roadways for automobiles but does not mean lighting intended to illuminate roadways only for pedestrian purposes.

2. Permanent outdoor luminaires. A person may not use any state funds to install or replace any permanent outdoor luminaire unless:

A. The luminaire is a full cutoff luminaire when the rated output of the luminaire is greater than 1,800 lumens;

B. The illuminance from a luminaire or a system of luminaires does not exceed the minimum illuminance recommended by the federal Department of Transportation for that purpose;

C. For roadway lighting, the commissioner determines that the purpose of the lighting installation or replacement can not be achieved by any of the following means:

(1) Reduction of the speed limit in the area to be lighted; or

(2) Installation of reflectorized roadway markers, lines, warnings or informational signs; and

D. The commissioner ensures that consideration is given to minimizing glare and light trespass.

3. Exceptions. Exceptions from the provisions of this section are permitted only when:

A. Federal laws, rules and regulations take precedence over these provisions; or

B. The commissioner determines that there is a compelling safety interest that can not be addressed by any other method.

Sec. 3. Rules. By January 1, 1992, the Director of the Bureau of Public Improvements shall adopt rules governing section 1 of this Act. By January 1, 1992, the Commissioner of Transportation shall adopt rules governing section 2 of this Act.

See title page for effective date.

CHAPTER 482

S.P. 598 - L.D. 1583

An Act to Create a Preliminary Injunction for Certain Domestic Relations Cases

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

Sec. 1. 19 MRSA §692 is repealed.

Sec. 2. 19 MRSA §692-A is enacted to read:

§692-A. Preliminary injunction, effect; attachment or trustee process

1. Issue of preliminary injunction. In all actions for divorce, for judicial separation or for spousal or child support following divorce by a court that lacked personal jurisdiction over the absent spouse, the clerk of the court, pursuant to order of the District Court or Superior Court, shall issue a preliminary injunction in the following manner.

A. The preliminary injunction must bear the signature or facsimile signature of the clerk, be under the seal of the court, contain the name of the court and the names of the parties and state the name and address of the plaintiff's attorney. The preliminary injunction may be obtained in blank from the clerk and must be filled out by the plaintiff's attorney. The plaintiff's attorney is responsible for serving this preliminary injunction, along with the summons and complaint, on the defendant.

B. The preliminary injunction must be directed to each party to the action and must contain the following orders:

(1) That each party is enjoined from transferring, encumbering, concealing, selling or otherwise disposing of any property of either or