

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION
December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION
January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

4. A comparison of the advisability of allowing businesses to establish either staggered dates or a common expiration or renewal date for all licenses.

The commissioner shall submit a report with recommendations, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over economic development matters and to the Executive Director of the Legislative Council no later than January 30, 1993. The report must include recommendations for reducing the paper-work burden of permitting on businesses and increasing the efficiency of agency licensing procedures. If establishment of a licensing center is recommended, the report must contain an implementation plan and cost estimates for establishing and operating the center.

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

Effective April 6, 1992.

CHAPTER 827

H.P. 1681 - L.D. 2361

An Act to Repeal a State Mandate Requiring a National Plumbing Code

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

Whereas, a plumbing code was issued by the Building Officials Conference of America, BOCA; and

Whereas, many plumbing professionals have expressed dissatisfaction with the input afforded them in this situation; and

Whereas, implementation of the plumbing code would pose a hardship on homeowners and builders and be a great expense for the State; and

Whereas, the State's adoption of the plumbing code may constitute an unfunded state mandate, which will result in undue hardship on our communities; 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. 22 MRSA §42, sub-§3, as amended by PL 1991, c. 548, Pt. A, §16, is further amended to read:

3. Plumbing and subsurface waste water disposal. ~~The department, with the advice and consent of the Plumbers' Examining Board, shall adopt by reference a nationally recognized plumbing code. The department, with the advice and consent of the Plumbers' Examining Board, may adopt, as necessary, amendments to that code.~~ The department shall adopt minimum rules relating to plumbing and subsurface sewage disposal systems. All rules, including installation and inspection rules, must be consistent with Title 30-A, chapter 185, subchapter III, and Title 32, chapter 49, but this does not preempt the authority of municipalities under Title 30-A, section 3001, to adopt more restrictive ordinances. The department shall hold hearings on the first Tuesday of February of each year for the purpose of considering changes in the rules pertaining to plumbing and subsurface sewage disposal systems and the installation and inspection thereof. These rules may regulate the location of water supply wells to provide minimum separation distances from subsurface sewage disposal systems. The department may require a deed covenant or deed restriction when determined necessary.

Any person who violates the rules adopted under this subsection, or who violates a municipal ordinance adopted pursuant to Title 30-A, sections 4201 and 4211 or uses a subsurface waste water disposal system not in compliance with rules applicable at the time of installation or modification must be penalized in accordance with Title 30-A, section 4452. Enforcement of the rules is the responsibility of the municipalities rather than the department. The department or a municipality may seek to enjoin violations of the rules or municipal ordinances. In the prosecution of a violation by a municipality, the court shall award reasonable attorney's fees to a municipality if that municipality is the prevailing party, unless the court finds that special circumstances make the award of these fees unjust.

Sec. 2. Retroactivity. This Act applies retroactively to February 1, 1992.

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

Effective April 6, 1992.

CHAPTER 828

S.P. 957 - L.D. 2425

An Act to Ensure Financial Solvency of Insurers through Accreditation