

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

Sec. 3. 32 MRSA §226, sub-§2, ¶¶A to C, as repealed and replaced by PL 1991, c. 396, §21, are amended to read:

A. Single Detached single or 2-family dwellings, including those to be utilized for home occupations, as defined by local ordinances, and sheds, storage buildings and garages incidental to the dwellings;

B. Farm buildings, including barns, silos, sheds or housing for farm equipment and machinery, livestock, poultry or storage, if the structures are designed to be occupied by no more than 10 persons; ~~and~~

C. Alterations, renovations or remodeling of a building when the ~~alteration, renovation or remodeling does not affect structural or other safety features of the building and when the cost of the work contemplated by the design does not exceed 15% of the assessed value of the building or \$50,000, whichever is the lesser, or does not require the issuance of a permit under applicable building codes or when the work involves those structures as provided in paragraphs A and, B-, F, G and H; and~~

Sec. 4. 32 MRSA §226, sub-§2, ¶¶F to H are enacted to read:

F. Buildings that do not have as their principal purpose human occupancy or habitation;

G. Single-story, above-grade buildings of less than 1,000 square feet that are designed to be occupied by no more than 10 persons; and

H. Preengineered manufactured buildings. For the purposes of this section, "preengineered manufactured building" means a structural unit, other than a dwelling, that is designed by a person licensed as an engineer in the State and is constructed in a manufacturing facility.

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

Effective April 9, 1992.

CHAPTER 875

S.P. 821 - L.D. 2115

An Act to Establish the School Construction Debt Service Limit for Fiscal Years 1994-95 and 1995-96

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

20-A MRSA §15905, sub-§1, ¶A, as amended by PL 1989, c. 911, §9, is further amended to read:

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15603, subsection 8, paragraphs A and D, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year	Maximum Debt Service Limit
1990	\$48,000,000
1991	\$57,000,000
1992	\$65,000,000
1993	\$67,000,000
1994	\$67,000,000
<u>1995</u>	<u>\$67,000,000</u>
<u>1996</u>	<u>\$67,000,000</u>

See title page for effective date.

CHAPTER 876

H.P. 1562 - L.D. 2200

An Act to Prevent the Poaching of Aquaculture Products

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

Whereas, hundreds of thousands of dollars in aquaculture production are lost each year because of theft; and

Whereas, this loss is an ongoing problem that requires immediate action; and

Whereas, existing law does not provide sufficient deterrence to reduce theft of aquaculture products; 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. 12 MRSA §6073, sub-§2-A is enacted to read:

2-A. Cultchless American oysters; possession. Prior to the point of retail sale, a person may not possess a cultchless American oyster grown in the State unless that person:

A. Is a grower licensed under section 6863, an employee of a licensed grower or an agent of a licensed grower; or

B. Is in the possession of a bill of sale or a bill of lading that includes the license number of the grower.

Sec. 2. 12 MRSA §6863 is enacted to read:

§6863. Cultchless American oyster growers license

A person may not grow cultchless American oysters in the State unless licensed under this section.

1. Definitions. For the purposes of this Part, the term "cultchless" means the absence, at the shell hinge, of foreign material or a scar and the term "American oyster" means the genus and species Crassostrea virginica.

2. License. The commissioner shall establish by rule the criteria for a cultchless American oyster growers license.

3. Fee. The annual fee for a cultchless American oyster growers license is \$10.

Sec. 3. Costs not funded. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandates subject to that section and the State is not required to fund those costs.

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

Effective April 9, 1992.

CHAPTER 877

H.P. 1417 - L.D. 2029

An Act to Amend the Maine High-Risk Insurance Organization Laws

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

Sec. 1. 24-A MRSA §6058-A is enacted to read:

§6058-A. Employer responsibilities

1. Employer contribution. An employer shall make the same contribution toward coverage for a benefit plan on behalf of an enrolled employee that the employer contributes for benefit plans for employees who are not enrolled.

2. Payroll deduction. An employer may make a payroll deduction from the compensation of an employee for the portion of the benefit plan that the employee is responsible for contributing.

3. Dependent coverage. An employer shall offer dependent family members of an enrolled employee the same group plan that the employer provides to the dependents of employees who are not enrolled.

The employer may charge an enrolled employee's dependent family member a premium equal to that amount charged to employees who are not enrolled and shall contribute the difference between the amount the employer would pay for the employee under its group family coverage and the amount the employer has paid on behalf of the employee pursuant to subsection 1. An employer is not required to pay more for the dependents of an enrolled employee than for dependents of an employee in the employer's group plan.

Sec. 2. Costs not funded. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandates subject to that section and the State is not required to fund those costs.

See title page for effective date.

CHAPTER 878

S.P. 809 - L.D. 2008

An Act Related to the Maine State Retirement System

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

Sec. 1. 5 MRSA §17751, sub-§3, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

3. Board determination. The board shall determine by appropriate rules how much service in any year qualifies for one year's service credit. Service rendered for the full normal working time in any year qualifies for one year's service credit. The board shall provide in its rule related to the determination of creditable service for state employees that any part-time or seasonal state employee who was employed during the period beginning January 1, 1989 and ending June 30, 1991 is credited with a full year of creditable service for each year in which that employee is employed for 1,000 or more hours, for as long as that employee is employed by the State. The board's rule must also treat in the same manner any employee first employed before July 1, 1991 who is employed in a position that is in a career ladder in which the employee is required to move from full-time status