

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

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

to seasonal status when accepting a promotion in the employee's career ladder. Section 17001, subsection 13, paragraph E does not apply to an employee who is credited with a full year of creditable service under this provision. Each state department or agency shall submit to the retirement system a list of all employees to whom this provision applies, in the manner and time provided by board rule.

Sec. 2. P&SL 1991, c. 26, §1 is repealed and the following enacted in its place:

Sec. 1. Retirement coverage for certain teacher aides and similar employees. Notwithstanding the provisions of any other law or rule, any person employed in a position known before September 1, 1991 as teacher aide, library aide or educational technician I who, before September 1, 1991, was promoted to a level II or level III educational technician position may elect to be covered by the retirement system or plan under which that person was covered at the time of promotion. That election may be made only in accordance with the following.

1. A person may make the election only once.
2. The election is effective as of the date of promotion.
3. The election is irrevocable.
4. Each local school administrative unit shall notify each person to whom this section applies who was employed by that unit at the time of promotion of the opportunity to make the election, inform each person of the nature of the election, receive each person's written election and provide to the Maine State Retirement System a list of all persons making an election, categorized by retirement system or plan elected.
5. The Maine State Retirement System must receive the election list by September 30, 1992.
6. A person not making an election is subject to the provisions of the Maine Revised Statutes, Title 5, Part 20 as of the date of promotion.

The Maine State Retirement System shall notify school administrative units of this section and receive and appropriately process election lists. The Maine State Retirement System is not responsible for identifying or notifying persons to whom this section applies or for receiving individual elections. Local school administrative units shall prescribe the form in which the written individual election must be made and the date by which it must be received by the unit.

Any person hired as or promoted to a level II or level III educational technician position on or after September 1, 1991 is subject to the provisions of Title 5, Part 20.

See title page for effective date.

CHAPTER 879

S.P. 829 - L.D. 2133

An Act Pertaining to the Assessment of Fees on Nuclear Power Plants

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

Sec. 1. 5 MRSA §12004-I, sub-§24-B is enacted to read:

24-B.	<u>Citizens'</u>	<u>Expenses</u>	<u>38 MRSA</u>
<u>Environment</u>	<u>Advisory</u>	<u>Only</u>	<u>§1527-A</u>
	<u>Group</u>		

Sec. 2. 38 MRSA §1527, sub-§2, as enacted by PL 1987, c. 530, §4, is amended to read:

2. Limitation. Site selection activities shall may not begin until all planning and necessary rule adoption has been completed. Construction shall may not begin until all approvals are obtained under state and federal law, including voter approval required by section 1493 and legislative approval of the impact and incentive payments and the property value offset under section 1537. The proposal shall must be submitted to the voters after the Legislature has approved it under section 1479.

Sec. 3. 38 MRSA §1527-A is enacted to read:

§1527-A. Citizens' Advisory Group

The authority shall appoint the Citizens' Advisory Group, as established by Title 5, section 12004-I, subsection 24-B, consisting of no less than 20 members broadly representing the people of the State. Representation must be sought to include individuals from business, labor, environmental groups, public interest organizations, low-level radioactive waste generators, municipal officials, governmental agencies and any other person or organization that expresses an interest in the subject of this chapter.

1. Duties. The Citizens' Advisory Group has the following duties:

- A. To assist the authority to accomplish its purpose in a constructive and effective manner;