

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

Whereas, increased limitations on the release of tributyltin from antifouling marine paints took effect on September 1, 1992; and

Whereas, this stricter standard exceeds the requirements of federal law and places the State's boatyards at a competitive disadvantage as compared to yards in other states; and

Whereas, this situation has resulted in lost work for the State's boatyards and lost jobs for the State's workers; 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. 38 MRSA §419-A, sub-§1, ¶A-1, as enacted by PL 1989, c. 763, §2, is amended to read:

A-1. "Acceptable release rate" means a measured release rate equal to or less than 3.0 4.0 micrograms per square centimeter per day at steady state conditions determined in accordance with federal Environmental Protection Agency testing procedures on tributyltin in antifouling paints under the Federal Insecticide, Fungicide and Rodenticide Act. ~~This paragraph takes effect September 1, 1992.~~

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

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

Effective March 29, 1993.

CHAPTER 16

S.P. 29 - L.D. 25

An Act to Clarify Insurance Eligibility

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

Whereas, in 1992 the changes in the workers' compensation laws inadvertently changed eligibility for state group accident and sickness or health insurance from workers' compensation commissioners to workers' compensation board members; and

Whereas, it is desirable that former workers' compensation commissioners eligible for that insurance retain their eligibility; and

Whereas, the present workers' compensation board members are not full-time employees of the State and should not be eligible for that insurance; and

Whereas, correction of the law is required promptly to clarify the insurance eligibility of former workers' compensation commissioners and present workers' compensation board members; 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 §285, sub-§1, ¶B, as amended by PL 1991, c. 885, Pt. D, §2, is further amended to read:

B. Any member of the judiciary ~~or workers' compensation board~~;

Sec. 2. 5 MRSA §285, sub-§1, ¶B-1 is enacted to read:

B-1. Any member of the former Workers' Compensation Commission as follows:

(1) A member who retired prior to January 1, 1993; and

(2) For the period of employment, a member who is an employee of the Workers' Compensation Board between January 1, 1993 and December 31, 1993;

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

Effective March 29, 1993.

CHAPTER 17

H.P. 78 - L.D. 108

An Act Concerning Employees of the Maine Technical College System

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

Whereas, Public Law 1991, chapter 780 provides that merit increases may not be awarded to employees of the Maine Technical College System for fiscal year 1992-93; and

Whereas, the contract of the faculty employees of the Maine Technical College System expired on June 30, 1991; and

Whereas, in a negotiated collective bargaining agreement, the Maine Technical College System agreed to set aside money previously allocated for step increases for fiscal year 1992-93 for members of the faculty unit; and

Whereas, if the merit pay freeze for employees of the Maine Technical College System is repealed, the system will agree to pay members step increases for which they would otherwise have been eligible; 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. PL 1991, c. 780, Pt. V, §1 is amended to read:

Sec. V-1. Merit increases. Notwithstanding the Maine Revised Statutes, Title 26, section 979-D and any other provisions of law, any merit increase, regardless of funding source, scheduled to be awarded between July 1, 1992 and June 30, 1993 to any person employed by the State, including probationary employees, employees of the Legislature, Judicial Department and independent agencies and employees of the University of Maine System, ~~the Maine Technical College System~~ and Maine Maritime Academy, may not be awarded, authorized or implemented. Any savings realized by the University of Maine System, ~~the Maine Technical College System~~ and Maine Maritime Academy must be used to offset any proposed or implemented tuition increases.

Sec. 2. Retroactivity. This Act is retroactive to June 30, 1992.

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

Effective March 29, 1993.

CHAPTER 18

S.P. 71 - L.D. 133

An Act Related to Private Facilities in the Public Way

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

Sec. 1. 35-A MRSA §2305, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

3. Duplication of or interference with electric facilities. The commission has found that the line ~~will not constitute~~ neither constitutes a duplication of electric facilities nor interferes physically with the adequate and safe delivery of electricity to others. A commission finding is not required under this subsection if the only nonutility facility in the public way is a facility providing service from the person's abutting property or abutting easement to a utility facility in the public way and that utility facility is within 30 feet of the person's property line or easement.

Sec. 2. 35-A MRSA §2305, as amended by PL 1991, c. 834, §§1 and 2, is further amended by adding at the end a new paragraph to read:

An electric utility may not provide electricity for any line in, upon, along or under roads, streets and public ways maintained by a municipality if the lines or poles were constructed by a person other than an electric utility, unless the electric utility is provided with certified copies of the findings by the applicable licensing authority of compliance with subsections 1 and 2 and the commission's findings pursuant to subsection 3.

See title page for effective date.

CHAPTER 19

H.P. 102 - L.D. 144

An Act to Amend the Laws Governing the Publication of Municipal Annual Reports

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

Sec. 1. 30-A MRSA §2801, sub-§4, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

4. Copies for distribution. Copies of the report ~~shall~~ must be deposited in the municipal office or a con-