

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

Sec. 3. 22 MRSA §5311, as amended by PL 1989, c. 400, §§12 and 14, is repealed.

Sec. 4. 22 MRSA §8304, as amended by PL 1989, c. 502, Pt. A, §86, is repealed.

Sec. 5. 22 MRSA §8304-A is enacted to read:

§8304-A. Fire safety

1. Inspection required. As an ongoing condition of licensure or registration, the Office of the State Fire Marshal must provide annually to the department a written statement that the day-care facility complies with applicable fire safety rules adopted pursuant to Title 25, section 2452. The Commissioner of Public Safety shall adopt rules in accordance with the Maine Administrative Procedure Act to implement this subsection. The rules must provide for at least the following.

A. The State Fire Marshall shall issue a fire safety technician certificate to any person who successfully completes a training course established by the Office of the State Fire Marshal. A person who receives a fire safety technician certificate pursuant to this paragraph may perform fire safety inspections under this section.

B. In addition to ongoing certification requirements, inspection and certification are required under this section whenever a day-care facility changes or augments a heating system or makes major structural alterations to the facility.

2. Fees. The department shall establish and pay reasonable fees to the State Fire Marshal for services rendered under this section. Fees collected by the State Fire Marshal under this section must be deposited into a special revenue account to carry out the purposes of this section. A balance remaining in the account at the end of the fiscal year may not lapse but must be carried forward into subsequent fiscal years.

3. Inspectors. The Commissioner of Public Safety may appoint subject to the Civil Service Law employees needed to carry out the purposes of this section. A person appointed pursuant to this subsection is under the administrative and supervisory direction of the State Fire Marshal.

Sec. 6. 22 MRSA §8305, sub-§1, ¶D, as repealed and replaced by PL 1985, c. 358, §1, is repealed.

Sec. 7. 22 MRSA §8305, sub-§1, ¶D-1 is enacted to read:

D-1. The home has met the requirements of section 8304-A;

See title page for effective date.

CHAPTER 159

H.P. 462 - L.D. 599

An Act to Extend the Retirement Incentive Option for Two Years

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

Sec. 1. 5 MRSA §17858, as amended by PL 1991, c. 618, §3 and affected by §7, is further amended to read:

§17858. Retirement incentive option

Any state employee, as defined in section 17001, subsection 40, having reached normal retirement age who retires on or after October 30, 1991 and who is restored to service is not subject, for up to 3 years, to the earnings limitations set forth in section 17855. Any such person is entitled to all benefits that the person was entitled to at the time of termination by collective bargaining agreements or civil service laws and rules. The retired state employee's salary must be ~~80%~~ 70% of the employee's salary at the time of termination. The retired state employee is not a member of the retirement system and therefore may not accrue additional creditable service and is not entitled to any other benefits that accrue to an active member of the retirement system. For any state employee who has reached normal retirement age on or before October 30, 1991, the option established in this section must be selected by the state employee by January 31, 1992. For all other state employees for fiscal year years 1991-92, 1992-93 and 1993-94 only, the option established in this section must be selected by the state employee within 3 months of reaching normal retirement age. For any employee selecting this option after June 30, 1993, the portion of the employer contribution that goes to pay for the unfunded liability, retiree health care and administrative costs must be continued and based on the retired state employee's salary at the time of termination.

Sec. 2. Application. Notwithstanding the Maine Revised Statutes, Title 5, section 17858, a state employee who reached normal retirement age after June 30, 1992 and on or before the effective date of this Act is eligible to elect the retirement incentive option under Title 5, section 17858 within 3 months of the effective date of this Act.

See title page for effective date.
