

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

Nothing in this chapter prohibits a municipality from adopting or enforcing an ordinance that regulates massage, massage practitioners or massage therapists. If a municipality adopts such an ordinance, an individual must comply with the provisions of this chapter and any provision of the local ordinance that is more restrictive than this chapter.

Sec. 10. 32 MRSA §14311 is enacted to read:

§14311. Reciprocity

Reciprocity is granted to individuals from other states as long as they meet the requirements of this chapter for status as certified massage therapists or registered massage practitioners and show proof of current certification or registration from their states.

See title page for effective date.

CHAPTER 246

H.P. 940 - L.D. 1269

An Act to Authorize the Commissioner of Inland Fisheries and Wildlife to Alter the Deer Seasons

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

Sec. 1. 12 MRSA §7457, sub-§1, ¶I is enacted to read:

I. The commissioner, by rule, may create special hunting seasons for the taking of deer in any part of the State to maintain deer populations in balance with available habitat, subject to the following.

(1) The demarcation of each area must follow recognizable physical boundaries, such as rivers, roads and railroad rights-of-way.

(2) The determination of these areas must be made and published prior to August 1st of each year.

(3) The commissioner may implement a permit system to regulate hunter participation in a special season and the number, sex and age of deer harvested.

(4) Special hunts must take place between the close of the special muzzle-loading season and January 31st.

(5) The commissioner may establish limits on the number of deer taken or possessed by persons during any special season. Lim-

its established by the commissioner under this subparagraph are exceptions to the limits imposed under section 7458, subsections 1 and 2.

(6) The commissioner may specify types of weapons to be used during a special season.

See title page for effective date.

CHAPTER 247

H.P. 1028 - L.D. 1380

An Act Regarding Registration of Nursing Assistants

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

Sec. 1. 22 MRSA §1812-G, sub-§2, ¶A, as enacted by PL 1991, c. 421, §1, is amended to read:

A. Any convictions of abuse, neglect or misappropriation of property of a resident, client or patient ~~an individual~~; and

See title page for effective date.

CHAPTER 248

S.P. 245 - L.D. 764

An Act to Determine Eligibility of Child for Benefits

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

Sec. 1. 22 MRSA §4007, sub-§6, as enacted by PL 1991, c. 840, §6, is repealed and the following enacted in its place:

6. Benefits and support for children in custody of department. When a child has been ordered into the custody of the department under this chapter, Title 15, chapter 507 or Title 19, chapter 13, within 30 days of the order, each parent shall provide the department with information necessary for the department to make a determination regarding the eligibility of the child for state, federal or other 3rd-party benefits, and shall provide any necessary authorization for the department to apply for these benefits for the child.

Prior to a hearing under section 4034, subsection 4, section 4035 or section 4038, each parent shall file income affidavits as required by Title 19, sections 312 and 314, unless current information is already on file with the

court. If a child is placed in the custody of the department, the court shall order child support from each parent according to the guidelines pursuant to Title 19, chapter 7, subchapter I-A, designate each parent as a nonprimary care provider and apportion the obligation accordingly.

Income affidavits and instructions must be provided to each parent by the department at the time of service of the petition or motion. The court may order a deviation pursuant to Title 19, section 317. Support ordered pursuant to this section must be paid directly to the department pursuant to Title 19, section 777-A, subsection 3. The failure of a parent to file an affidavit does not prevent the entry of a protection order. A parent may be subject to Title 19, section 314, subsection 1, paragraph D for failure to complete and file income affidavits.

See title page for effective date.

CHAPTER 249

H.P. 734 - L.D. 992

An Act to Establish a Guideline for Maximum Assessment Ratios

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

Sec. 1. 36 MRSA §327, sub-§1, as enacted by PL 1975, c. 545, §13, is amended to read:

1. Minimum assessment ratios. A 50% minimum assessment ratio by 1977; a 60% minimum assessment ratio by 1978; and a 70% minimum assessment ratio by 1979 and thereafter. Notwithstanding this subsection, a municipality should not have an assessment ratio at an amount greater than 110% of its just value;

Sec. 2. Application. This Act applies to any property tax year beginning on or after April 1, 1994.

See title page for effective date.

CHAPTER 250

H.P. 755 - L.D. 1022

An Act to Amend the Maine State Retirement System Laws Related to the Participating Local Districts Consolidated Plan

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

Whereas, the Participating Local District Advisory Committee established by the Maine Revised Stat-

utes, Title 5, section 18802 is charged with the responsibility of developing a consolidated retirement plan for participating local districts in the Maine State Retirement System; and

Whereas, the committee has prepared its proposals for the consolidated plan and has determined that it is in the best interest of both participating local districts and their employees to provide that all participating local districts be a part of the consolidated plan; and

Whereas, the committee has determined that amendments to the laws related to the participating local districts consolidated plan are necessary so that the committee may complete the development of the plan and the plan may be initiated on July 1, 1993; 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 §17001, sub-§32, ¶B, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

B. For a retired participating local district employee:

(1) Except as provided in subparagraph (2), "restoration to service" means acceptance of employment with the participating local district from which the employee retired; and

(2) After the date on which a participating local district's consolidated plan under chapter 427 goes into operation, "restoration to service" means acceptance of employment with any district that participates in the consolidated plan. This subparagraph applies to employees who retire before a consolidated plan goes into operation as well as to those who retire after a consolidated plan has gone into operation.

Sec. 2. 5 MRSA §18201, first ¶, as amended by PL 1989, c. 811, §2, is further amended to read:

A local district may contract for the participation of its employees in the retirement system under this chapter any time before the date the board puts into operation the consolidated retirement plan for participating local districts under chapter 427. After the effective date of on which the consolidated plan described in chapter 427 is put into operation, a local district may contract for participation only in a program provided by the consolidated plan under chapter 427.