

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

- A. Dismissed the case under section 4612, subsection 2; or
- B. Failed, within 90 days after finding reasonable grounds to believe that unlawful discrimination occurred, to enter into a conciliation agreement to which the plaintiff was a party; or

Sec. 4. 5 MRSA §4622, sub-§1, ¶C is enacted to read:

C. Issued a right-to-sue letter under section 4612, subsection 6 and the action was brought by the aggrieved person not more than 2 years after the act of unlawful discrimination of which the complaint was made as provided in section 4613, subsection 2, paragraph C.

See title page for effective date.

CHAPTER 328

H.P. 861 - L.D. 1170

An Act Regarding the Department of Environmental Protection Rulemaking

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

Sec. 1. 38 MRSA §341-D, sub-§1, as amended by PL 1991, c. 804, Pt. A, §1, is further amended to read:

1. Rulemaking. Subject to the Maine Administrative Procedure Act, the board shall adopt, amend or repeal reasonable rules and emergency rules necessary for the interpretation, implementation and enforcement of any provision of law that the department is charged with administering. The board shall also adopt, amend and repeal rules as necessary for the conduct of its business.

~~If a comment is received during the hearing process on any rule proposed by the board regarding a specific provision in the rule that imposes a regulatory burden more stringent than the burden that would be imposed by the adoption of a federal minimum standard, the board shall respond to that comment in the basis statement of the adopted rule.~~

The department shall identify in its regulatory agenda, where feasible, a proposed rule or provision of a proposed rule that is anticipated to be more stringent than the federal standard, if an applicable federal standard exists.

During the consideration of any proposed rule by the board, where feasible, and using information available to it, the department shall identify provisions of the proposed rule that the department believes would impose a

regulatory burden more stringent than the burden imposed by the federal standard, if such a federal standard exists, and shall explain in a separate section of the basis statement the justification for the difference between the agency rule and the federal standard.

See title page for effective date.

CHAPTER 329

S.P. 241 - L.D. 734

An Act to Ensure Compliance with Existing Energy Efficiency Building Standards

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

Sec. 1. 10 MRSA §1415-H is enacted to read:

§1415-H. Certification of compliance

The following provisions apply to new construction of a commercial or institutional building, other than a building constructed or owned by a local unit of government, undertaken after the effective date of this section. For purposes of this section, the term "local unit of government" has the same meaning as the term used in the Constitution of Maine, Article IX, Section 21 and any implementing legislation.

1. Certification. Before installing permanent service to a commercial or institutional building, an electric utility, as defined in Title 35-A, section 102, shall obtain from the owner of the building or from the owner's legal agent, on a form provided by the utility, a signed certification that the building complies with the requirements of section 1415-D. A copy of the signed certification must be provided by the electric utility to the Department of Economic and Community Development, Energy Conservation Division or a successor agency charged with administering energy building standards.

2. Form. The Commissioner of Economic and Community Development shall develop a model certification form to be used by electric utilities under subsection 1.

3. Fee. An electric utility may charge a reasonable fee to cover its costs of processing certificates under this section.

4. Penalties. An electric utility that knowingly violates subsection 1 commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 must be adjudged. An owner of a building who falsely certifies that a building complies with the standards established under section 1415-D commits a civil violation for which a forfeiture of not less than \$100 and not more

than 5% of the value of the construction must be adjudged.

See title page for effective date.

CHAPTER 330

H.P. 815 - L.D. 1101

An Act to Encourage Participation in Primary Elections

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

Sec. 1. 21-A MRSA §144, sub-§§2 and 3, as enacted by PL 1985, c. 161, §6, are amended to read:

2. Party designation removed from voting list. On receipt of the application, the registrar shall remove the party designation beside the name of the applicant on the voting list. The registrar shall make a notation on the voting list that the applicant is ineligible to vote at a caucus or primary election; ~~or for 15 days and that the applicant is ineligible~~ to file a petition as a candidate for nomination by primary election; for 3 months. ~~Three months~~ Fifteen days after ~~he receives~~ receiving the application, the registrar shall enroll the applicant in the party requested.

This subsection does not apply in the case of a voter who changes his enrollment under subsection 4.

3. Restrictions during change of enrollment. ~~A~~ Except as provided in subsection 4, a voter may not vote at a caucus, convention or primary election; or for 15 days after filing an application to change enrollment. A voter may not file a petition as a candidate for nomination by primary election within 3 months after filing an application to change his enrollment, except as provided in subsection 4.

See title page for effective date.

CHAPTER 331

H.P. 341 - L.D. 444

An Act Regarding Community Health Centers

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

Sec. 1. 22 MRSA §2142, sub-§3, as amended by PL 1989, c. 119, §1, is further amended to read:

3. Home health care provider. "Home health care provider" means any business entity or subdivision

thereof, whether public or private, proprietary or not for profit, ~~which that~~ is engaged in providing acute, restorative, rehabilitative, maintenance, preventive or health promotion services through professional nursing or another therapeutic service, such as physical therapy, home health aides, nurse assistants, medical social work, nutritionist services or personal care services, either directly or through contractual agreement, in a client's place of residence. This term does not apply to any sole practitioner providing private duty nursing services or other restorative, rehabilitative, maintenance, preventive or health promotion services in a client's place of residence or to municipal entities providing health promotion services in a client's place of residence. This term does not apply to a federally qualified health center or a rural health clinic as defined in 42 United States Code, Section 1395x, subsection (aa) (1993) that is delivering case management services or health education in a client's place of residence. Beginning October 1, 1991, "home health care provider" includes any business entity or subdivision thereof, whether public or private, proprietary or non-profit, ~~which that~~ is engaged in providing speech pathology services.

See title page for effective date.

CHAPTER 332

H.P. 1023 - L.D. 1375

An Act Concerning Duplicate Fees Required by the Department of Environmental Protection

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

Sec. 1. 38 MRSA §353, sub-§4-A is enacted to read:

4-A. Hydropower projects; refiling for certification. Notwithstanding any other provision of this section, a person refiling an application for state certification of a hydropower project under Section 401 of the Federal Water Pollution Control Act is not required to pay a license or processing fee at the time the same application is refiled if, in order to avoid a waiver of the State's certification authority:

A. The applicant withdrew the application at the written request of the commissioner; or

B. The commissioner denied the application.

See title page for effective date.