

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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with letters at least one inch in height. Places where smoking is prohibited must have signs that read "No Smoking" with letters at least one inch in height or the international symbol for no smoking.

#### **§1544. Retaliation prohibited**

A person may not discharge, refuse to hire, discipline or otherwise retaliate against an employee or applicant who pursues any remedy available to enforce the requirements of this chapter.

#### **§1545. Penalty**

A person who violates any provision of this chapter commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged.

**Sec. 2. 22 MRSA §1578**, as amended by PL 1987, c. 20, §2, is repealed.

**Sec. 3. 22 MRSA §1578-A**, as enacted by PL 1987, c. 332, is repealed.

**Sec. 4. 22 MRSA §1578-B, sub-§§4 and 5**, as enacted by PL 1987, c. 687, are amended to read:

**4. Employees.** School employees are prohibited from tobacco use in school buildings or on school grounds, except that a local school board or school employees may establish through collective bargaining a designated smoking area or areas in accordance with section 1580-A, subsection 3, ~~and employees may reopen collective bargaining negotiations in accordance with section 1578-A, subsection 4, for the purpose of bargaining for smoking areas.~~ Any school employee smoking area ~~shall~~ must be located away from areas frequented by students.

**5. Public.** Tobacco use by any member of the public, other than an employee or student, in school buildings and on school grounds ~~shall be~~ is governed by ~~section 1578-A chapter 262.~~

**Sec. 5. 22 MRSA §1580-C**, as enacted by PL 1989, c. 743, is repealed.

**Sec. 6. 22 MRSA §1580-D**, as enacted by PL 1989, c. 878, Pt. G, §2, is repealed.

**Sec. 7. 22 MRSA c. 265-A**, as enacted by PL 1985, c. 737, Pt. A, §50, is repealed.

**Sec. 8. 22 MRSA §1672-A**, as corrected by RR 1991, c. 1, §28, is repealed.

**Sec. 9. Effective date.** This Act takes effect January 1, 1994.

Effective January 1, 1994.

## CHAPTER 343

S.P. 286 - L.D. 856

### An Act Regarding County Contingent Account Limits

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

**Sec. 1. 30-A MRSA §922, sub-§2**, as amended by PL 1991, c. 789, §1, is further amended to read:

**2. Contingent fund.** There is established a contingent account in each county in an amount not to exceed \$50,000 annually, except in Sagadahoc County where the contingent account may not exceed 4% of the annual budget. Notwithstanding the preceding sentence, a county, by unanimous action of the county commissioners, may increase the contingent account limit to an amount not exceeding \$100,000. Any funds that are available to each county may be used for this purpose. This fund may be used at the discretion of the county commissioners for emergency purposes only, except that if a county increases the contingent account limit, expenditures from the account above \$50,000 must be approved by a majority of the county budget or finance committee if the county's budget is not finally approved by the Legislature. At the end of each fiscal year there must be transferred from unencumbered county funds an amount sufficient to restore the established county contingent account.

See title page for effective date.

## CHAPTER 344

H.P. 1119 - L.D. 1518

### An Act to Bring State Water Quality Law into Compliance with Federal Requirements

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

**Sec. 1. 38 MRSA §464, sub-§2-A** is enacted to read:

**2-A. Removal of designated uses; creation of subcategories of designated uses.** Removal of designated uses and creation of subcategories of designated uses are governed by the provisions of this subsection and 40 Code of Federal Regulations, Part 131, as amended.

A. The board must conduct a use attainability analysis:

(1) Prior to proposing to the Legislature a designated use of a specific water body that