

# 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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tion of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 30-A MRSA §876**, as enacted by PL 1991, c. 495, is repealed.

See title page for effective date.

## CHAPTER 450

S.P. 292 - L.D. 862

### An Act to Clarify Mandatory Waiver Authority Concerning Construction Requirements

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

**Sec. 1. 5 MRSA §4594-D, sub-§9**, as amended by PL 1993, c. 410, Pt. X, §2, is further amended to read:

**9. Waivers; variance.** Builders of facilities governed by subsection 7 may file a petition with the State Fire Marshal requesting a waiver or variance of the standards of construction. If the representative of the Office of the State Fire Marshal determines in cases covered by mandatory plan review that compliance with this section and its rules is not technologically feasible or would result in excessive and unreasonable costs without any substantial benefit to persons with physical disability, the State Fire Marshal may provide for modification of, or substitution for, these standards. In all petitions for variance or waiver, the burden of proof is on the party requesting a variance or waiver to justify its allowance.

Requests for waivers or variances for buildings covered by mandatory plan review are heard by a designee of the Office of the State Fire Marshal. A decision must be provided in writing to the party requesting the waiver or variance.

**Sec. 2. 5 MRSA §4594-E** is enacted to read:

#### **§4594-E. Waivers for existing buildings**

Owners of places of public accommodation built, renovated, remodeled or enlarged between September 1, 1974 and January 1, 1991 may apply to the Office of the State Fire Marshal until September 30, 1994 for a waiver or variance from the standards of construction for accessibility requirements. If the Office of the State Fire Marshal determines that compliance with applicable requirements is not technologically feasible or will result in excessive and unreasonable cost in terms of current dollars without any substantial benefit to persons with physical

disabilities, it may provide for modification of or substitution of standards. In all petitions for variance or waiver, the burden of proof is on the party requesting a variance or waiver to justify its allowance.

A request for a waiver or variance under this subsection must be processed and may be appealed in the same manner as waivers and variances under section 4594-D, subsections 9 and 10.

The Commissioner of Public Safety shall adopt, in accordance with requirements of the Maine Administrative Procedure Act, a schedule of fees for the examination of requests for waivers pursuant to this section and section 4594-D. The fees must be credited to the State Fire Marshal to defray the expenses of that office. Any balance of the fees may not lapse, but must be carried forward for the same purpose.

See title page for effective date.

## CHAPTER 451

H.P. 224 - L.D. 292

### An Act to Provide a Deterrent to Child Sexual Abuse

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

**Sec. 1. 17-A MRSA §254, sub-§3**, as enacted by PL 1975, c. 499, §1, is amended to read:

**3.** Sexual abuse of minors is a Class D crime, except that sexual abuse of minors is a Class C crime when:

A. The actor is more than 10 years older than the other person;

B. The actor knows the other person is related within the 2nd degree of consanguinity; or

C. The actor has 2 or more prior Maine convictions for violations of this section. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 5 years, although both prior convictions may have occurred on the same day. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date of a commission of an offense is presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.

**Sec. 2. 17-A MRSA §255, sub-§2**, as enacted by PL 1975, c. 499, §1, is amended to read: