

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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**  
**1995**

the recipients of the services. The proposed laws and regulations must recognize the differences among consumers, housing situations and services provided and distinguish among them in the level of regulation required;

D. Prior to making its recommendations the task force shall consult with consumers, advocates for consumers, providers and other interested parties, including the Maine State Housing Authority and the Maine Health and Higher Educational Facilities Authority;

E. Review and evaluate the existing rules of practice of the State Board of Nursing and the home health care rules currently in effect as adopted by the Department of Human Services for the purpose of providing flexibility, cost effectiveness and consumer protection. The task force shall make recommendations for revisions to these rules; and

F. Review and evaluate the 1994 edition of the National Fire Protection Association Life Safety Code 101 and make recommendations concerning the applicability of certain provisions to the different types of housing facilities.

**4. Meetings.** The task force may meet as often as necessary but shall meet at least once per month.

**5. Staff assistance.** The task force may request staffing and clerical assistance from the Legislative Council.

**6. Volunteerism.** The task force members serve on a volunteer basis and are not entitled to reimbursement or pay of any type.

**7. Report.** The task force shall submit its report with any accompanying legislation to the Second Regular Session of the 117th Legislature by February 15, 1996.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 28, 1995.

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## CHAPTER 363

H.P. 147 - L.D. 195

### An Act to Protect the Rights of Maine State Retirement System Employees

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

**Whereas,** the employment status and rights of employees of the Maine State Retirement System who were transferred to the Maine State Retirement System as a public instrumentality under the provisions of Public Law 1993, chapter 410, Part L, section 47, are due to change as of the end of the transfer period on June 30, 1995; and

**Whereas,** an extension of certain rights beyond the transfer period meets the needs and interests of these employees; and

**Whereas,** the obligation of the Maine State Retirement System to fund for the actuarial liabilities associated with these employees as state employees and as employees of the system as a public instrumentality needs to be addressed; and

**Whereas,** the clarification set out in this legislation must be effective upon the expiration of the transfer period of June 30, 1995; 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 §18253, sub-§1, ¶D,** as enacted by PL 1993, c. 410, Pt. L, §43, is amended to read:

D. For the purposes of this subsection, an employee of the Maine State Retirement System who is a member on January 1, 1994 is considered to be reemployed with a new employer. If an employee returns to state service ~~within 2 years of January 1, 1994~~ during the period that begins on July 1, 1995 and ends 180 days after the date upon which the initial collective bargaining agreement between the Maine State Retirement System and the collective bargaining agent that represents the employees of the system becomes effective, all funds transferred to the account of the Maine State Retirement System as the new employer on behalf of the employee from the State's account must be returned to the State's account. For the purpose of service, breaks in service and benefit accruals, the employee must be treated as if the employee had remained in state service throughout the period in question. For purposes of this paragraph, "becomes effective" means that the collective

bargaining agreement has been signed and ratified by both parties and approved by the Legislature as provided by section 17103, subsection 14.

**Sec. 2. PL 1993, c. 410, Pt. L, §47, sub-§5-A** is enacted to read:

**5-A. Transferred employees' rights with respect to return to state service after transfer period ends.** Beginning July 1, 1995 and continuing until 180 days after the date upon which the initial collective bargaining agreement between the Maine State Retirement System and the collective bargaining agent that represents the employees of the system becomes effective, those employees of the system on the effective date of this subsection who were employed at the system on July 1, 1993 and were transferred under the provisions of subsection 5 are entitled to apply and be considered for positions in state service as if they were state employees and they retain all applicable seniority rights and privileges and all other rights and privileges with respect to seeking and returning to employment in state service. For purposes of this subsection, "becomes effective" means that the collective bargaining agreement has been signed and ratified by both parties and approved by the Legislature as provided by the Maine Revised Statutes, Title 5, section 17103, subsection 14. Upon reemployment with the State, these employees must be treated as if they had remained in state service from June 30, 1993 to the date of reemployment. The period from June 30, 1993 to the date of reemployment does not constitute a break in service and counts as state service for purposes of seniority. Membership in the Maine State Retirement System for employees who return to state service in accordance with this section is governed by Title 5, section 18253, subsection 1, paragraph D.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect July 1, 1995.

Effective July 1, 1995.

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**CHAPTER 364**

**S.P. 501 - L.D. 1360**

**An Act Concerning Judicial Endorsement for Persons Transported and Held for Evaluation and Treatment**

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

**Sec. 1. 34-B MRSA §3863, sub-§3, ¶C,** as amended by PL 1995, c. 62, §3, is further amended to read:

C. Notwithstanding paragraph B, subparagraphs (1) and (2), a person sought to be admitted informally under section 3831 or involuntarily under this section may be transported to a hospital and held for evaluation and treatment at a hospital pending judicial endorsement of the application and certificate if the endorsement is obtained between the soonest available hours of 7:00 a.m. and 11:00 p.m. ~~This paragraph is repealed October 1, 1997.~~

See title page for effective date.

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**CHAPTER 365**

**H.P. 1036 - L.D. 1455**

**An Act Requiring Mobile Home Park Operators to Notify Lienholders Prior to Eviction**

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

**Sec. 1. 10 MRSA §9093, sub-§4** is enacted to read:

**4. Rental payments.** A mobile home park owner or operator may establish a park rule to require that all rental payments and other fees due to the mobile home park owner or operator be paid in full before the home is removed from the park, sold or occupied by a new tenant or owner. If the owner or occupant is a lienholder who has informed the mobile home park owner or operator of its lien on the home pursuant to section 9097, subsection 2-A, the terms of that subsection apply.

**Sec. 2. 10 MRSA §9097, sub-§2-A** is enacted to read:

**2-A. Notice to lienholders.** At least 20 days prior to the termination of a tenancy in a mobile home park, the mobile home park owner or operator shall give written notice to any holder of a lien on the mobile home, provided that the lienholder previously gave the mobile home park owner or operator written notice of the lien. The written notice to the lienholder must specify the amount of any unpaid rent, fees or assessments owed by the tenant to the mobile home park owner or operator. The total amount may not exceed the rent and other recurring monthly charges applicable to all lots, including but not limited to water, sewer and trash collection charges, due for the 3 months immediately prior to the notice. Failure to notify a lienholder who met the notification requirements prohibits eviction of the tenant pursuant to section 9093 but does not constitute a basis for liability of the mobile home park owner or operator to the lienholder.