

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

posit or initiators of deposit who are members of a commingling agreement have the obligation to make additional pickups when a redemption center has collected 10,000 beverage containers from that initiator of deposit or from the initiators of deposit who are members of a commingling agreement.

The obligation of the initiator of the deposit under this subsection may be fulfilled by the initiator directly or through a party with which it has entered into a commingling agreement. A contracted agent hired to pick up beverage containers for one or more initiators of deposit is deemed to have made a pickup at a redemption center for those initiators of deposit when it picks up beverage containers belonging to those initiators of deposit.

Sec. 2. Rulemaking; audits. The Department of Agriculture, Conservation and Forestry shall adopt rules for conducting audits on beverage containers presented to distributors by redemption centers as ready for redemption under the Maine Revised Statutes, Title 32, chapter 28. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Beverage Container Enforcement Fund 0971

Initiative: Provides a one-time allocation for rulemaking.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$2,614	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,614	\$0

See title page for effective date.

CHAPTER 276

H.P. 1072 - L.D. 1495

An Act To Amend the Laws Pertaining to Employee Health Insurance

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

Sec. 1. 5 MRSA §285, sub-§7, ¶C, as enacted by PL 2009, c. 213, Pt. GG, §1, is amended to read:

C. Beginning July 1, 2010, except as provided in subsection 7-A, the State, through the commission, shall pay a share of the individual premium for the standard plan identified and offered by the commission as follows.

(1) For an employee whose base annual rate of pay is ~~projected to be~~ less than or equal to \$30,000 on July 1st of the state fiscal year for which the premium contribution is being determined, the State shall pay 95% of the individual premium for the standard plan identified and offered by the commission and available to the employee as authorized by the commission.

(2) For an employee whose base annual rate of pay is ~~projected to be~~ greater than \$30,000 and less than \$80,000 on July 1st of the state fiscal year for which the premium contribution is being determined, the State shall pay 90% of the individual premium for the standard plan identified and offered by the commission and available to the employee as authorized by the commission.

(3) For an employee whose base annual rate of pay is ~~projected to be~~ \$80,000 or greater on July 1st of the state fiscal year for which the premium contribution is being determined, the State shall pay 85% of the individual premium for the standard plan identified and offered by the commission and available to the employee as authorized by the commission.

Sec. 2. 5 MRSA §285, sub-§7-A, as amended by PL 2011, c. 1, Pt. FF, §1, is further amended to read:

7-A. Health credit premium program. Notwithstanding subsection 7, paragraph C, the State may pay a greater proportion of the total cost of the individual premium for the standard plan identified and offered by the commission and available to the employee as authorized by the commission. The commission shall develop a health credit premium program whereby employees are provided incentives to engage in healthy behaviors in an effort to improve the health status of the state employee population and to help reduce costs to the state employee health insurance program. The commission shall define benchmarks for healthy behaviors that, if met by an individual employee, result in the State's paying a greater share of the individual premium. Adjustments to the state share of the individual premium must be applied once each year in advance of the beginning of the plan year.

The benchmarks developed by the commission must provide 2 discrete levels for the state share of the individual premium as follows.

A. For employees whose base annual rate of pay is ~~projected to be~~ less than or equal to \$30,000 on July 1st of the state fiscal year for which the premium contribution is being determined, the health credit premium program must provide the individual employee meeting the specified benchmarks with the opportunity to have the state share of the individual premium paid at 100% or 95%. The state share is determined by the specific benchmarks met by the employee.

B. For employees whose base annual rate of pay is ~~projected to be~~ greater than \$30,000 and less than \$80,000 on July 1st of the state fiscal year for which the premium contribution is being determined, the health credit premium program must provide the individual employee meeting the specified benchmarks with the opportunity to have the state share of the individual premium paid at 95% or 90%. The state share is determined by the specific benchmarks met by the employee.

C. For employees whose base annual rate of pay is ~~projected to be~~ \$80,000 or greater on July 1st of the state fiscal year for which the premium contribution is being determined, the health credit premium program must provide the individual employee meeting the specified benchmarks with the opportunity to have the state share of the individual premium paid at 90% or 85%. The state share is determined by the specific benchmarks met by the employee.

See title page for effective date.

**CHAPTER 277
S.P. 384 - L.D. 1102**

**An Act Regarding
Reconstruction of Residential
Structures on Sand Dunes**

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

Whereas, routine technical rules regarding reconstruction of an existing structure in a frontal dune were adopted by the Department of Environmental Protection in 2012, pursuant to Public Law 2011, chapter 538; and

Whereas, changes in the conditions for approval of reconstruction of an existing structure on a frontal sand dune are needed before the summer building sea-

son in order to avoid harm to the coastal sand dune system; 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. PL 2011, c. 538, §15 is repealed.

Sec. 2. Repeal of current rules. The Department of Environmental Protection shall repeal rules adopted pursuant to Public Law 2011, chapter 538, section 15.

Sec. 3. Coastal sand dune rulemaking. The Department of Environmental Protection may adopt rules allowing for the reconstruction of an existing residential building whose entire footprint is in a back dune to be relocated in a frontal dune on the same lot on which the building is located if:

1. The existing residential building:

A. Is a permanent structure;

B. Existed in a back dune on the lot and was landward of an existing seawall prior to June 8, 2006;

C. Was originally constructed in a back dune after August 1, 1983, in accordance with a permit issued by the department under the Natural Resources Protection Act; and

D. Is not severely damaged by wave action from an ocean storm;

2. The entire residential building when reconstructed:

A. Is landward of an existing seawall;

B. Has a footprint that is 2,500 square feet or less, that is not located in a V-zone as identified on the effective Flood Insurance Rate Maps issued by the Federal Emergency Management Agency and that does not exceed 20% of the total area of the lot. The land area within the V-zone may not be included as part of the lot for purposes of this paragraph and up to 500 square feet of additional development may occur on the lot in order to provide parking and access, including handicap access;

C. Is elevated on posts as required in rules of the department regarding sand and water movement; and

D. Is no more than 35 feet in height, except that it may exceed 35 feet for the sole purpose of meet-