

MAINE STATE LEGISLATURE

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(EMERGENCY)

THIRD SPECIAL SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2490

S.P. 932

Senate of Maine, September 7, 1984

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Secretary of the Senate on September 7, 1984.

Referred to the Committee on Appropriations and Financial Affairs and ordered printed pursuant to Joint Rule 14.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator Najarian of Cumberland.

Cosponsor: Representative Carter of Winslow.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FOUR

AN ACT Making Appropriations and Changing
Certain Provisions of the Law Necessary for the
Proper Operation of State Government for the
Fiscal Year Ending June 30, 1985.

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

Whereas, the 90-day period may not terminate until after certain expenses and liabilities become due; 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,

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

3 PART A

4 Appropriation. The following funds are appropri-
5 ated from the General Fund to carry out the purposes
6 of this Act.

7 APPROPRIATIONS FROM
8 GENERAL FUND
9 1984-85

10 STATE, DEPARTMENT OF

11 Administration-Secretary of State
12 All Other \$125,000
13 The funds to be
14 used as follows:
15 \$5,000 for
16 printing copies
17 of the Constitu-
18 tion of Maine;
19 \$60,000 for con-
20 ducting of June
21 referenda elec-
22 tion; and
23 \$60,000 for con-
24 ducting of No-
25 vember referenda
26 election.

27 PART B

28 Sec. 1. 2 MRSA §6-A, sub-§1, as repealed and re-
29 placed by PL 1983, c. 853, Pt. C, §1, is amended to
30 read:

31 1. Chairman. The salary of the chairman of the
32 commission shall be ~~\$45,236~~ \$48,400.

33 Sec. 2. 2 MRSA §6-A, sub-§2, as enacted by PL
34 1983, c. 853, Pt. C, §2, is amended to read:

35 2. Commission members. The salary of members of
36 the commission shall be ~~\$43,736~~ \$46,800.

1 Sec. 3. 2 MRSA §6-A, sub-§5 is enacted to read:

2 5. Retirement contribution. The state shall pay
3 the mandatory retirement contribution required by Ti-
4 tle 5, section 1095, subsection 1, for commissioners
5 who elect to become members of the Maine State Re-
6 retirement System. Payment shall be made as provided
7 in Title 5, section 1062, subsection 2, paragraph G.
8 A commissioner may elect at the time of appointment
9 to receive a 5% salary increase instead of state pay-
10 ment of the retirement contribution.

11 Membership in the Maine State Retirement System is
12 optional.

13 Sec. 4. 2 MRSA §7, sub-§2, as amended by PL
14 1983, c. 853, Pt. C, §3, is repealed and the follow-
15 ing enacted in its place:

16 2. Regulatory boards. Notwithstanding section 6
17 or any other provision of law, the salaries of the
18 Workers' Compensation Commission commissioners shall
19 be:

20 A. For the chairman, \$46,210;

21 B. For the members, \$45,030.

22 The State shall pay the mandatory retirement contri-
23 bution required by Title 5, section 1095, subsection
24 1, for commissioners who elect to become members of
25 the Maine State Retirement System. Payment shall be
26 made as authorized by Title 5, section 1062, subsec-
27 tion 2, paragraph G. A commissioner may elect to re-
28 ceive a 5% salary increase instead of state payment
29 of the retirement contribution. A commissioner
30 electing to receive the salary increase shall so no-
31 tify his appointing authority in writing on or before
32 January 1, 1985. The salary increase shall be effec-
33 tive at the start of the pay week closest to January
34 1, 1985. New commissioners shall exercise the option
35 at the time of appointment.

36 Membership in the Maine State Retirement System is
37 optional.

1 Sec. 5. 4 MRSA §4, sub-§§1 and 2, as enacted by
2 PL 1983, c. 853, Pt. C, §§4 and 18, are amended to
3 read:

4 1. Chief justice; salary. The Chief Justice of
5 the Supreme Judicial Court shall receive ~~an annual~~ a
6 salary equal to 105% of the salary of an Associate
7 Justice of the Supreme Judicial Court.

8 2. Associate justice; salary. Each Associate
9 Justice of the Supreme Judicial Court shall receive
10 ~~an annual~~ a salary as follows:

11 A. For the period from December 1, 1984, to June
12 30, 1985, \$29,806;

13 B. For fiscal year 1986, \$58,760;

14 C. For fiscal year 1987, \$65,224;

15 D. For fiscal year 1988, \$71,746; and

16 E. For fiscal year 1989, and annually thereaf-
17 ter, \$77,300.

18 Sec. 6. 4 MRSA §102, sub-§§1 and 2, as enacted
19 by PL 1983, c. 853, Pt. C, §§7 and 18, are amended to
20 read:

21 1. Chief justice; salary. The Chief Justice of
22 the Superior Court shall receive ~~an annual~~ a salary
23 equal to 105% of the salary of an Associate Justice
24 of the Superior Court.

25 2. Justice; salary. Each Justice of the Superior
26 Court shall receive ~~an annual~~ a salary as follows:

27 A. For the period from December 1, 1984, to June
28 30, 1985, \$29,339;

29 B. For fiscal year 1986, \$57,841;

30 C. For fiscal year 1987, \$63,625;

31 D. For fiscal year 1988, \$68,715; and

32 E. For fiscal year 1989 and annually thereafter,
33 \$73,100₇.

1 Sec. 7. 4 MRSA §157, as amended by PL 1983, c.
2 825, §2 and as repealed and replaced by PL 1983, c.
3 853, Pt. C, §§10 and 18, is repealed and the follow-
4 ing enacted in its place:

5 §157. Judges; appointment; salary; expenses; full-
6 time duties

7 1. Appointment. District Court Judges shall be
8 appointed as follows.

9 A. The Governor, subject to review by the joint
10 standing committee of the Legislature having ju-
11 risdiction over judiciary and to confirmation by
12 the Legislature, shall appoint to the District
13 Court 7 judges at large and 15 judges. At least
14 one judge shall be appointed in each district who
15 shall be a resident of the district, except that
16 in District 3 there shall be 2 judges appointed
17 who shall be residents of the district and in
18 District 9 there shall be 2 judges appointed who
19 shall be residents of the district. Each District
20 Court Judge shall have a term of office of 7
21 years.

22 To be eligible for appointment as a District
23 Judge, a person shall be a member of the bar of
24 the State. The term "District Judge" shall in-
25 clude the Chief Judge, Deputy Chief Judge, the
26 judges appointed from the districts and the
27 judges at large.

28 B. The Chief Justice of the Supreme Judicial
29 Court shall designate one of the judges as Chief
30 Judge. The Chief Judge, with the advice and con-
31 sent of the Chief Justice of the Supreme Judicial
32 Court, shall designate one of the District Court
33 Judges as Deputy Chief Judge.

34 2. Chief Judge; salary. The Chief Judge of the
35 District Court shall receive a salary equal to 105%
36 of the salary of an Associate Judge of the District
37 Court.

38 3. Deputy Chief Judge; salary. The Deputy Chief
39 Judge of the District Court shall receive a salary
40 equal to 102.5% of the salary of an Associate Judge
41 of the District Court.

1 4. Associate Judge; salary. Each Associate Judge
2 of the District Court shall receive a salary as fol-
3 lows:

4 A. For the period from December 1, 1984, to June
5 30, 1985, \$28,233;

6 B. For fiscal year 1986, \$55,659;

7 C. For fiscal year 1987, \$61,225;

8 D. For fiscal year 1988, \$66,123; and

9 E. For fiscal year 1989, and annually thereaf-
10 ter, \$70,176.

11 5. Expenses. Each judge shall be reimbursed by
12 the State, upon presentation to the State Controller
13 of a detailed statement, for those expenses approved
14 by the Chief Judge as actually and reasonably in-
15 curring in the performance of his duties.

16 6. Full-time duties. A District Court Judge
17 shall devote full time to his judicial duties. During
18 his term of office, he shall not practice law, nor
19 shall he be the partner or associate of any person in
20 the practice of law.

21 7. Exception. The salary provisions of this sec-
22 tion shall not apply to judges who have retired prior
23 to December 1, 1984.

24 Sec. 8. 4 MRSAs 1201, sub-113, 5, 8 and 9, as
25 enacted by PL 1983, c. 853, 1115 and 18, are amended
26 to read:

27 3. Average final compensation. "Average final
28 compensation" means a member's average annual rate of
29 earnable compensation, before the member attains the
30 age of 71, during the 3 years, not necessarily con-
31 secutive, of highest compensation for creditable ser-
32 vice as a judge or during the entire period of cred-
33 itable service, if the period is less than 3 years.

34 5. Board of trustees. "Board of trustees" means
35 the Board of Trustees of the Maine State Retirement
36 System board provided for in section 1231.

1 8. Creditable service. "Creditable service"
2 means any period of employment membership service and
3 prior service as a judge which is credited towards
4 retirement in accordance with subchapter IV.

5 9. Earnable compensation. "Earnable compensa-
6 tion" means the annual salary ~~of~~ as a judge. Any
7 money paid by the State under an annuity contract for
8 the future benefit of a judge shall be considered
9 part of the judge's earnable compensation. The earn-
10 able compensation of a member retired with a disabil-
11 ity retirement allowance under section 1353 shall be
12 assumed, for the purposes of determining benefits un-
13 der this chapter, to be continued after his date of
14 termination of service at the same rate as received
15 immediately prior thereto, subject to the same per-
16 centage adjustments, if any, that may apply to the
17 amount of retirement allowance of the beneficiary un-
18 der section 1358.

19 Sec. 9. 4 MRSA §1201, sub-§16-A is enacted to
20 read:

21 16-A. Prior service. "Prior service" means all
22 service before December 1, 1984, as a judge.

23 Sec. 10. 4 MRSA §1201, sub-§17, as enacted by PL
24 1983, c. 853, Pt. C, §§15 and 18, is amended to read:

25 17. Regular interest. "Regular interest" means
26 interest at the rate which the ~~board of trustees~~
27 Board of Trustees of the Maine State Retirement
28 System sets from time to time, in accordance with Ti-
29 tle 5, section 1061, subsection 2.

30 Sec. 11. 4 MRSA §1203, as enacted by PL 1983, c.
31 853, Pt. C, §§15 and 18, is amended to read:

32 §1203. Exemption from taxation and execution

33 A person's right to a retirement allowance or the
34 return of contributions, the retirement allowance it-
35 self, any optional benefit or death benefit or any
36 other right accrued or accruing to any person under
37 this chapter and the moneys in the fund created under
38 this chapter, shall be exempt from any state, county
39 or municipal tax to the same extent that exists in

1 the Maine State Retirement System and shall not be
2 subject to execution, garnishment, attachment or oth-
3 er process, except as provided by this section. These
4 rights shall be unassignable, except as provided by
5 this chapter.

6 A member's retirement allowance shall be availa-
7 ble to satisfy any child support obligation which is
8 otherwise enforceable by execution, garnishment, at-
9 achment, assignment or other process. A member's
10 accumulated contributions, which are refundable under
11 section 1305, shall be available to satisfy any child
12 support obligation which is otherwise enforceable by
13 execution, garnishment, attachment, assignment or
14 other process.

15 Sec. 12. 4 MRSA §1231, first ¶, as enacted by PL
16 1983, c. 853, Pt. C, §§15 and 18, is amended to read:

17 The Board of Trustees of the Maine Judicial Re-
18 irement System is responsible for the proper opera-
19 tion and implementation of the Maine Judicial Retire-
20 ment System shall consist of those persons who are
21 members of the Board of Trustees of the Maine State
22 Retirement System. The Board of Trustees of the
23 Maine Judicial Retirement System is responsible for
24 the proper operation and implementation of the Maine
25 Judicial Retirement System under this chapter.

26 Sec. 13. 4 MRSA §1231, sub-§§3, 4 and 5 are en-
27 acted to read:

28 3. Expenses. The trustees shall be compensated,
29 as provided in chapter 379, from the funds of the
30 Maine Judicial Retirement System.

31 4. Oath. Each trustee shall, within 10 days af-
32 ter the effective date of this Act and thereafter,
33 within 10 days after his appointment or election,
34 take an oath of office to faithfully discharge the
35 duties of a trustee, in the form prescribed by the
36 Constitution of Maine. Such oath shall be subscribed
37 to by the trustee making it, certified by the officer
38 before whom it is taken and immediately filed in the
39 office of the Secretary of State.

1 5. Quorum. Each voting trustee shall be enti-
2 tled to one vote in the board of trustees. Four
3 trustees shall constitute a quorum for the transac-
4 tion of any business. Four votes shall be necessary
5 for any resolution or action by the board of trustees
6 at any meeting of the board.

7 Sec. 14. 4 MRSA §1234, as enacted by PL 1983, c.
8 853, Pt. C, §§15 and 18, is amended to read:

9 §1234. Medical board

10 The Medical Board of the Maine State Retirement
11 System shall be the Medical Board of the Maine Judi-
12 cial Retirement System. The medical board shall ar-
13 range for and pass upon all medical examinations re-
14 quired under this chapter with respect to disability
15 retirements and shall report in writing to the Su-
16 preme Judicial Court, its conclusions and recommenda-
17 tions upon all the matters referred to it. If re-
18 quired, other physicians may be employed to report on
19 special cases.

20 Sec. 15. 4 MRSA §1236 is enacted to read:

21 §1236. Legal adviser

22 The Attorney General or an assistant designated
23 by him shall be legal adviser of the Board of Trust-
24 ees of the Maine Judicial Retirement System.

25 Sec. 16. 4 MRSA §1254, as enacted by PL 1983, c.
26 852, Pt. C, §§15 and 18, is amended to read:

27 §1254. Investments

28 The board of trustees may combine funds from the
29 Maine Judicial Retirement System and the Maine State
30 Retirement System for investment purposes. The as-
31 sets and funds of the Maine State Retirement System
32 and the assets and funds of the Maine Judicial Re-
33 irement System shall not be combined for benefit
34 payment purposes or for administrative expenses.

35 Sec. 17. 4 MRSA §1255, sub-§2, as enacted by PL
36 1983, c. 853, Pt. C, §§15 and 18, is amended to read:

1 2. Intent. It is the intent of the Legislature
2 that there shall be appropriated and transferred an-
3 nually to the Maine Judicial Retirement System the
4 funds necessary to meet the system's long-term and
5 short-term financial obligations based on the actu-
6 arial assumptions established by the board of trustees
7 upon the advice of the actuary. The goal of the actu-
8 arial assumptions shall be to achieve a fully funded
9 system. The system's unfunded liability for members
10 formerly subject to sections 5, 103 and 157-A, shall
11 be ~~repaid to the system from~~ funded by annual appro-
12 riations over the funding period of the system. This
13 section shall not apply to justices and judges who
14 retired prior to December 1, 1984.

15 Sec. 18. 4 MRSA §1301, 3rd ¶, as enacted by PL
16 1983, c. 853, Pt. C, §§15 and 18, is amended to read:

17 The State Court Administrator shall submit to the
18 board a statement showing the name, title, compensa-
19 tion, sex, date of birth and length of service of
20 each member and any other information as the board
21 may require at such times as the board may require.

22 Sec. 19. 4 MRSA §1302, as enacted by PL 1983, c.
23 853, Pt. C, §§15 and 18, is amended to read:

24 §1302. Creditable service

25 Creditable service for the purpose of determining
26 benefits under this chapter shall be allowed as fol-
27 lows:

28 1. Membership service. All judicial service of a
29 member as a judge after November 30, 1984, and prior
30 to the member's 71st birthday, for which contribu-
31 tions are made shall be allowed as creditable ser-
32 vice.

33 1-A. Prior service. All service of a member as a
34 judge before December 1, 1984, shall be allowed as
35 creditable service.

36 2. Disability retirement service. The period
37 following the termination of service for which a ben-
38 efiary receives disability retirement allowance
39 payments under section 1353 shall be allowed as

1 creditable membership service.

2 3. Maine state retirement system service. Cred-
3 itable service as a member of the Maine State Retirement
4 System shall be allowed as creditable service of
5 the Maine Judicial Retirement System as follows.

6 A. Any member who has not ~~withdraw~~ withdrawn his
7 accumulated contributions with the Maine State
8 Retirement System may, upon appointment as a
9 judge, have his Maine State Retirement System
10 contributions and membership service transferred
11 to his account with the Maine Judicial Retirement
12 System and all creditable service resulting from
13 his membership in the Maine State Retirement Sys-
14 tem shall be creditable service in the Maine Ju-
15 dicial Retirement System.

16 All funds in the Maine State Retirement System
17 contributed by the State employer on account of
18 his ~~state~~ employment shall be transferred to ~~his~~
19 ~~account~~ with the Maine Judicial Retirement System
20 and shall be used to liquidate the liability in-
21 curred by reason of his previous employment. The
22 State shall make such contributions, from time to
23 time, as may be necessary to provide the benefits
24 under the Maine Judicial Retirement System for
25 the member as have accrued to him by reason of
26 his previous employment and may accrue to him by
27 reason of his membership in the Maine Judicial
28 Retirement System.

29 B. Any member who has withdrawn his accumulated
30 contributions from the Maine State Retirement
31 System may, subsequent to appointment as a judge
32 and prior to the date any retirement allowance
33 becomes effective for him, deposit in the fund by
34 a single payment or by an increased rate of con-
35 tribution an amount equal to the accumulated con-
36 tributions withdrawn by him together with inter-
37 est at 2% greater than regular interest from the
38 date of withdrawal to the date of ~~deposit~~
39 repayment. If repayment is made in installments,
40 interest shall continue to accrue on the out-
41 standing balance. The member shall be entitled to
42 all creditable service that he acquired during
43 his previous membership. In the event any retire-

1 ment allowance becomes effective before the com-
2 pletion of the deposit repayment is completed,
3 the member shall be entitled to credit for that
4 portion of the total of such previous creditable
5 service which the total amount of deposit pay-
6 ments actually made bears to the single deposit
7 total amount, including interest at 2% greater
8 than regular interest from the date of payment
9 withdrawal to the date the retirement allowance
10 becomes effective, if paid on the date of resto-
11 ration to membership.

12 C. Service credited in accordance with this
13 ~~section~~ subsection may not be used to meet the
14 eligibility requirements for retirement in sec-
15 tion 1351.

16 D. No person may receive benefits under both the
17 Maine Judicial Retirement System and the Maine
18 State Retirement System based upon the same peri-
19 od of service.

20 4. Amount of service per year. The board shall
21 establish by rule the amount of creditable service to
22 be granted for service rendered during a year, sub-
23 ject to the following conditions.

24 A. No credit may be allowed for a period of ab-
25 sence without pay of more than one month's dura-
26 tion; and

27 B. No more than one year of service may be cred-
28 ited for all service in one calendar year.

29 Sec. 20. 4 MRSA §1303, sub-§1, as enacted by PL
30 1983, c. 853, Pt.C, §§15 and 18, is amended to read:

31 1. Payment. For each member, who has not at-
32 tained the age of 71, the State shall pay annually
33 into the fund an amount known as the employer contri-
34 bution.

35 Sec. 21. 4 MRSA §1304, as enacted by PL 1983, c.
36 853, Pt. C, §§15 and 18, is amended to read:

37 §1304. Employees' contributions

1 Each member in service, prior to attaining age
2 71, shall contribute at a rate of 6.5% of earnable
3 compensation.

4 Sec. 22. 4 MRSA §1351, as enacted by PL 1983, c.
5 853, Pt. C, §§15 and 18, is amended to read:

6 §1351. Eligibility for retirement

7 Upon written application to the board setting
8 forth the date upon which he chooses to retire, any
9 member ~~with contributions on deposit in the fund~~ may
10 retire upon meeting one of the following:

11 1. Age 60. Any member may retire on or after his
12 60th birthday if he has at least 10 years of credit-
13 able service as a judge;

14 2. Age 70. Any member in service may retire on
15 or after his 70th birthday, provided that he has been
16 in service, as a judge, for at least one year immedi-
17 ately before retirement; or

18 3. Early retirement. Any member who has com-
19 pleted at least 25 years of creditable service, as a
20 judge, may retire any time before his 60th birthday.
21 The retirement allowance shall be determined in ac-
22 cordance with section 1352, except that it shall be
23 reduced by multiplying the retirement allowance by a
24 fraction which represents the ratio of the amount of
25 a life annuity due at age 60 to the amount of a life
26 annuity due at the age of retirement. The tables of
27 annuities in effect at the date of retirement shall
28 be used for this purpose.

29 Sec. 23. 4 MRSA §1352, sub-§1, as enacted by PL
30 1983, c. 853, Pt. C, §§15 and 18, is amended to read:

31 1. Amount. The service retirement allowance of a
32 member shall be determined under the provisions of
33 this chapter in effect on the member's date of final
34 termination of service. Subject to the maximum bene-
35 fit provided for in subsection 3 and the minimum ben-
36 efit provided for in subsection 4, the total amount
37 of the retirement allowance of a member retired in
38 accordance with section 1351 shall be equal to the
39 sum of:

1 A. 1/50 of the member's average final compensa-
2 tion multiplied by the number of years of his
3 creditable membership service, beginning December
4 1, 1984 and creditable service allowed under sec-
5 tion 1302, subsection 3; and

6 B. The earned benefit for prior service as a
7 judge prior to December 1, 1984, as determined by
8 subsection 2.

9 **Sec. 24.** 4 MRSA §1352, sub-§4, as enacted by PL
10 1983, c. 853, Pt. C, §§15 and 18, is repealed and the
11 following enacted in its place:

12 4. Minimum benefit. Each judge in service on De-
13 cember 1, 1984, who is 50 years of age or older on
14 that date shall be entitled to an annual minimum ben-
15 efit equal to 75% of the salary as of June 30, 1984,
16 for the position from which the judge retired, in-
17 creased July 1st of each year as follows:

18 A. On July 1, 1984 and each year through July 1,
19 1989, by 6% compounded annually; and

20 B. On July 1990, and each year thereafter, the
21 total is increased by an amount equal to the
22 cost-of-living factor granted the previous Sep-
23 tember, as determined pursuant to section 1358,
24 compounded annually.

25 **Sec. 25.** 4 MRSA §1352, sub-§§5 and 6 are enacted
26 to read:

27 5. Termination of benefits. The service retire-
28 ment benefit of a judge shall cease upon his return
29 to service as a judge. A judge returned to service
30 shall continue to earn credit toward retirement.

31 6. Service beyond age 70. Membership service
32 and earnable compensation of a judge who has attained
33 the age of 71, shall not be used to calculate retire-
34 ment benefits.

35 **Sec. 26.** 4 MRSA §1353, as enacted by PL 1983, c.
36 853, Pt. C, §§15 and 18, is amended to read:

37 §1353. Disability retirement

1 1. Conditions. Any member, who becomes dis-
2 abled, while in service may receive a disability re-
3 irement allowance by order of at least 5 Justices of
4 the Supreme Judicial Court or upon written applica-
5 tion to the executive director, review and report of
6 the application by the medical board and approval of
7 that application by a majority at least 5 of the Jus-
8 tices of the Supreme Judicial Court ~~the executive~~
9 director if the following conditions are met:

10 A. He is less than 70 years old He has not com-
11 pleted the eligibility requirements for retire-
12 ment under section 1351, subsection 1 or 2; and

13 B. He became mentally or physically incapaci-
14 tated to the extent that it is impossible for him
15 to perform his duties as a judge, and the inca-
16 capacity is expected to be permanent, as shown by
17 medical examination or tests. The examination or
18 tests shall be conducted by a qualified physician
19 mutually agreed upon by the executive director
20 and member, at an agreed upon place, and the
21 costs shall be paid by the Maine Judicial Retirement
22 System.

23 1-A. Eligibility for disability.

24 A. A member with less than 5 years of continuous
25 creditable service immediately preceding his ap-
26 plication for a disability allowance is not eli-
27 gible for that disability retirement allowance if
28 that disability is the result of a physical or
29 mental condition which existed prior to the per-
30 sons latest membership in the system, unless the
31 disability is a result of, or has been substan-
32 tially aggravated by, an injury or accident re-
33 ceived in the line of duty.

34 B. Any person who becomes a member of the Maine
35 Judicial Retirement System after December 1,
36 1984, shall submit a statement of his health to
37 the executive director on forms prescribed by the
38 executive director. If the executive director
39 determines that additional information is neces-
40 sary to determine the extent of any preexisting
41 disability of the employee, the executive direc-

1 tor may require that a medical examination or
2 tests be submitted as evidence of that member's
3 health. Any such examination or tests shall be
4 conducted at a place mutually agreed upon and the
5 costs thereof shall be paid by the Maine Judicial
6 Retirement System. This statement of health or
7 examination or test result shall only be utilized
8 in determining eligibility for a disability re-
9 retirement allowance pursuant to paragraph A. Any
10 member subject to this paragraph who does not
11 submit a statement of health as required, prior
12 to his application for disability benefits in ac-
13 cordance with this section, will not be eligible
14 for those benefits unless he establishes to the
15 satisfaction of the Chief Justice of the Supreme
16 Judicial Court that he meets the qualifications
17 of paragraph A.

18 2. Amount. The amount of a disability retire-
19 ment allowance shall be 66 2/3% of the member's aver-
20 age final compensation. Any member entitled to this
21 benefit who was serving as a judge on November 30,
22 1984, may elect to have his disability benefits cal-
23 culated in accordance with chapter 29, instead of
24 this subsection.

25 3. Commencement. Disability retirement allow-
26 ance payments shall commence at the date of termina-
27 tion of active service of the member. Termination of
28 active service shall create a vacancy on the court.

29 4. Continuance. Payment of a disability retire-
30 ment allowance shall continue subject to subsection 7
31 and the following conditions.

32 A. During the first 5-years, the allowance shall
33 continue as long as the beneficiary cannot per-
34 form the duties of a judge.

35 B. After that period, the allowance shall con-
36 tinue only if the beneficiary is unable to engage
37 in any substantially gainful activities for which
38 he is qualified by training, education or experi-
39 ence.

40 C. The Chief Justice of the Supreme Judicial
41 Court executive director may require the benefi-

1 ciary to undergo annual medical examinations or
2 tests for the purpose of determining whether the
3 beneficiary is incapacitated. These examinations
4 or tests shall be conducted by a qualified physi-
5 cian, mutually agreed upon by the executive di-
6 rector and beneficiary, at a place also mutually
7 agreed upon, and the costs of the examination or
8 tests shall be paid by the Maine Judicial Retirement
9 System. If the beneficiary refuses to submit
10 to an examination or tests, his disability
11 allowance shall cease until he agrees to the ex-
12 amination or tests. If his refusal continues for
13 one year, all rights to any further benefits under
14 this section shall terminate.

15 D. For purposes of this subsection, the disabili-
16 ty beneficiary's average final compensation at
17 retirement shall be used to determine his earning
18 capacity, and in the relation to his ability to
19 engage in a substantially gainful activity. It
20 shall be adjusted by the same percentage, if any,
21 as applied to the beneficiary's retirement allow-
22 ance under section 1358.

23 5. Earnings. The Chief Justice of the Supreme
24 Judicial Court executive director may require each
25 disability beneficiary to submit an annual statement
26 of earnings received from any gainful occupation dur-
27 ing that year. For any year during which the total
28 of those earnings and the disability allowance ex-
29 ceeds the current salary of the position which he
30 last held, the excess shall be deducted from any
31 disability retirement allowance payments made to the
32 beneficiary during the next calendar year. These
33 deductions shall be prorated on a monthly basis, in
34 an equitable manner prescribed by the board, over the
35 year or part of the year for which benefits are re-
36 ceived. The beneficiary shall be ~~liable to~~ responsi-
37 ble for reimbursing the Maine Judicial Retirement
38 System for any excess earnings not so deducted.

39 If a beneficiary does not submit an earnings state-
40 ment within 30 days of receiving a request from the
41 Chief Justice of the Supreme Judicial Court executive
42 director, his disability retirement allowance shall
43 be discontinued until the statement is submitted. If
44 the statement is not submitted within one year of re-

1 ceiving a request, all his rights to any further ben-
2 efits shall cease.

3 6. Reduction. The disability retirement allow-
4 ance shall be reduced if a disability beneficiary is
5 receiving or has received payments for the same dis-
6 ability under the workers' compensation law, or simi-
7 lar law, except for amounts which may be paid or pay-
8 able under Title 39, section 56 or 56-A.

9 The total of the allowance, not including adjustments
10 under section 1358 and the payment described in the
11 preceding paragraph, shall not exceed 80% of the ben-
12 efiary's average final compensation. The disabili-
13 ty retirement allowance shall in no event be reduced
14 below the actuarial equivalent of the beneficiary's
15 accumulated contributions at the time of retirement.

16 If the disability beneficiary has received a lump-sum
17 settlement of workers' compensation benefits, any
18 portion of that settlement not attributable to voca-
19 tional rehabilitation, attorneys' fees or medical ex-
20 penses shall reduce the disability retirement allow-
21 ance in the same manner and amount as monthly work-
22 ers' compensation benefits. The reduction shall be
23 prorated on a monthly basis in an equitable manner
24 prescribed by the board.

25 If amounts paid or payable under workers' compensa-
26 tion or the amount of the lump-sum settlement or its
27 attribution are in dispute, those disputes shall be
28 settled by a single member of the Workers' Compensa-
29 tion Commission as provided under Title 39. Determi-
30 nations of the commissioner may be appealed in the
31 manner provided by Title 39, section 103-B.

32 7. Change to service retirement.

33 A. The disability retirement allowance of a ben-
34 efiary shall cease at age 70, or prior thereto,
35 whenever the service retirement allowance of the
36 beneficiary would equal or exceed the amount of
37 his disability retirement allowance.

38 B. A service retirement allowance shall be paid
39 to the beneficiary commencing on the date of ter-
40 mination of the disability retirement allowance
41 as determined in paragraph A.

1 Sec. 27. 4 MRSA §1354, as enacted by PL 1983, c.
2 853, Pt. C, §§15 and 18, is repealed.

3 Sec. 28. 4 MRSA §1355, sub-§1, ¶B, as enacted by
4 PL 1983, c. 853, Pt. C, §§15 and 18, is amended to
5 read:

6 B. In lieu of accepting the payment provided in
7 paragraph A, the first of the following persons,
8 who is designated a beneficiary by the member or
9 former member, may elect, if eligible, to receive
10 the benefits described in paragraph C:

- 11 (1) The spouse;
- 12 (2) The child or children;
- 13 (3) The mother or father; or
- 14 (4) The mother and father.

15 If no designation was made, or if the designated
16 beneficiary did not survive the member or former
17 member, the first of the following listed per-
18 sons, if any, alive at the death of the member or
19 former member, may elect to receive the benefits
20 in paragraph C:

- 21 (1) The spouse;
- 22 (2) The child or children; or
- 23 (3) The parents or parent.

24 Sec. 29. 4 MRSA §1355, sub-§2, ¶A, as enacted by
25 PL 1983, c. 853, Pt. C, §§15 and 18, is amended to
26 read:

27 A. If a member or former member who receives a
28 disability retirement allowance dies after com-
29 pleting the conditions for service retirement un-
30 der any of the provisions of this chapter, but
31 before a service retirement allowance becomes ef-
32 fective, the first of the following persons:
33 Designated beneficiary; spouse; mother; or fa-
34 ther who survives the member or former member may
35 receive a reduced retirement allowance under op-

1 tion 2 of section 1357 as if the deceased had
2 died on the date his retirement allowance became
3 effective.

4 (1) If this reduced allowance is less than
5 \$10 per month, the beneficiary may elect,
6 before the allowance begins, to receive a
7 lump sum which is the actuarial equivalent
8 at the date of death of the deceased's re-
9 tirement allowance payments-

10 (2) If the designated beneficiary is the
11 spouse, child or children, mother or father,
12 he may elect to receive benefits under sub-
13 section 1, instead of the option 2 benefit.

14 (3) The first listed person who is not a
15 designated beneficiary may elect, before the
16 allowance begins, to receive the deceased's
17 accumulated contributions in a lump sum.

18 Sec. 30. 4 MRSA §1355, sub-§3, as enacted by PL
19 1983, c. 853, Pt. C. §§15 and 18, is amended to read:

20 3. Election of benefits. The benefits described
21 in this section shall be in lieu instead of any bene-
22 fits payable under section 1355-A or section 1356.

23 Any person entitled to receive benefits under this
24 section may elect, before benefit payments begin, to
25 receive benefits under section 1355-A or section 1356
26 instead of these benefits, if all requirements of
27 that the applicable section are complied with.

28 Sec. 31. 4 MRSA §1355-A, sub-§1, as enacted by
29 PL 1983, c. 853, Pt. C, §§15 and 18, is amended to
30 read:

31 1. Benefit. Notwithstanding the provisions of
32 section 1355, any eligible spouse and child or chil-
33 dren of a judge who was in service prior to ~~August~~
34 December 1, 1984, shall, upon the death of that
35 judge, be entitled to a minimum benefit of 1/2 the
36 retirement benefit of the judge, determined in ac-
37 cordance with section 1352, on the assumption that
38 retirement of the judge had taken place on the date
39 of his death. If more than one child is eligible for

1 this benefit, it shall be divided equally among them.
2 This benefit shall continue as long as the spouse or
3 child or children remain eligible.

4 Sec. 32. 4 MRSA §1355-A, sub-§§3 and 4 are en-
5 acted to read:

6 3. Election of benefits. The benefits described
7 in this section shall be instead of any benefits pay-
8 able under either section 1355 or section 1356.

9 Any person entitled to receive benefits under this
10 section may elect, before benefit payments begin, to
11 receive benefits under section 1355 or section 1356
12 instead of these benefits, if all requirements of
13 that section are complied with.

14 4. Cost-of-living adjustments. Payments made
15 under subsection 1 shall be adjusted pursuant to sec-
16 tion 1358 in the same manner as retirement allow-
17 ances.

18 Sec. 33. 4 MRSA §1356, sub-§2, ¶B, as enacted by
19 PL 1983, c. 853, Pt. C, §§15 and 18, is amended to
20 read:

21 B. The benefits provided by subsection 1, para-
22 graph B shall be paid until:

23 (1) The spouse dies, in which case the pay-
24 ments shall continue to the child or chil-
25 dren until they die or ~~until the youngest~~
26 ~~child~~ no longer ~~meets~~ meet the definition of
27 "child" "or children" in section 1201; or

28 (2) The child or children die or ~~the youn-~~
29 ~~gest child~~ no longer ~~meets~~ meet the defini-
30 tion of "child" "or children" in section
31 1201, in which case, the payment to the
32 spouse shall be reduced to 2/3 of the
33 deceased's average final compensation until
34 the spouse dies.

35 Sec. 34. 4 MRSA §1356, sub-§3, as enacted by PL
36 1983, c. 853, Pt. C, §§15 and 18, is amended to read:

1 3. Election of benefits. The benefits provided
2 by this section shall be ~~in lieu~~ instead of any ben-
3 efits payable under section 1355 or section 1355-A.

4 Any person entitled to receive benefits under this
5 section may elect, before benefit payments begin, to
6 receive benefits under section 1355 or section
7 1355-A, instead of these benefits, if all require-
8 ments of the applicable section are complied with.

9 Sec. 35. 4 MRSA §1357, sub-§2, ¶¶B and C, as en-
10 acted by PL 1983, c. 853, Pt. C, §§15 and 18, are
11 amended to read:

12 B. Option 2. During ~~his~~ the beneficiary's life,
13 a monthly benefit equal to the amount of the
14 monthly benefit being received by the retiree at
15 the time of his death;

16 C. Option 3. During ~~his~~ the beneficiary's life,
17 a monthly benefit equal to 1/2 of the amount of
18 the monthly benefit being received by the retiree
19 at the time of his death; or

20 Sec. 36. 4 MRSA §1358, sub-§1, ¶A, as enacted by
21 PL 1983, c. 853, Pt. C, §§15 and 18, is amended to
22 read:

23 A. The board shall automatically adjust allow-
24 ances, beginning in September 1985, and each Sep-
25 tember thereafter, by any percentage change in
26 the Consumer Price Index from July 1st through
27 June 30th, but only ~~up~~ to a maximum annual
28 adjustment increase or decrease of 4%. The board
29 shall determine the cost of these adjustments and
30 shall include them in their budget requests, if
31 necessary.

32 Sec. 37. 4 MRSA §1359, as enacted by PL 1983, c.
33 853, Pt. C, §§15 and 18, is repealed.

34 Sec. 38. 4 MRSA §1401, sub-§1, as enacted by PL
35 1983, c. 853, Pt. C, §§15 and 18, is amended to read:

36 1. Currently effective annual salary. "Currently
37 effective annual salary" means the annual salary on
38 June 30, 1984, of the position from which the judge

1 retired, or if he died in office, the position he
2 held at death, increased on July 1, 1984, and each
3 succeeding July 1st, by 6% of the salary, as ad-
4 justed, on the immediately preceding June 30th.

5 Sec. 39. 4 MRSA §1404, as enacted by PL 1983, c.
6 853, Pt. C, §§15 and 18, is amended to read:

7 §1404. Regular retirement benefits

8 Any judge who resigned his office or ceased to
9 serve at the expiration of any term thereof, after
10 attaining the age of 70 years and after having served
11 on the Supreme Judicial Court, the Superior Court,
12 the District Court, the Administrative Court or any
13 combination of that service, for at least 7 years, or
14 after attaining the age of 65 years and after having
15 served as a judge on those courts for at least 12
16 years, or after attaining the age of 60 years and af-
17 ter having served as a judge on those courts for at
18 least 20 years, shall receive annually during the re-
19 mainder of his life, whether or not he is appointed
20 an Active Retired Justice, a retirement benefit equal
21 to 3/4 of the currently effective annual salary to be
22 paid in the same manner as the salaries of the judges
23 of that court from which he retired were paid prior
24 to December 1, 1984. The right of any judge drawing a
25 retirement benefit to continue to receive it shall
26 cease immediately if he acts as attorney or counsel
27 or in any action or legal proceeding in which the
28 State is an adverse party or has any interest adverse
29 to the person or persons in whose behalf he acts.

30 Sec. 40. 4 MRSA §1405, as enacted by PL 1983, c.
31 853, Pt. C, §§15 and 18, is amended to read:

32 §1405. Disability benefits

33 Any judge who, prior to his retirement age was
34 unable, by reason of failing health, to perform his
35 duties and who was retired by majority of the
36 ~~Justices~~ justices of the Supreme Judicial Court ~~court~~
37 upon which he was sitting when retired shall receive
38 annually during the remainder of his life a retire-
39 ment benefit equal to 3/4 of the currently effective
40 annual salary to be paid in the same manner as the
41 salaries of the judges of that court from which he

1 retired were paid prior to July 1, 1984.

2 Sec. 41. 5 MRSA §1001, sub-§10, as amended by PL
3 1969, c. 504, §11-A, is amended to read:

4 10. Employee. "Employee" shall mean any regular
5 classified or unclassified officer or employee in a
6 department, including for the purposes of this chap-
7 ter, teachers in the public schools, but shall not
8 include any Justice of the Superior Court or Supreme
9 Judicial Court who is now or may be later entitled to
10 retirement benefits under Title 4, section 5, and Ti-
11 tle 4, section 103, nor shall it include any Judge of
12 the District Court judge, as defined in Title 4, sec-
13 tion 1201 or 1301, who is now or may be later enti-
14 tled to retirement benefits under Title 4, chapter 5
15 27 or 29, nor shall it include any member of the
16 State Police who is now entitled to retirement bene-
17 fits under Title 25, chapter 195. Persons serving
18 during any probationary period required under the
19 Personnel Law and rules of the Personnel Board shall
20 be deemed regular employees for purposes of this def-
21 inition. In all cases of doubt, the board of trustees
22 shall determine whether any person is an employee as
23 defined in this chapter.

24 Sec. 42. 5 MRSA §12004, sub-§7, ¶A, as enacted
25 by PL 1983, c. 812, §39, is amended to read:

26 A. This classification includes the following
27 boards:

28	NAME OF	RATE OF	STATUTORY
29	ORGANIZATION	COMPENSATION	REFERENCE
30	(1) Maine Turnpike Author-	Legislative	23 MRSA §1965
31	ity	Per Diem	
32	(2) Maine Port Authority	\$25/day	23 MRSA §4420
33	(3) Maine Health and High-	Expenses	22 MRSA §2054
34	er Educational Facili-	only	
35	ties Authority		
36	(4) Maine School Building	Expenses	20-A MRSA §15704
37	Authority	only	

- 1 (5) Finance Authority Legislative 10 MRSA §964
2 of Maine Per Diem
- 3 (6) Maine State Housing Legislative 30 MRSA §4601-A
4 Authority Per Diem
- 5 (7) Board of Trustees, \$50/day 5 MRSA §1031
6 Maine State Retire-
7 ment System
- 8 (8) Board of Trustees, \$50/day 4 MRSA §1231
9 Maine Judicial Retire-
10 ment System

11 Sec. 43. 39 MRSA §91, sub-§3, as repealed and
12 replaced by PL 1983, c. 853, Pt. C, §16, is amended
13 to read:

14 3. Salary; expenses; retirement. Salaries of
15 commissioners are as provided in Title 2, section 7,
16 subsection 2. Members of the commission shall re-
17 ceive their actual, necessary, cash expenses while
18 away from their offices on official business of the
19 commission. Commissioners who elect to join the
20 Maine State Retirement System ~~may~~ shall receive cred-
21 it for their creditable service as a member of the
22 Maine State Retirement System prior to July 1, 1983,
23 provided they make a deposit in the Members Contribu-
24 tion Fund as provided in Title 5, section 1094, sub-
25 section 10 and for any service as a commissioner from
26 July 1, 1983 to November 30, 1984 without further
27 contribution by the members. Service shall be cred-
28 ited in accordance with the provisions of Title 5,
29 section 1094, subsection 10. Any service as a com-
30 missioner from July 1, 1983 to November 30, 1984
31 shall be allowed as creditable service for all pur-
32 poses in the Maine State Retirement System without
33 further contribution.

34 Sec. 44. Appropriation. The following funds are
35 appropriated from the General Fund for the fiscal
36 year ending June 30, 1985, to carry out the purposes
37 of this Act.

38 1984-85

39 WORKERS' COMPENSATION COMMISSION

1	Workers' Compensation Commission	
2	Personal Services	215,200
3	Provides funds for salary	
4	increases to the commis-	
5	sioner and associate com-	
6	missioners effective De-	
7	cember 1, 1984. Also	
8	provides funds to be used	
9	only to compensate the	
10	Maine State Retirement	
11	System for the creditable	
12	service of Workers' Com-	
13	pensation Commission Com-	
14	missioners for the period	
15	of July 1, 1983, through	
16	June 30, 1985.	
17		
18	Total	<u>\$215,200</u>

19 JUDICIAL DEPARTMENT

20	Administrative Courts	
21	Personal Services	\$762,685
22	Provides funds to be used	
23	only to compensate the	
24	Maine State Retirement	
25	System for the costs of	
26	implementing the Maine	
27	Judicial Retirement Sys-	
28	tem for the period Decem-	
29	ber 1, 1984, through June	
30	30, 1985.	
31		
32	Total	<u>\$762,685</u>
33		

34	TOTAL	<u>\$977,885</u>
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35 **Sec. 45. Effective date.** This Part shall take
36 effect on December 1, 1984.

1

PART C

2 Study. There is created a Joint Select Committee
3 on the Unorganized Territory. The committee shall be
4 composed of 11 members as follows: Two members of
5 the joint standing committee of the Legislature hav-
6 ing jurisdiction over energy and natural resources; 2
7 members of the joint standing committee of the Legis-
8 lature having jurisdiction over local and county gov-
9 ernment; 2 members of the joint standing committee of
10 the Legislature having jurisdiction over taxation;
11 one member of the Legislature who represents the un-
12 organized territory; and 4 other members of the Leg-
13 islature. Three of the members shall be appointed by
14 the President of the Senate. Eight of the members
15 shall be appointed by the Speaker of the House of
16 Representatives.

17 The committee shall review the organization, ad-
18 ministration, funding and delivery of services to the
19 unorganized territory. The committee shall review
20 the methods used for estimating the cost of each com-
21 ponent and shall identify alternative methods of pro-
22 viding and funding municipal services in the unorga-
23 nized territory, including the advisability of orga-
24 nizing the unorganized territory.

25 The committee shall submit its report and any
26 legislation necessary to accomplish its recommenda-
27 tion to the First Regular Session of the 112th Legis-
28 lature by January 1, 1985.

29

PART D

30 Sec. 1. 36 MRSa §§3220 to 3222, as enacted by PL
31 1983, c. 817, §8, are repealed.

32 Sec. 2. 36 MRSa c. 463, as enacted by PL 1983,
33 c. 817, §12, is repealed.

34 Sec. 3. 36 MRSa c. 463-A is enacted to read:

35

CHAPTER 463-A

36

REGIONAL FUEL TAX AGREEMENT

1 §3311. Purpose and principles

2 1. Agreement. This chapter authorizes the State
3 Tax Assessor to enter into a regional fuel tax agree-
4 ment referred to in this chapter as the "agreement."

5 2. Purpose. It is the purpose of this chapter
6 to:

7 A. Promote and encourage the fullest and most
8 efficient use of the highway system by making
9 uniform the administration of motor fuels con-
10 sumption taxation laws with respect to motor ve-
11 hicles operated interstate;

12 B. Enable participating jurisdictions to act co-
13 operatively and provide mutual assistance in the
14 administration and collection of motor fuels con-
15 sumption taxes; and

16 C. Establish and maintain the concept of one ad-
17 ministring base jurisdiction for each taxpayer
18 to provide that a taxpayer's base jurisdiction
19 will be the administrator of the agreement and
20 execute its provisions with respect to the tax-
21 payer.

22 3. Principles. The Legislature, in authorizing
23 this agreement, recognizes that regional administra-
24 tion of fuels consumption tax laws will contribute to
25 more efficient administration and collection of taxes
26 which are owed to the participating jurisdictions. A
27 regional agreement is intended to result in increased
28 tax collection as well as a system which will reduce
29 taxpayer burdens through the establishment of one
30 base jurisdiction and the elimination of the need for
31 the taxpayer to maintain licensing arrangements with
32 multiple jurisdictions.

33 §3312. Authority of the State Tax Assessor

34 1. Agreement. The State Tax Assessor, with the
35 advice of the Commissioner of Transportation and the
36 Secretary of State and the approval of the Governor,
37 may enter into agreements with other states, the Dis-
38 trict of Columbia and the Canadian provinces, provid-
39 ing for the reciprocal enforcement of the fuel tax

1 laws imposed by the participating jurisdictions and
2 empowering the duly authorized officer of any partic-
3 ipating jurisdiction which extends like authority to
4 officers or employees of this State, to sue for the
5 collection of the jurisdiction's fuel taxes in the
6 courts of this State. The agreement shall become effe-
7 ctive on the date provided by the State Tax Asses-
8 sor according to subsection 3.

9 2. Report. The State Tax Assessor, with the ad-
10 vice of the Commissioner of Transportation and the
11 Secretary of State, shall prepare an annual report to
12 the Legislature by January 1st of each year. The re-
13 port shall evaluate the effectiveness of the agree-
14 ment and shall describe, explain and justify any
15 rules promulgated pursuant to this chapter. This re-
16 port shall be submitted to the joint standing commit-
17 tee of the Legislature having jurisdiction over
18 transportation, the joint standing committee of the
19 Legislature having jurisdiction over taxation and the
20 Legislative Council.

21 3. Rules. The State Tax Assessor shall promul-
22 gate rules pursuant to this chapter which shall pro-
23 vide at least the following:

24 A. The effective date for implementation of the
25 agreement;

26 B. Transitional provisions relating to the ef-
27 fectiveness of licenses and reporting require-
28 ments when the agreement becomes effective, as
29 well as when the State ceases to participate in
30 the agreement;

31 C. All rules necessary to implement the agree-
32 ment authorized by this chapter; and

33 D. An opportunity for public notice and hearing
34 before agreeing to changes in the agreement.

35 §3313. Scope of the agreement; conflict

36 The agreement authorized by this chapter applies
37 to the taxes levied in accordance with chapters 453
38 and 459. To the extent that this chapter or the
39 rules promulgated pursuant to this chapter are incon-

1 Rideshare Coord-
2 dinator position
3 from August,
4 1984 to January,
5 1985.

6 All Other 41,272
7 Provides \$2,000
8 in state match-
9 ing funds for
10 continuation of
11 the Rideshare
12 Program; \$25,000
13 for loan subsi-
14 dies for 16 vans
15 and \$14,272 for
16 energy audits on
17 residential care
18 facilities.

19 PART G

20 Telecommunications, Department of the Attorney
21 General. No agreements relating to the replacement
22 or substantial modification of existing telecommuni-
23 cation systems or equipment may be entered into by
24 the Department of the Attorney General without the
25 specific prior approval of the Joint Standing Commit-
26 tee on Appropriations and Financial Affairs.

27 PART H

28 Sec. 1. Appropriation from the General
29 Fund. There is appropriated from the General Fund to
30 the Judicial Department the sum of \$570,560 for the
31 fiscal year ending June 30, 1985, to provide for in-
32 creased personal service costs.

33 Sec. 2. Legislative intent. In consideration of
34 the additional personal services appropriation from
35 the General Fund provided for in section 1 of this
36 Part, it is the intent of the Legislature that no
37 salary or benefit adjustments covering any period
38 prior to July 1, 1985, shall be negotiated for judi-
39 cial employees under Public Law 1983, chapter 702.

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PART I

PL 1983, c. 479, §32, is amended by striking out all of the last line and inserting in its place the following:

These funds shall not lapse June 30, 1984 but shall carry forward until December 31, 1984 to be used for the same purpose.

Total \$100,000

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except for Part B which shall become effective December 1, 1984 and Part D which shall become effective October 1, 1984.

FISCAL NOTE

GENERAL FUND

Fiscal Year
1985

Part A	\$ 125,000
Part B	977,885
Part H	570,560
TOTAL	<u>\$1,673,445</u>

ALCOHOLISM PREVENTION EDUCATION

TREATMENT AND RESEARCH FUND

Part E \$69,375

STATEMENT OF FACT

1 Part A appropriates funds to the Secretary of
2 State for printing and conducting referenda elec-
3 tions.

4 Part B implements the interim recommendations of
5 the State Compensation Commission.

6 Part C makes changes in the law establishing a
7 Joint Select Committee on the Unorganized Territory.

8 Part D repeals the format of the regional fuel
9 tax law enacted in the Second Regular Session of the
10 111th Legislature and replaces it with a format which
11 will permit more efficient implementation of the re-
12 gional concept by permitting the details of the
13 agreement to be specified by the State Tax Assessor
14 through the promulgation of rules pursuant to the
15 Maine Administrative Procedure Act. This also
16 changes the effective date to October 1, 1984, in or-
17 der to allow the appropriate state agencies to begin
18 the work necessary to bring about an early transition
19 to the regional approach.

20 Part E provides financial support to those pri-
21 vate nonprofit alcoholism service agencies which are
22 not eligible to receive reimbursement for their ser-
23 vices under the new alcoholism treatment insurance.

24 Part F, the Office of Energy Resources has
25 learned that federal matching funds will probably not
26 be available this year. This will allow the money to
27 be spent on the Rideshare Program as originally au-
28 thorized.

29 Part G requires the Department of the Attorney
30 General to get prior approval before replacing or
31 making substantial modifications of existing telecom-
32 munication systems.

33 Part H provides funds for the Judicial Department
34 for increased personal service costs.

35 Part I provides that funds appropriated for the
36 commission to study Workers' Compensation Insurance
37 carry until December 31, 1984.

38

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