

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1991

Legislative Document

No. 1984

S.P. 788

In Senate, July 17, 1991

Reported by Senator Brannigan of Cumberland for the Joint Standing Committee on Appropriations and Financial Affairs pursuant to Joint Order H.P. 51.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend Certain Provisions of the Laws Contained in Public
Law 1991, Chapter 591.

(EMERGENCY)



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

4
6 Whereas, Public Law 1991, chapter 591 contains certain
provisions that are in error; and

8 Whereas, Public Law 1991, chapter 591 was enacted as an
emergency measure and is now in effect and the changes contained
10 in this legislation therefore need to take effect immediately; and

12 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
14 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
16 safety; now, therefore,

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

20 **Sec. 1. 5 MRSA §7-B,** as enacted by PL 1991, c. 528, Pt. III,
§1 and affected by Pt. RRR and as enacted by c. 591, Pt. III, §1,
22 is amended to read:

24 **§7-B. Use of state vehicles for commuting**

26 No state-owned or state-leased vehicle may be used by any
employee to commute between home and work, except for those
28 vehicles authorized and assigned to a law enforcement official
within the following organizational units: Bureau of State
30 Police; ~~Bureau of Capitol Security;~~ Bureau of Intergovernmental
Drug Enforcement; Office of the State Fire Marshal; Bureau of
32 Liquor Enforcement; ~~Bureau of Highway Safety;~~ Division of Motor
Vehicles; Bureau of Marine Patrol; ~~Division of Probation and~~
34 ~~Parole and other correctional officers in the Department of~~
~~Corrections;~~ Bureau of Forestry; Division of Forest Fire Control;
36 Bureau of Warden Service; and Bureau of Parks and Recreation.

38 **Sec. 2. 5 MRSA §17001, sub-§13, ¶B,** as amended by PL 1991, c.
528, Pt. EEE, §3 and affected by Pt. RRR and as amended by c.
40 591, Pt. EEE, §3, is further amended to read:

42 B. "Earnable compensation" does not include:

44 (1) For any member who has 7 years of creditable
service by December 1, 1991 or who has reached 60 years
46 of age and has been in service for a minimum of one
year immediately before that date, payment for more
48 than 30 days of unused accumulated or accrued sick
leave, payment for more than 30 days of unused vacation

2 leave or payment for more than 30 days of a combination
of both;

4 (1-A) For any member who ~~does is not have 7 years of~~
6 ~~creditable service by December 1, 1991~~ covered by
8 subsection 1, payment for any unused accumulated or
accrued sick leave or payment for any unused vacation
leave;

10 (2) Any other payment which is not compensation for
12 actual services rendered or which is not paid at the
time the actual services are rendered; or

14 (3) Teacher recognition grants paid pursuant to Title
16 20-A, section 13503-A.

18 **Sec. 3. 5 MRSA §17858**, as enacted by PL 1991, c. 528, Pt.
EEE, §15 and affected by Pt. RRR and as enacted by c. 591, Pt.
EEE, §15, is amended to read:

20 **§17858. Retirement incentive option**

22 Any state employee, as defined in section 17001, subsection
24 40, having reached normal retirement age who retires on or after
October 30, 1991 and who is restored to service is not subject,
26 for up to 3 years, to the earnings limitations set forth in
28 section 17855. Any such person is entitled to all benefits that
the person was entitled to at the time of termination by
30 collective bargaining agreements or civil service laws and
rules. The retired state employee's salary must be 80% of the
32 employee's salary at the time of termination. The retired state
employee is not a member of the retirement system and therefore
34 may not accrue additional creditable service and is not entitled
to any other benefits that accrue to an active member of the
36 retirement system. For any state employee who has reached normal
retirement age on or before October 30, 1991, the option
38 established in this section must be selected by the state
employee by January 31, 1992. For all other state employees for
40 fiscal year 1991-92 only, the option established in this section
must be selected by the state employee within 3 months of
reaching normal retirement age.

42 **Sec. 4. PL 1991, c. 591, Pt. B, §1**, under that part designated
44 "INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF" in that
46 part relating to "Enforcement Operations - Inland Fisheries and Wildlife"
is amended by inserting at the end the following:

48 Includes the restoration of 3
50 District Game Warden
positions who participated in

2 the voluntary cost savings
3 retirement program.

4 **Sec. 5. PL 1991, c. 591, Pt. B, §1, under that part designated**
5 **"INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF" in the first**
6 **part relating to "Fisheries and Hatcheries Operations" is amended by**
7 **inserting at the end the following:**

8 Includes the restoration of a
9 Fish Culturist position in
10 Phillips abolished in Public
11 Law 1991, chapter 9.

12 **Sec. 6. PL 1991, c. 591, Pt. EEE, §16, first sentence is amended to**
13 **read:**

14 The State Budget Officer shall calculate the amount in
15 section ~~16~~ 17 of this Part that applies against each General Fund
16 account for all departments and agencies not within the Judicial
17 Department or the Legislature based on the Personal Services
18 appropriations to those accounts.
19

20 **Sec. 7. Retroactivity; effective date.** This Act is retroactive to
21 and takes effect July 1, 1991.

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

30 STATEMENT OF FACT

31 This bill makes technical corrections to the law concerning
32 use of state-owned or state-leased vehicles for commuting.

33 This bill ensures that members of the Maine State Retirement
34 System who are eligible to retire on December 1, 1991 will not
35 lose benefits to which they are presently entitled. The bill
36 changes the retirement incentive option in 3 ways. The retired
37 state employee is exempt from the general earnings limitation for
38 a period of up to 3 years only. State employees that have
39 reached normal retirement age by October 30, 1991 have until
40 January 31, 1992 to select the option. For fiscal year 1991-92,
41 all other state employees must choose the option within 3 months
42 of reaching normal retirement age. The bill also makes a
43 technical correction to a cross-reference.

44 The bill makes technical corrections to certain accounts
45 within the Department of Inland Fisheries and Wildlife.
46