

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "M" to COMMITTEE AMENDMENT "B" to H.P. 215, L.D. 283, Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995"

Amend the amendment in Part E in section 17 in that part designated "§13126." by striking out all of the last 3 lines (page 328, lines 18 to 20 in amendment) and inserting in their place the following: 'purposes of this chapter. Professional employees--shall-be-hired-as-unclassified-employees---All-other employees--shall-be-subject-to-the-Civil-Service-Law.'

Further amend the amendment in Part H in section 1 in subsection 6 in the 4th line (page 348, line 33 in amendment) by inserting after the following: "asphalt" the following: 'and #6 fuel oil'

Further amend the amendment in Part H by striking out all of section 2 and inserting in its place the following:

'Sec. H-2. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 38, section 569-A, \$750,000 in fiscal year 1993-94 and \$750,000 in fiscal year 1994-95 must be transferred from the Underground Oil Storage Replacement Fund account of the Finance Authority of Maine to General Fund undedicated revenue.'

Further amend the amendment in Part I by striking out all of section 19.

Further amend the amendment in Part L by inserting after section 3 the following:

'Sec. 3-A. 3 MRSA §851, as amended by PL 1991, c. 591, Pt. EEE, §1 and affected by §18, is further amended to read:

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2 **§851. Eligibility for retirement**

4 Upon written application to the board setting forth the date
6 upon which the member chooses to terminate employment, any member
8 may retire on a service retirement allowance upon meeting one of
10 the following.

12 **1. Age 60 years; 10 years of creditable service on**
14 **July 1, 1993.** Any member in service may retire on or after the
16 member's 60th birthday. Any member not in service may retire at
18 the age of 60 years or thereafter provided that the member has at
20 least 10 years of creditable service or 5 full terms as a
22 Legislator. Creditable service as a member of the Maine State
24 Retirement System after service as a member of the Maine
26 Legislative Retirement System is used in determining the
28 completion of 10 years of creditable service.

30 This subsection applies to members who, on ~~December-1,-1991~~ July
32 1, 1993, have ~~7~~ 10 years of creditable service or have reached 60
34 years of age and are in service on that date.

36 **1-A. Age 62; less than 10 years creditable service on**
38 **July 1, 1993.** Any member in service may retire on or after the
40 member's 62nd birthday. Any member not in service may retire at
42 the age of 62 years or thereafter provided that the member has at
44 least ~~10~~ years of creditable service or 5 full terms as a
46 Legislator. Creditable service as a member of the Maine State
48 Retirement System after service as a member of the Maine
50 Legislative Retirement System is used in determining the
52 completion of 10 years of creditable service.

54 This subsection applies to members who are not covered under
56 subsection 1.

58 **2. Early retirement; 10 years of creditable service on**
60 **July 1, 1991.** Any member in service who has completed at least
62 25 years of creditable service, may retire any time before the
64 member's 60th birthday. Creditable service as a member of the
66 Maine State Retirement System after service as a member of the
68 Maine Legislative Retirement System is used in determining the
70 completion of 25 years of creditable service. The retirement
72 allowance is determined in accordance with section 852, except
74 that it is reduced by multiplying the retirement allowance by a
76 fraction that represents the ratio of the amount of a life
78 annuity due at age 60 years to the amount of a life annuity due
80 at the age of retirement. The tables of annuities in effect at
82 the date of retirement are used for this purpose.

84 This subsection applies to members who, on ~~December-1,-1991~~ July
86 1, 1993, have ~~7~~ 10 years of creditable service.

2 2-A. Early retirement; less than 10 years creditable
4 service on July 1, 1991. Any member in service who has completed
6 at least 25 years of creditable service may retire any time
8 before the member's 62nd birthday. Creditable service as a
10 member of the Maine State Retirement System after service as a
12 member of the Maine Legislative Retirement System is used in
determining the completion of 25 years of creditable service.
The retirement allowance is determined in accordance with section
852, except that it is reduced by 6% for each year that the
member's age precedes age 62. The tables of annuities in effect
at the date of retirement are used for this purpose.

14 This subsection applies to members who, on ~~December 1, 1991~~ July
16 1, 1993, do not have 7 10 years of creditable service.'

18 Further amend the amendment in Part L in section 7 in
20 subsection 3 in the last line (page 361, line 14 in amendment) by
22 inserting after the following: "Part VV" the following: 'or
creditabile service available to a member that the member was
eligible to purchase on June 30, 1993 and that the member does
purchase in accordance with rules adopted by the board'

24 Further amend the amendment in Part L by inserting after
26 section 8 the following:

28 'Sec. L-8-A. 4 MRSA §1358, sub-§1, ¶C, as repealed and
replaced by PL 1985, c. 693, §11, is amended to read:

30 C. Adjustments under this section shall must be applied to
32 the allowances of all retirees who have been retired for at
34 least 6 12 months before the adjustment takes effect, except
that a member who has less than 10 years of creditable
service on July 1, 1993 may not receive a cost-of-living
adjustment until at least 12 months after reaching normal
retirement age. Beneficiaries of deceased retirees shall-be
are eligible for the adjustment provided in this section at
the same time the deceased retiree would have been
eligible. A member who is eligible to retire as of June 30,
1993 and who actually retires effective no later than July
1, 1994 is eligible for the cost-of-living adjustment if
that member has been retired for at least 6 months before
the date that the adjustment becomes payable.'

44 Further amend the amendment in Part L in section 13 in
46 paragraph C by inserting at the end the following: 'This
paragraph does not apply to excess increases resulting from
compensation paid prior to July 1, 1993, from compensation paid
in accordance with an individual employment contract or
collective bargaining agreement executed prior to July 1, 1993

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2 for the initial term of that contract or agreement or from other
3 action by the governing body of the school administrative unit in
4 effect on July 1, 1993. In addition, this paragraph does not
5 apply to increases in compensation for state employees received
6 during fiscal years 1993-94 and fiscal year 1994-95.'

8 Further amend the amendment in Part L in section 32 in
9 subsection 1 in the last line (page 371, line 43 in amendment) by
10 inserting after the following: "chapter 29" the following: ', or
11 creditable service available to a member that the member was
12 eligible to purchase on June 30, 1993 and that the member does
13 purchase in accordance with rules adopted by the board'

14 Further amend the amendment in Part L in section 34 in
15 subsection 2 in the last line (page 372, line 26 in amendment) by
16 inserting after the following: "chapter 29" the following: ', or
17 creditable service available to a member that the member was
18 eligible to purchase on June 30, 1993 and that the member does
19 purchase in accordance with rules adopted by the board'

20 Further amend the amendment in Part L in section 36 in
21 subsection 3 in the last line (page 373, line 24 in amendment) by
22 inserting after the following: "chapter 29" the following: ', or
23 creditable service available to a member that the member was
24 eligible to purchase on June 30, 1993 and that the member does
25 purchase in accordance with rules adopted by the board'

26 Further amend the amendment in Part L in section 38 in
27 subsection 4 in paragraph C in the last line (page 374, line 18
28 in amendment) by striking out the following: "chapter 29." and
29 inserting in its place the following: 'chapter 29, or creditable
30 service available to a member that the member was eligible to
31 purchase on June 30, 1993 and that the member does purchase in
32 accordance with rules adopted by the board.'

33 Further amend the amendment in Part L in section 40
34 subsection 10 in paragraph C in the last line (page 375, lin
35 in amendment) by inserting after the following: "chapter 29"
36 following: ', or creditable service available to a member
37 the member was eligible to purchase on June 30, 1993 and that
38 member does purchase in accordance with rules adopted by the
39 board'

40 Further amend the amendment in Part L in section 42 in
41 subsection 3-A in paragraph D in the last line (page 376, line 41
42 in amendment) by inserting after the following: "chapter 29" t
43 following: ', or creditable service available to a member th
44 the member was eligible to purchase on June 30, 1993 and that the
45 member does purchase in accordance with rules adopted by the
46 board'

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2 Further amend the amendment in Part L by inserting after
section 53 the following:

4 'Sec. L-54. Legislation. The Joint Standing Committee on
6 Aging, Retirement and Veterans Services shall report legislation
to the Second Regular Session of the 116th Legislature that
8 provides for the following:

10 1. Early retirement reduction. Retirement benefits for
persons who retire before normal retirement age must be reduced
12 by 4% for each year that the person's age is less than the normal
retirement age at the time of retirement; and

14 2. Cost-of-living adjustments. A cost-of-living adjustment
16 may not be made to the retirement benefits of a person who has
retired before normal retirement age until that person reaches
18 normal retirement age.'

20 Further amend the amendment in Part O in section 4 in that
part designated "~~\$2185.~~" in the first paragraph in the first line
22 (page 389, line 42 in amendment) by striking out the following:
"commissioner shall appoint" and inserting in its place the
24 following: 'executive director of the job training
administrative office shall employ'

26 Further amend the amendment in Part V in section 4 in that
28 part designated "~~\$307.~~" by striking out all of subsection 2 and
inserting in its place the following:

30 '2. Immunity. Newspapers and their employees are immune
32 from any criminal or civil liability as a result of publication
under subsection 1, unless publication is a result of negligent
34 or intentional misconduct.'

36 Further amend the amendment in Part X in section 4 in that
part designated "~~\$2450.~~" in the first paragraph by striking out
38 all of the underlined sentence (page 451, lines 18 to 22 in
amendment) and inserting in its place the following: 'A fee
40 charged pursuant to this section may not exceed \$450.'

42 Further amend the amendment by striking out all of Part NN
and inserting in its place the following:

44
46 'PART NN

48 Sec. NN-1. Municipal Audit Bureau report. The State Auditor
shall present a report to the Joint Standing Committee on
50 Appropriations and Financial Affairs no later than January 4,

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1994 that provides recommendations to terminate the Municipal Bureau of the Department of Audit. The recommendations must include a specific schedule concerning the manner in which the bureau's duties and functions will be phased out or terminated.

Sec. NN-2. Lease termination. The Legislature finds that, due to the deappropriation of funds in Part B, section 1 to the Department of Audit, the existing lease agreement for office space is unaffordable and should be terminated. The Bureau of General Services is directed to find suitable office space for the Department of Audit within existing state-owned facilities.

Further amend the amendment in Part AAA in section 2 in subsection 3-A in the 5th line (page 516, line 11 in amendment) by striking out the following: "new"

Further amend the amendment in Part AAA in section 12 in that part designated "§4319." by striking out all of subsections 1 and 3 and inserting in their place the following:

1. Relatives liable. A parent ~~or grandparent~~ of a child under 25 years of age and a spouse living in or owning property in the State shall support persons for whom they are legally responsible their children or husband or wife in proportion to their respective ability. Liability for burial expenses is governed by section 4313.

3. Recovery of assistance provided. A municipality or the State, after providing general assistance to a dependent of a legally responsible parent or ~~grandparent~~ to a person's spouse who is financially capable of providing support, may then seek reimbursement or relief for that support by initiating a complaint to the Superior Court or District Court, including by small claims action, located in the division or county where the legally responsible parent or ~~grandparent~~ spouse resides. The court may cause the legally responsible parent or ~~grandparent~~ spouse to be summoned and upon hearing or default may assess and apportion a reasonable sum upon those who are found to be of sufficient ability for the support of the eligible person and shall issue a writ of execution. The assessment shall ~~may~~ not be made to pay any expense for relief provided more than 6 12 months before the complaint was filed. Any action brought under this section shall ~~be~~ is governed by the Maine Rules of Civil Procedure. The court may, from time to time, make any further order on complaint of a an interested party ~~interested~~ and, after notice is given, alter the assessment or apportionment.'

Further amend the amendment in Part FFF by striking out all of sections 3 to 9.

2 Further amend the amendment in Part FFF in section 11 in
subsection 6 by striking out all of the last line (page 554, line
7 in amendment)

4

6 Further amend the amendment in Part FFF in section 16 in the
first line (page 554, line 35 in amendment) by striking out the
following: "sub-§8-B is" and inserting in its place the
8 following: 'sub-§§8-B and 8-C are'

10 Further amend the amendment in Part FFF in section 16 by
inserting at the end the following:

12

14 '8-C. Legislative intent. It is the intent of the
Legislature that the appropriation for the Maine Health Program
end on April 1, 1994.'

16

18 Further amend the amendment in Part FFF by striking out all
of section 20 and inserting in its place the following:

20 'Sec. FFF-20. 22 MRSA §3189, sub-§12, as enacted by PL 1989,
c. 588, Pt. A, §43, is repealed.'

22

24 Further amend the amendment in Part FFF by striking out all
of sections 23, 24, 26 and 27.

26 Further amend the amendment in Part FFF in section 28 in the
first line (page 557, line 42 in amendment) by striking out the
28 following: "20" and inserting in its place the following: '13'

30 Further amend the amendment in Part QQQ in section 3 in
subsection 7 in the 3rd line from the end (page 588, line 38 in
32 amendment) by inserting after the following: "Review," the
following: 'the joint standing committee having jurisdiction
34 over economic development matters.'

36 Further amend the amendment in Part RRR in section 5 in that
part designated: "§13063-A." in subsection 3 by striking out all
38 of the first paragraph (page 590, lines 10 to 19 in amendment)
and inserting in its place the following:

40

42 '3. Board of directors. The Board of Directors of the
Maine Education and Training Export Partnership consists of up to
15 members appointed by the Governor, subject to review by the
joint standing committee having jurisdiction over economic
development matters and confirmation by the Legislature. A
majority of the directors must be from the private sector, which
includes all organizations outside State Government and Federal
Government. The directors must be appointed from the member
organizations or must be involved in a related business field or
possess experience or familiarity with education, training,
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2 technical assistance or international commerce. The board shall
3 elect a chair from its membership.'

4 Further amend the amendment in Part ZZZ by inserting before
5 section 1 the following:

6 'Sec. ZZZ-1. 20-A MRSA §15905, sub-§5 is enacted to read:

7
8 5. Approval criteria. In approving school construction
9 projects, the state board shall ensure that school administrative
10 units have made efficient use of existing school facilities
11 within the unit and have explored and when feasible developed
12 agreements for sharing facilities with neighboring school
13 administrative units.'

14
15 Further amend the amendment in Part CCCC in section 2 in the
16 4th to 6th lines (page 603, lines 30 to 32 in amendment) by
17 striking out the following: "and subject to the approval of the
18 parties signatory to any applicable collective bargaining
19 agreement,"

20
21 Further amend the amendment by inserting after Part HHHH the
22 following:

23 **PART III**

24
25 **Sec. III-1. Appropriation.** The following funds are
26 appropriated from the General Fund to carry out the purposes of
27 this Part.

	1993-94	1994-95
CONSERVATION, DEPARTMENT OF		
Parks - General Operations		
Personal Services	\$15,000	\$15,000
All Other	33,904	29,039
Provides funds to restore one seasonal Park Ranger position and to offset other deappropriations made in Part B, section 1.		
DEPARTMENT OF CONSERVATION		
TOTAL	<u>\$48,904</u>	<u>\$44,039</u>

PART JJJJ

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Sec. JJJJ-1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	1993-94	1994-95
HUMAN SERVICES, DEPARTMENT OF		
Elder and Adult Services -		
Bureau of		
All Other	\$76,081	\$76,081
Provides for the appropriation of funds to reflect a transfer from the Retired Senior Volunteer Program and to offset a deappropriation in Part GGG, section 1.		
DEPARTMENT OF HUMAN SERVICES		
TOTAL	<u>76,081</u>	<u>76,081</u>
RETIRED SENIOR VOLUNTEER PROGRAM		
Retired Senior Volunteer Program		
All Other	(76,081)	(76,081)
Provides for the deappropriation of funds due to a transfer to the Department of Human Services, Bureau of Elder and Adult Services and to offset an appropriation in Part GGG, section 1.		
RETIRED SENIOR VOLUNTEER PROGRAM		
TOTAL	<u>(76,081)</u>	<u>(76,081)</u>
SECTION JJJJ-1		
TOTAL	<u>\$-0-</u>	<u>\$-0-</u>

HOUSE AMENDMENT

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PART KKKK

Sec. KKKK-1. 36 MRSA §1811, as amended by PL 1991, c. 591, Pt. XX, §§1 and 2 and affected by §§7 and 8, is further amended by adding 3 new paragraphs at the end to read:

On or before May 15th of each year, the State Budget Officer shall present a final estimate of General Fund revenues for the current fiscal year, taking into consideration an estimate of the Revenue Forecasting Committee. If estimated General Fund revenues for the current fiscal year exceed those of the prior fiscal year by 8% or more, on a base-to-base comparison excluding one-time revenue gains and losses, revenue in an amount equivalent to that generated by 0.5% of the tax on the sale of personal property and taxable services taxed at a rate of 6% on the effective date of this paragraph must be transferred by the State Controller to the Maine Rainy Day Fund as described in this section.

Each month following a fiscal year during which General Fund revenues exceed those of the previous fiscal year by 8% or more, on a base-to-base comparison excluding one-time revenue gains and losses, the State Controller shall transfer an amount equivalent to that generated over the preceding month by 0.5% of the tax on the sale of personal property and taxable services taxed at a rate of 6% on the effective date of this paragraph to the Maine Rainy Day Fund until such time as the tax imposed by this chapter is reduced.

If General Fund revenues for any fiscal year, as determined by the State Controller at the close of the fiscal year following the end of that fiscal year, exceed those of the previous fiscal year by 8% or more, on a base-to-base comparison excluding one-time revenue gains and losses, the tax on the sale of those tangible personal property and taxable services taxed at a rate of 6% on the effective date of this paragraph shall fall by 0.5% on the subsequent October 1st, unless the Legislature takes action to prevent the reduction.

Further amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the amendment in the fiscal note by inserting at the end the following:

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HOUSE AMENDMENT "M" to COMMITTEE AMENDMENT "B" to H.P. 215, L.D.
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'This bill includes requirements on local units of government that may modify their activities so as to necessitate additional expenditures. Pursuant to the Mandate Preamble, the 2/3 vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local cost of these requirements.'

FISCAL NOTE

This amendment will have a negative net fiscal impact to the General Fund by \$48,904 in fiscal year 1993-94 and \$44,039 in fiscal year 1994-95. A balanced budget, however, is maintained for fiscal year 1993-94 and fiscal year 1994-95.

Other provisions in this amendment will have no net effect on General Fund appropriations or revenue and a balanced budget is maintained for fiscal year 1993-94 and fiscal year 1994-95.

This amendment also adds the municipal mandate paragraph to the committee amendment fiscal note as it should have been included originally.

STATEMENT OF FACT

This amendment makes certain technical corrections to Committee Amendment "B," makes other changes to comply with the intent of the Joint Standing Committee on Appropriations and Financial Affairs and makes other changes.

Filed by Rep. Chonko of Topsham
Reproduced and distributed under the direction of the Clerk of the House
6/29/93 (Filing No. H-693)

HOUSE AMENDMENT