

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

Sec. 32. 28 MRSA c. 31 is enacted to read:

CHAPTER 31

PUBLIC INFORMATION

§ 1301. Erection of guidepost

In order to increase state revenues and to attract more of the tourist trade to the state retail liquor store in Kittery, the Maine Turnpike Authority shall erect and maintain a guidepost no more than one mile north of the York toll station on the southbound side of the Maine Turnpike. The said guidepost shall be worded as follows:

DISCOUNT LIQUOR STORE — KITTERY

YORK EXIT — U.S. ROUTE 1 SOUTH

The Bureau of Alcoholic Beverages shall compensate the Maine Turnpike Authority for the full cost of erecting the said guidepost.

Sec. 33. 36 MRSA § 1760, sub-§ 36 is enacted to read:

36. Spirituous and vinous liquors. Sales of spirituous and vinous liquors containing more than 14% alcohol by volume offered for sale in special agency stores as defined in Title 28, section 153.

Sec. 34. PL 1975, c. 540, § 5 is repealed and the following enacted in place thereof:

Sec. 5. Provisional clause. Notwithstanding any other provision of law, licenses may be granted to indoor tennis clubs, indoor ice skating clubs and golf clubs in municipalities and unincorporated places which have previously voted affirmatively on Title 28, section 101, subsections 2, 3, 6 and 7.

Sec. 35. PL 1975, c. 540, § 6 is repealed and the following enacted in place thereof:

Sec. 6. Application limited. This Act shall remain in effect for 90 days following the adjournment of the 108th Legislature in 1977. The State Liquor Commission shall evaluate the effectiveness of this law and make a written report to the 108th Legislature by January 15, 1977.

Effective July 29, 1976

CHAPTER 742

AN ACT to Clarify the Retirement Statutes.

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

Sec. 1. 5 MRSA § 1094, sub-§ 16, as enacted by PL 1975, c. 622, § 38-A, is amended to read:

16. Accumulated or accrued vacation or sick leave. ~~All accumulated~~ Accumulated or accrued sick leave or unused vacation leave or a combination of both, for which the member is credited on termination of service, but for which the member does not receive payment, shall be credited as membership service. ~~Accumulated or accrued leave shall not include lapsed leave, or other leave beyond a maximum set as accumulated or accrued by personnel rules or regulations or by contract~~ Accumulated or accrued leave credited for membership service shall not exceed a total of 90 days, except as provided by this section.

Accumulated or accrued leave beyond 90 days may be credited for membership service, up to the maximum set as accumulated or accrued, without lapsing, by personnel rules or regulations, or by contract, if:

A. For state employees. The member, prior to the date any retirement allowance becomes effective for him, deposits in the Members' Contribution Fund, by a single payment, such amount as will be the actuarial equivalent, at the effective date of his retirement allowance, of the portion of his retirement allowance based on such additional creditable service beyond 90 days;

B. For teachers. The member, or the school administrative unit employing the member, deposits in the Members' Contribution Fund, by a single payment, such amount as will be the actuarial equivalent, at the effective date of his retirement allowance, of the portion of his retirement allowance based on such additional creditable service beyond 90 days. The member and the school administrative unit may determine, by contract, the proportion to be deposited by each to secure this additional creditable service; and

C. For local districts. The local district elects this benefit and pays into the system the entire actuarial equivalent of this provision.

Paragraph B shall not apply to teachers who retire immediately following completion of the contractual obligations of a contract valid and in effect on the effective date of this Act. Such retiring teachers may receive credit for membership service for accumulated or accrued leave under this section as in effect immediately prior to the effective date of this Act.

Sec. 2. 5 MRSA § 1121, sub-§ 4, ¶ B, next to last sentence, as repealed and replaced by PL 1975, c. 622, § 49, is amended to read:

Notwithstanding the foregoing, the service of any member who has attained the age of ~~70~~ 60, and who desires to remain in service, may be continued for periods of one year, if approved by the Governor and Council, for state employees, or by the executive body of the participating local district which employs the member, in accordance with such employment practices of the local district.

Sec. 3. 5 MRSA § 1128, last ¶, last sentence, as repealed and replaced by PL 1975, c. 622, § 62, is amended to read:

This provision shall apply only if the member is eligible under sections 1092

or 1121 to retire on the day immediately preceding the effective date of such retirement ~~adjustment~~ allowance ~~adjustment~~.

Sec. 4. PL 1975, c. 622, § 66, 2nd and 3rd ¶¶ are amended to read:

Sections 22, 51, 52 and 53 shall apply to all retirement allowances that are first payable on or after July 1, 1977; except that any part of a retirement allowance based on creditable service and earnable compensation paid prior to July 1, 1977 that would be higher if determined, on a pro rata basis, under the provisions of chapter 101 in effect immediately prior to July 1, 1977, shall be so determined.

~~Sections 24-A, 38-B, 47, 47, 46, 49-A, 50 and 50-A~~ Section 23-A and as much of sections 38-B and 49-A as apply to members in local districts, shall apply to all retirement allowances that are first payable on or after July 1, 1977; except that any part of a retirement allowance based on creditable service and earnable compensation paid prior to ~~January 1, 1976~~ July 1, 1977, that would be higher if determined, on a pro rata basis, under the provisions of chapter 101 in effect immediately prior to July 1, 1977, shall be so determined.

Sections 41, 44, 46, 50 and 50-A, and as much of sections 38-B and 49-A that apply to members who are state employees, shall apply to all retirement allowances that are first payable on or after July 1, 1976; except that any part of a retirement allowance based on creditable service and earnable compensation paid prior to July 1, 1976, that would be higher if determined, on a pro rata basis, under the provisions of chapter 101 in effect immediately prior to July 1, 1976, shall be so determined.

Sec. 5. PL 1975, c. 622, § 66, 9th ¶ is amended to read:

Sections 2, 38, 54, 54-C and 54-D shall apply to all disability retirement allowances for which written application is received on or after July 1, 1977. Applications for disability retirement allowances prior to such date shall be determined under the provisions of Title 5, section 1122, subsections 1 to 4 and 6 as in effect immediately prior to July 1, 1977.

Sec. 6. PL 1975, c. 622, § 66, 13th and 14th ¶¶, are amended to read:

Sections 1, 22, 24, 25, 27, 39, 40, 48, 49, 51, 52, ~~and~~ 53 and 54-B shall apply to all participating local districts, whether or not the district elects such sections as amended.

The effective date of this Act, except for sections 1, 2, 22, 38, 51, 52, 53, 54, 55, 56 and 57 shall be January 1, 1976.

Sec. 7. **Retroactivity.** The last paragraph of section 4 of this Act is retroactive to July 1, 1976.