

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE  
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

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

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**  
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ONE HUNDRED AND EIGHTH LEGISLATURE  
January 4, 1978 to April 6, 1978

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effective date of this Act, and shall be paid on the first monthly pension payroll subsequent to that day, and on every monthly pension thereafter.

**Sec. 6. Appropriation.** The following funds shall be appropriated from the General Fund to carry out the purposes of this Act:

	1978-79
STATE RETIREMENT SYSTEM	
Retirement Allowance Fund	
All Other	\$940,202
Provides funds for the increase in benefits to teachers with teaching service prior to July 1, 1942.	

Notwithstanding Title 5, section 1095, subsection 8, additional costs necessary to fund this Act shall be funded by the State or applicable participating local districts and shall not be borne by the members of the system.

Effective July 6, 1978

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## CHAPTER 700

### AN ACT Pertaining to Ordinary Death Benefits Under the Maine State Retirement System.

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

**Sec. 1.** 5 MRSA § 1062, sub-§ 6, ¶¶ A, C and D, are amended to read:

A. The Survivors' Benefit Fund shall be the fund in which shall be accumulated all reserves required for the payment of survivors' benefits as set forth in section 1124, subsection 1 and section 1124-A.

C. On account of each member there shall be paid annually into the Survivors' Benefit Fund by the State an amount equal to a certain percentage of the annual earnable compensation of such member to be known as the "survivors' contribution." The rate per cent of such contributions shall be fixed on the basis of the liabilities established by section 1124, subsection 1, and section 1124-A, as shown by actuarial valuation.

D. All benefits payable under section 1124, subsection 1, and section 1124-A, shall be paid from the Survivors' Benefit Fund except as may be otherwise specifically provided.

**Sec. 2.** 5 MRSA § 1092, sub-§ 13, 1st sentence, is amended to read:

Before electing survivor benefits as provided by section 1124, subsections 1 and 3, or section 1124-A, the chief fiscal officer of a participating local district shall submit to the board of trustees such information as shall be prescribed by the board of trustees in order to determine, on such actuarial basis as may be adopted by the board of trustees, the cost of the initial survivor's contribution of such participating local district.

Sec. 3. 5 MRSA § 1124-A is enacted to read:

§ 1124-A. Ordinary death benefit's option for participating local districts

Any participating local district, by filing with the board of trustees a duly certified copy of its action, may provide, in addition to those benefits under section 1124, the following special survivor benefit option to certain designated beneficiaries.

1. **Benefits.** In lieu of accepting the benefits provided in section 1124, subsection 1, paragraphs A or B, the first of certain designated beneficiaries, if living at the death of the member or former member, may elect to substitute the benefits described in this paragraph, provided that the deceased member or former member had 20 years of creditable service at the time of his death. The designated beneficiary shall be a spouse, child or children, parent or parents of the deceased; or, if no designation was made, the first of the following list of persons, if any, alive at the death of the member or former member: Spouse, child or children, parent or parents of the deceased. Participating local districts which adopt this section may limit the designated beneficiaries eligible for these benefits and the undesignated beneficiaries eligible for benefits if no designation is made. Any subsequent alteration in the designation of the beneficiaries shall be in the manner provided in section 1033.

2. **Payment.** The beneficiary shall be paid, commencing the first month after death occurs and continuing until the date of his death, a retirement allowance computed in accordance with section 1121, subsection 2, paragraph A and subject to the reduction required in section 1121, subsection 3, as if the service retirement of the member or former member had taken place on the date of his death. These benefits shall be payable in accordance with section 1126, option 2.

3. **Effective date.** Participating local districts who elect to adopt the provisions of this section shall designate the effective date of this section for purposes of determining which persons currently receiving benefits under section 1124, subsection 1, paragraph B may elect these benefits, if eligible, in lieu thereof. Benefit recomputation and payments for all persons, if any, electing benefits under this section shall become effective as of the first day of the month following notification to the board of trustees of the adoption of this section. Persons currently receiving benefits under section 1124, subsection 1, paragraph B in a participating local district which has adopted the provisions of this section retroactively may elect to receive benefits under this section, if eligible, in lieu of

the benefits currently being received under section 1124, subsection 1, paragraph B, upon written application to the executive director provided the application is received by the executive director within 6 months following the notification to the board of trustees by the local participating district adopting this section.

Effective July 6, 1978

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## CHAPTER 701

### AN ACT to Establish Training Requirements for Corrections Officers.

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

Sec. 1. 25 MRSA § 2801, 2nd ¶, 1st sentence, as enacted by PL 1975, c. 579, § 5, is amended to read:

The purpose of the Maine Criminal Justice Academy shall be to provide a central training facility for all law enforcement and corrections personnel of the State and also for criminal justice personnel.

Sec. 2. 25 MRSA § 2802, first ¶, as last amended by PL 1975, c. 579, § 6, is further amended to read:

There is created a board of trustees for the academy consisting of ~~12~~ 13 members as follows: The Commissioner of Public Safety, ex officio, the Attorney General, ex officio, the Commissioner of Mental Health and Corrections, ex officio, and the following to be appointed by the Governor: A commissioned officer of the State Police, a county sheriff, a chief of a municipal police department, 2 officers of municipal police departments, an educator, a representative from a criminal justice agency not involved in the general enforcement of Maine criminal laws, a representative of a federal law enforcement agency, a citizen and a municipal officer.

Sec. 3. 25 MRSA § 2803, sub-§ 2-A is enacted to read:

2-A. Training and certification of corrections personnel. In accordance with section 2802, to approve training programs for corrections officers, including prescription of curriculum and setting of standards for graduation from those approved programs;

Sec. 4. 25 MRSA § 2803, sub-§ 4, as repealed and replaced by PL 1975, c. 579, § 7, is amended to read:

4. Other training programs. To establish, within the limits of funds available