

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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
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Sec. 2. 12 MRSA § 1960, first sentence, as repealed and replaced by PL 1977, c. 694, § 250, is amended to read:

The commissioner may, **with the advice and consent of the advisory council and** in conformity with the Administrative Procedure Act, Title 5, Part 18, and except as otherwise ~~provide~~ **provided**, adopt, amend and repeal reasonable rules, including emergency rules necessary for the proper administration, enforcement, implementation and interpretation of any provision of law that he is charged with the duty of administering.

Effective September 14, 1979

CHAPTER 199

H. P. 216 — L. D. 264

AN ACT to Clarify Unit Clarification Procedures under the Municipal Labor Relations Act.

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

26 MRSA § 967, next to last ¶, as last amended by PL 1969, c. 578, § 5, is further amended by adding at the end the following new sentence:

The not more than 90-day nor less than 60-day period prior to the expiration date of an agreement regarding unit determination and representation shall not apply to matters of unit clarification.

Effective September 14, 1979

CHAPTER 200

S. P. 355 — L. D. 1103

AN ACT to Revise the Method of Accounting for the Restriction on Additional Compensation for Retirees under the Maine State Retirement System.

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

5 MRSA § 1123, 3rd sentence, as amended by PL 1971, c. 595, § 1, is repealed and the following enacted in its place:

Should any recipient of benefits other than disability benefits be restored to service, and should the total of his monthly retirement allowance for any year and his total earnable compensation for that year exceed his average final compensation at retirement, the excess shall be deducted from the service retirement allowance payments during the next calendar year, those deductions to be prorated on a monthly basis in an equitable manner prescribed by the board of trustees over the year or part thereof for which benefits are received. The beneficiary shall be responsible for reimbursing the Maine State Retirement System for any excess payments not so deducted. If the beneficiary's retirement allowance payments are thereby eliminated, he shall again become a member of the retirement system and he shall contribute thereafter at the current rate and when that member subsequently again retires, he shall receive such combined benefits as may be computed on his entire creditable service and in accordance with the then existing law.

Effective September 14, 1979

CHAPTER 201

S. P. 188 — L. D. 455

AN ACT Relating to the Operation of Snowmobiles on Private Ways.

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

Sec. 1. 12 MRSA § 1977, sub-§ 1, 2nd ¶, as repealed and replaced by PL 1975, c. 525, § 2, is repealed and the following enacted in its place:

No person shall operate a snowmobile upon any plowed private road, or public road plowed privately without public compensation, after having been forbidden to do so by the owner thereof, the owner's agent or a municipal official, either personally or by appropriate notices posted conspicuously on that way.

Sec. 2. 12 MRSA § 1977, sub-§ 1, as repealed and replaced by PL 1975, c. 525, § 2, is amended by adding at the end a new paragraph to read:

No person shall operate any 4-wheel drive vehicle, dune buggy, motorcycle or other motorized vehicle, other than a snowmobile and appurtenant equipment, over the snow on roads and trails maintained for snowmobile use and financed in whole or in part with funds from the Snowmobile Trail Fund, unless such use has been authorized by the landowner or his agent, or unless the use is necessitated by an emergency involving safety of persons or property.

Sec. 3. 12 MRSA § 1977, sub-§ 2, ¶ B, last ¶, as repealed and replaced by PL 1975, c. 525, § 2, is amended to read: