

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

at least 140 working days 26 or more weeks in a calendar year shall not be deemed seasonal.

Effective July 25, 1984.

CHAPTER 751

H.P. 1832 - L.D. 2426

AN ACT to Modify Early Retirement Plans
for State Employees Hired After August 31,
1984.

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

Sec. 1. 5 MRSA §1095, sub-§2, as repealed and replaced by PL 1975, c. 622, §38-B, is amended to read:

2. State Police. Each member of the State Police, including the chief thereof or a member of the State Police or the chief thereof who is appointed to the position of Commissioner of Public Safety, who became a member of that department subsequent to July 9, 1943 but before September 1, 1984, shall contribute at a rate of 7.5% of earnable compensation to the Retirement System until he has completed 20 years of creditable service, as required under section 1121, subsection 1, paragraph C. After completing such service, a member of the State Police shall contribute at a rate of 6.5% of earnable compensation for the remainder of his employment as a member of the State Police.

A person hired after August 31, 1984, as a member of the State Police shall contribute at a rate of 7.5% of earnable compensation until he has completed 25 years of creditable service as a member of the State Police. After completing that service, the employee shall contribute at a rate of 6.5% of earnable compensation for the remainder of his employment in such a position.

Sec. 2. 5 MRSA §1095, sub-§3, as amended by PL 1977, c. 661, §1, is further amended to read:

3. Fisheries and Game Warden. Each law enforcement officer in the Department of Inland Fisheries

and Wildlife and each law enforcement officer in the Department of Marine Resources who is employed as such before September 1, 1984, shall contribute at a rate of 7.5% of earnable compensation until he has completed 20 years of creditable service, as required under section 1121, subsection 1, paragraph D. After completing such service, a law enforcement officer in the Department of Inland Fisheries and Wildlife or in the Department of Marine Resources shall contribute at a rate of 6.5% of earnable compensation for the remainder of his employment as such a law enforcement officer.

A commissioner or a deputy commissioner of the Department of Marine Resources may elect to contribute as a member under subsection 1 rather than this subsection if he files a written copy of the election of that choice with the board of trustees.

Sec. 3. 5 MRSA §1095, sub-§4, as repealed and replaced by PL 1975, c. 622, §38-B, is amended to read:

4. Forest rangers. Each forest ranger in the Bureau of Forestry, Department of Conservation, who is employed as such before September 1, 1984, shall contribute at a rate of 7.5% of earnable compensation until he has attained eligibility for retirement under section 1121, subsection 1, paragraph E. After attaining eligibility for retirement, a forest ranger shall contribute at a rate of 6.5% of earnable compensation for the remainder of his employment as a forest ranger.

Sec. 4. 5 MRSA §1095, sub-§5, as repealed and replaced by PL 1975, c. 622, §38-B, is amended to read:

5. Maine State Prison employees. Each employee of the Maine State Prison, who is an incumbent in a position described in section 1121, subsection 4, paragraph F, and who is employed as such before September 1, 1984, shall contribute at a rate of 7.5% of earnable compensation until he has attained eligibility for retirement under section 1121, subsection 4, paragraph F. After attaining eligibility for retirement, such employee shall contribute at a rate of 6.5% of earnable compensation for the remainder of his employment in such a position.

Each employee of the Maine State Prison, who is hired after August 31, 1984, in a position described in section 1121, subsection 4, paragraph F, shall contribute at a rate of 7.5% of earnable compensation

until he has completed 25 years of creditable service in such a position or positions. After completing that service, the employee shall contribute at a rate of 6.5% of earnable compensation for the remainder of his employment in such a position.

Sec. 5. 5 MRSA §1121, sub-§1, ¶C, as amended by PL 1977, c. 580, §§5 and 6, is further amended to read:

C. Any member of the State Police who became a member of that department ~~subsequent to~~ after July 9, 1943, but before September 1, 1984, may retire upon completion of 20 years of creditable service as a state police officer. Military service credits as allowed under section 1094 shall not be considered as part of the creditable service necessary for the 20 years' service as a state police officer, but military service creditable under section 1091 shall be considered to be part of the creditable service necessary for the 20 years as a state police officer provided that the member was a state police officer at the time of entrance into such military service and upon separation from military service again became a state police officer. The total amount of the service retirement allowance of a member retired in accordance with this paragraph shall be equal to 1/2 of his average final compensation, and an additional 2% of his average final compensation for each year of membership service not included in determining eligibility for retirement under this paragraph.

Upon the death of a member of the Maine State Police who is the recipient of a retirement allowance under this ~~section~~ paragraph, without optional modification, or is retired under the disability provisions, the surviving spouse shall become entitled to a retirement allowance which shall be equal to 1/2 of the amount being paid at the time of his death and which payment shall continue for the remainder of his or her lifetime or until he or she becomes the dependent of another person. Payment of the appropriate monthly amount shall be made to the surviving spouse for the account of any deceased member of the State Police who had retired without optional modification under this paragraph as of September 23, 1971, and shall not be retroactive.

For purposes of this Title, a member of the State Police shall be deemed to mean any state police officer or any such state police officer who is

appointed Chief of the State Police or Commissioner of Public Safety.

Sec. 6. 5 MRSA §1121, sub-§1, ¶D, as amended by PL 1977, c. 661, §2, is further amended to read:

D. Any law enforcement officer in the Department of Inland Fisheries and Wildlife and any law enforcement officer in the Department of Marine Resources, who is employed as such before September 1, 1984, may retire upon completion of 20 years of creditable service as a law enforcement officer in the Department of Inland Fisheries and Wildlife or a law enforcement officer in the Department of Marine Resources. Military service credits, as allowed under section 1094, shall not be considered as part of the creditable service as a law enforcement officer under this section, but any military service creditable under section 1091 shall be considered to be part of the creditable service necessary for the 20 years as a law enforcement officer, provided that he was a law enforcement officer in either of these departments at the time of entrance into such military service and upon separation from military service again became a law enforcement officer in either of these departments. The total amount of the service retirement allowance of a law enforcement officer retired in accordance with this paragraph, shall be equal to 1/2 of his average final compensation and an additional 2% of his average final compensation for each year of membership service not included in determining eligibility for retirement under this paragraph.

Upon the death of a law enforcement officer of the Department of Marine Resources or a law enforcement officer of the Department of Inland Fisheries and Wildlife who is the recipient of a retirement allowance under this ~~section~~ paragraph, without optional modification, or is retired under the disability provisions, the surviving spouse, shall become entitled to a retirement allowance which shall be equal to 1/2 of the amount being paid at the time of his death and which payment shall continue for the remainder of his or her lifetime or until he or she becomes the dependent of another person.

A commissioner or a deputy commissioner of the Department of Marine Resources may retire under this paragraph if he has contributed as a law enforcement officer under section 1095, subsection 3.

Sec. 7. 5 MRSA §1121, sub-§1, ¶E, as repealed and replaced by PL 1977, c. 580, §8, is amended to read:

E. Any forest ranger in the Department of Conservation, who is employed as such before September 1, 1984, may retire at attained age 50 or upon completion of 25 years of total creditable service as a forest ranger in this department, whichever is later. The total amount of the service retirement allowance of a forest ranger in this department, retired in accordance with this paragraph, shall be equal to 1/2 of his average final compensation and an additional 2% of his average final compensation for each year of membership service not included in the age and service conditions for retirement under this paragraph.

Sec. 8. 5 MRSA §1121, sub-§4, ¶A, as amended by PL 1979, c. 624, §1, is further amended to read:

A. Any member who

(2) Is an airplane pilot employed by the State of Maine; who is employed as such before September 1, 1984, or a member of a fire or police department including the chiefs thereof and sheriffs and deputy sheriffs, and, in any case, who has at least 25 years of creditable service in his respective capacity, may be retired on or after the attainment of age 55 on a service retirement allowance.

Any participating local district electing these benefits may, by filing with the board of trustees a duly certified copy of its action, discontinue any such benefit as to members of a fire or a police department, including the chiefs thereof and sheriffs and deputy sheriffs hired after the effective date of the action only, and may thereupon substitute for the benefit any other benefit provided for by this chapter. Nothing in this paragraph may be construed to affect in any way the rights of public employees to collectively bargain for terms and conditions of employment.

Sec. 9. 5 MRSA §1121, sub-§4, ¶D, as amended by PL 1983, c. 480, Pt. A, §6, is further amended to read:

D. Any member who is a liquor inspector, including the chief inspector, who is employed as such

before September 1, 1984, and who has completed at least 25 years of creditable service in his respective capacity, may retire at age 55 on a service retirement allowance, which shall be equal to 1/2 of his average final compensation and an additional 2% of his average final compensation for each year of membership service not included in the age and service conditions for retirement under this paragraph.

Sec. 10. 5 MRSA §1121, sub-§4, ¶F, as repealed and replaced by PL 1977, c. 580, §11, is amended to read:

F. Any member who is the warden or deputy warden of the Maine State Prison, or any officer or employee of the Maine State Prison employed as a guard, or engaged in any management of prisoners, or as the supervising officers of any such guards or employees, who is employed as such before September 1, 1984, and in any case, who has at least 20 years of creditable service in his respective capacity, or cumulatively in any combination of such prison employment capacities may retire at age 50 on a service retirement allowance, which shall be equal to 1/2 of his average final compensation and an additional 2% of his average final compensation for each year of membership service not included in the age and service conditions for retirement under this paragraph.

Sec. 11. 5 MRSA §1121, sub-§4, ¶¶G and H are enacted to read:

G. A member hired after August 31, 1984, as a member of the State Police, may retire after completion of 25 years of creditable service as a member of the State Police and attainment of age 55; the service retirement allowance shall be determined in accordance with subsection 2, paragraph A.

Any such member who has completed 25 or more years of creditable service may retire at any time prior to the attainment of age 55 and receive a service retirement allowance. The retirement allowance shall be determined in accordance with subsection 2, paragraph A, but shall be at a reduced amount determined by applying to the retirement allowance the percentage that a life annuity due at age 55 bears to the life annuity due at the age of retirement subject to this subsection. For this purpose, the tables of annui-

ties as approved by the board of trustees at the dates of retirement shall be used.

H. A member hired after August 31, 1984, as the warden or deputy warden of the Maine State Prison, or any officer or employee of the Maine State Prison employed as a guard, or engaged in any management of prisoners, or as the supervising officers of any such guards or employees, may retire after completion of 25 years of creditable service in such a position or positions and attainment of age 55; the service retirement allowance shall be determined in accordance with subsection 2, paragraph A.

Any such member who has completed 25 or more years of creditable service may retire at any time prior to the attainment of age 55 and receive a service retirement allowance. The retirement allowance shall be determined in accordance with subsection 2, paragraph A, but shall be at a reduced amount determined by applying to the retirement allowance the percentage that a life annuity due at age 55 bears to the life annuity due at the age of retirement subject to this subsection. For this purpose, the tables of annuities as approved by the board of trustees at the dates of retirement shall be used.

Sec. 12. 5 MRSA §1121, sub-§12 is enacted to read:

12. Transfer from special plan. Any member who has completed the service requirements for retirement under a special plan in this section may transfer to a position not under such special plan and accrue additional creditable service. Upon retirement, the portion of the member's retirement allowance based upon creditable service earned after being transferred shall be subject to reduction under subsection 3 and, if applicable, the benefit based upon creditable service earned before being transferred shall be subject to reduction under subsection 4, paragraphs G and H. This subsection shall also be applicable to a person who retires under a special plan and is subsequently restored to service in accordance with section 1123. For purposes of this subsection, a special plan is the retirement program in any of the following: Subsection 1, paragraphs C, D and E or subsection 4, paragraph A, as it relates to employees of the State and paragraphs C, D, F, G and H. The

computation of the retirement allowance shall be based upon the member's average final compensation as defined in section 1001, subsection 3.

Effective July 25, 1984.

CHAPTER 752

H.P. 1667 - L.D. 2207

AN ACT to Provide Medicaid Reimbursement for Substance Abuse Services.

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

Sec. 1. 22 MRSA §3173-D is enacted to read:

§3173-D. Reimbursement for alcoholism and drug dependency treatment

The department shall provide reimbursement, to the maximum extent allowable, under the United States Social Security Act, Title XIX, for alcoholism and drug dependency treatment. Treatment shall include, but need not be limited to, residential treatment and outpatient care as defined in Title 24-A, section 2842.

Sec. 2. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

1984-85

HUMAN SERVICES,
DEPARTMENT OF

Medical Care, Payments to Providers

All Other \$42,808

Sec. 3. Effective date. This Act shall take effect on January 1, 1985.

Effective January 1, 1985.