

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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shall consult with and seek the advice of the following organizations or parties:

1. The Department of Inland Fisheries and Wildlife;
2. The Department of Environmental Protection;
3. The Department of Marine Resources;
4. The Maine Municipal Association;
5. The Maine Harbor Master Association;
6. The United States Army Corp. of Engineers;
7. The Environmental Protection Agency;
8. The United States Coast Guard;
9. The Maine Marine Industries Association;
10. The Marine Resources Advisory Council;
11. Private boating interests, both resident and nonresident; and
12. The Department of the Attorney General.

The study shall cover all major points of view expressed by those organizations or parties and how they were reconciled in reaching the study's conclusions. Agencies disagreeing with the recommended legislation shall be invited by the Department of Conservation to submit minority reports and legislation. The study with supporting legislation shall be reported to the Legislature by January 1, 1987.

**Sec. 4. Repeal.** All sections of this Act shall be repealed on April 1, 1987.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 15, 1986.

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## CHAPTER 693

H.P. 1567 - L.D. 2217

AN ACT to Implement Certain Recommendations  
of the State Compensation Commission.

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

**Sec. 1.** 2 MRSA §1, last ¶, as amended by PL 1983, c. 477, Pt. E, sub-pt. 24, §§1 and 2, is repealed and the following enacted in its place:

Until the first Wednesday of January 1987, the Governor shall receive an annual salary of \$35,000. Beginning the first Wednesday of January 1987, the Governor shall receive an annual salary of \$70,000.

The annual salary of the Governor shall be reviewed in the 3rd year of each gubernatorial term in office by the State Compensation Commission.

**Sec. 2.** 2 MRSA §6-A, sub-§1, as amended by PL 1983, c. 863, Pt. B, §§1 and 45, is further amended to read:

1. Chairman. The salary of the chairman of the commission shall be \$48,400 within salary range 91, step G, for fiscal year 1987; and salary range 91, step H, for fiscal year 1988, and annually thereafter.

**Sec. 3.** 2 MRSA §6-A, sub-§2, as amended by PL 1983, c. 863, Pt. B, §§2 and 45, is further amended to read:

2. Commission members. The salary of members of the commission shall be \$46,800 within salary range 90, step G, for fiscal year 1987; and salary range 90, step H, for fiscal year 1988, and annually thereafter.

**Sec. 4.** 2 MRSA §7, sub-§2, ¶¶A and B, as enacted by PL 1983, c. 863, Pt. B, §§4 and 45, are amended to read:

A. For the chairman, \$46,210 a salary within salary range 91, step G, for fiscal year 1987; and a salary within salary range 91, step H, for fiscal year 1988; and annually thereafter;

B. For the members, \$45,030 a salary within salary range 90, step G, for fiscal year 1987; and a salary within salary range 90, step H, for fiscal year 1988; and annually thereafter.

**Sec. 5.** 3 MRSA §2, as amended by PL 1985, c. 166, is further amended to read:

§2. Salary, expenses and travel of Members of the Legislature and representatives of Indian tribes

Each member of the Senate and House of Representatives, beginning with the first Wednesday of December, 1984 and thereafter, shall receive ~~\$7,500~~ \$9,000 in the first year and ~~\$4,000~~ \$6,000 in the 2nd year of each biennium, and shall be paid for travel at each legislative session once each week at the same rate per mile to and from his place of abode as state employees receive, the mileage to be determined by the most reasonable direct route, except that Legislators may be reimbursed for tolls paid for travel on the Maine Turnpike provided they have a receipt for payment of the tolls, such tolls to be reimbursed where Legislators use the Maine Turnpike in traveling to and from sessions of the Legislature or in performance of duly authorized committee assignments. Each Legislator is entitled to mileage on the first day of the session, and such amounts of his salary and expenses at such times as the Legislature may determine during the session, and the balance at the end thereof.

The first regular session of the Legislature, after its convening, shall adjourn no later than the 3rd Wednesday in June and the 2nd regular session of the Legislature shall adjourn no later than the 3rd Wednesday in April. The Legislature, in case of emergency, may by a vote of 2/3 of the members of each House present and voting, extend the date for adjournment for the first or 2nd regular session by no more than 5 legislative days, and in case of further emergency, may by a vote of 2/3 of the members of each House present and voting, further extend the date for adjournment by 5 additional legislative days. The times for adjournment for the first and 2nd regular sessions may also be extended for one additional legislative day for the purpose of considering possible objections of the Governor to any bill or resolution presented to him by the Legislature under the Constitution, Article IV, Part Third, Section 2.

Each member of the Senate and House of Representatives shall be entitled to a meal allowance in the amount of \$26 and a housing allowance in the amount of ~~\$24~~ \$34 for each day in attendance at sessions of the Legislature and for each day he occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature. In lieu of the meal and housing allowance, each member shall be entitled to a daily meal allowance in the amount of \$26 and actual daily mileage allowances in an amount up to but not exceeding ~~\$24~~ \$34 per day. Each member

shall also receive an annual allowance for constituent services in the amount of \$330 \$500.

Each member of the Senate and House of Representatives shall be reimbursed for actual regular airfare expenses from his place of abode to Augusta for one trip each week when the Legislature is in regular session and, when the Legislature is not in regular session, for days when meetings or daily sessions are held, provided that: The distance from his place of abode to Augusta is more than 150 miles, the mileage is determined by the most reasonable direct route and reimbursement will be capped at commercial flight rate.

The President of the Senate and the Speaker of the House of Representatives shall receive an additional 50% above regular compensation, the majority and minority leaders of the Senate and House of Representatives shall receive an additional 25% above regular compensation and the assistant majority and minority leaders of the Senate and House of Representatives shall receive an additional 12 1/2% above regular compensation.

In addition to the salary paid for the first and 2nd regular sessions of the Legislature, when a special session is called, the members of the Senate and House of Representatives shall each be paid \$50 \$55 for every day's attendance, expenses and mileage as aforesaid.

No additional expenses shall may be paid to Legislators from the Legislative Account unless authorized by the President of the Senate or Speaker of the House of Representatives during any regular session.

The member of the Penobscot Indian Tribe and the member of the Passamaquoddy Indian Tribe elected to represent his tribe at the Legislature shall receive a compensation of \$77 \$100 for each day's attendance during the first and 2nd regular sessions and allowance for meals, constituent service, housing and travel expenses as any other member of the Senate and House of Representatives for attendance at each legislative session. For the duration of any special session of the Legislature, they shall receive the same allowances, including housing, meal and travel expenses, as any other member of the Senate and House of Representatives.

The President of the Senate or the Speaker of the House shall, at all times, whether the Legislature be

in session or not, have the authority to approve accounts and vouchers for payment.

The President of the Senate, the Speaker of the House of Representatives, the floor leaders and their assistants and members of a committee, with the approval of the President of the Senate or the Speaker of the House as to members of a committee, may also meet on days when the Legislature is not in daily session at any convenient location within the State. Each member of the Senate and House of Representatives shall receive \$50 ~~\$55~~ for every day's attendance when meetings or daily sessions are held, a meal allowance in the amount of \$26 and a housing allowance ~~in the amount of \$24~~ whereby actual lodging expenses will be reimbursed at the single-room rate, provided that a receipt is submitted to the Executive Director of the Legislative Council for each day in attendance at such meetings or daily sessions and for each day he occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature and actual daily mileage allowances which shall be paid at the same rate paid to state employees. In lieu of the meal and housing allowance, each member shall be entitled to a daily meal allowance in the amount of \$26 and actual daily mileage allowances.

The expenses of members of the Legislature traveling outside the State shall be reimbursed for their actual expenses provided that the expense vouchers are approved by the President of the Senate or the Speaker of the House of Representatives.

If a member of the Legislature dies or otherwise vacates the office, the successor is entitled to a salary from the date of seating, computed as follows: ~~One-hundred-and-fifty~~ One hundred and eighty dollars per week times the number of weeks remaining in the calendar year if the vacancy occurs in the first year and ~~\$80~~ \$120 per week for the number of weeks remaining in the calendar year if the vacancy occurs in the 2nd year.

**Sec. 6.** 3 MRSA §2-A, sub-§1, as amended by PL 1983, c. 812, §2 and c. 853, Pt. D, §§1 and 2, is repealed and the following enacted in its place:

1. State Compensation Commission established. There is established the State Compensation Commission, to consist of 5 members appointed in January of every odd-numbered year as follows: Two members shall be appointed by the President of the Senate; 2



members shall be appointed by the Speaker of the House; and one member shall be appointed by a majority of the preceding 4 commissioners and shall serve as chairman of the commission. The 5 members shall be residents of the State, appointed from the public. No one may be appointed who is a Legislator at the time of his appointment.

All members shall be appointed for terms to coincide with the legislative biennium. Vacancies shall be filled in the same manner as the original appointments for the balance of the unexpired term. The commission shall be appointed in January at the First Regular Session of each Legislature.

The commission may request staff support from the Legislative Council.

The members of the commission shall be compensated as authorized by Title 5, chapter 379.

Sec. 7. 3 MRSA §2-A, sub-§2, as amended by PL 1983, c. 853, Pt. D, §§1 and 2, is further amended to read:

2. Duties of commission. Not later than May 1st of every odd-numbered year and January 15th of every even-numbered year, the commission shall submit to the Legislature an interim report of the commission and not later than November 15th of every even-numbered year, a final report of the commission. The reports shall contain: A description of the commission's activities; the recommendations of the commission; the reasons for its recommendations; drafts of any legislation required to implement its recommendations; and any other material that commission members may wish to submit.

Prior to reporting as required in this subsection, and subsequent to giving public notice, the commission shall hold a public hearing on the report. Subsequent to reporting, the commission shall meet, if requested, with the Governor, the Legislative Council and legislative committees to discuss the report.

The report shall contain recommendations for: All compensation of the Governor, justices and judges, constitutional officers, Legislators, Clerk and Assistant Clerk of the House of Representatives, Secretary and Assistant Secretary of the Senate and representatives of Indian tribes, including, but not limited to, all payments for salaries, meals, housing, travel, mileage, constituent services and all other expenses and allowances, including additional pay-

ments made for additional services by any justice, judge, constitutional officer, President of the Senate, Speaker of the House of Representatives and members of legislative leadership. As established in Title 2, section 1, in the 3rd year of each gubernatorial term of office, the report shall contain a recommendation for all compensation of the Governor. The report may contain other recommendations.

**Sec. 8. 4 MRSA §1302, sub-§3, ¶C,** as amended by PL 1983, c. 863, Pt. B, §§19 and 45, is repealed.

**Sec. 9. 4 MRSA §1351, sub-§§1 and 3,** as amended by PL 1983, c. 863, Pt. B, §§22 and 45, are further amended to read:

1. Age 60. Any member may retire on or after his 60th birthday if he has at least 10 years of creditable service ~~as-a-judge~~;

3. Early retirement. Any member who has completed at least 25 years of creditable service, ~~as-a-judge~~, may retire any time before his 60th birthday. The retirement allowance shall be determined in accordance with section 1352, except that it shall be reduced by multiplying the retirement allowance by a fraction which represents the ratio of the amount of a life annuity due at age 60 to the amount of a life annuity due at the age of retirement. The tables of annuities in effect at the date of retirement shall be used for this purpose.

**Sec. 10. 4 MRSA §1352, sub-§4,** as repealed and replaced by PL 1983, c. 863, Pt. B, §§24 and 45, is repealed and the following enacted in its place:

4. Minimum benefit. Each judge in service on December 1, 1984, who is 50 years of age or older on that date shall be entitled to a minimum benefit equal to 75% of the salary as of June 30, 1984, for the position from which the judge retired, increased by 6% compounded annually, for each year or part of a year served subsequent to June 30, 1984, up to and including June 30, 1989. The total shall be increased by an amount equal to the cost-of-living factor granted the previous September, as determined pursuant to section 1358, compounded annually.

**Sec. 11. 4 MRSA §1358,** as amended by PL 1983, c. 863, Pt. B, §§36 and 45, is repealed and the following enacted in its place:

§1358. Cost-of-living and other adjustments

1. Cost-of-living adjustments. Except as provided in subsection 2, paragraph A, retirement allowances under this chapter shall be adjusted as follows.

A. The board shall automatically adjust allowances, beginning in September 1985, and each September thereafter, by any percentage change in the Consumer Price Index from July 1st to June 30th, but only to a maximum annual increase or decrease of 4%. The board shall determine the cost of these adjustments and shall include them in its budget requests, if necessary.

B. Whenever the annual percentage change in the Consumer Price Index from July 1st to June 30th exceeds 4%, the board shall adjust allowances as set out in paragraph A and shall report the adjustment and the actual increase or decrease in the Consumer Price Index to the Legislature during February of the following year.

C. Adjustments under this section shall be applied to the allowances of all retirees who have been retired for at least 6 months before the adjustment takes effect. Beneficiaries of deceased retirees shall be eligible for the adjustment provided in this section at the same time the deceased retiree would have been eligible.

D. The amount of a retirement allowance payable under this chapter shall not be less than the retiree received on the effective date of his retirement.

2. Retirement allowances. Retirement allowances under section 1352, subsection 4.

A. Beginning in July 1985, and each July thereafter, through July 1989, retirement allowances under section 1352, subsection 4, shall be increased by 6% compounded annually.

B. Beginning in September 1990, and each September thereafter, retirement allowances under section 1352, subsection 4, shall be adjusted as provided in subsection 1.

Sec. 12. 5 MRSA §285, sub-§7, as repealed and replaced by PL 1981, c. 270, §1, is amended to read:

7. Payment by State. Except as otherwise provided in this subsection, the State, through the board of trustees, shall pay 100% of only the

employee's share of this insurance, except for Legislators where the State shall pay 50% of the Legislators' health insurance premium for dependent coverage. For any person appointed to a position after November 1, 1981, who is employed less than full time, the State shall pay a share of the employee's share reduced pro rata to reflect the reduced number of work hours.

**Sec. 13. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1986-87

EXECUTIVE DEPARTMENT

Administration - Executive	
- Governor's Office	
Personal Services	\$10,000
Provides funds for salary increase to the Governor effective the first Wednesday in January of 1987.	

LEGISLATURE

Legislature	
Personal Services	\$369,813
All Other	276,360
Total	<u>\$646,173</u>
Provides funds for salary and legislative expense increases to be effective in fiscal year 1987. Of the amount appropriated in the Personal Services line item, \$35,000 is to be used to reduce Legislators' health insurance premiums for dependent coverage from 100% to 50%.	

PUBLIC UTILITIES COMMISSION

Public Utilities Commission	
Administration	
Personal Services	\$13,980
Provides funds for salary increases for the chairman and commissioners of the Public Utilities Com-	

1986-87

mission. Also provides funds for the retirement costs associated with that salary increase.

WORKERS' COMPENSATION  
COMMISSION

Personal Services \$58,340

Provides funds for salary increases for the chairman and commissioners of the Workers' Compensation Commission. Also provides funds for the retirement costs associated with that salary increase. All funds not used for these purposes shall lapse to the General Fund.

TOTAL APPROPRIATION \$728,493

Sec. 14. Effective dates. Sections 2, 3 and 4 of this Act shall be effective on July 1, 1986. All other sections of this Act shall be effective 90 days after adjournment of the Legislature.

Effective July 16, 1986, unless otherwise indicated.

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**CHAPTER 694**

H.P. 1643 - L.D. 2316

**AN ACT to Require Motorcycle Driver Education  
for First-time Operators of  
Motorcycles.**

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

Sec. 1. 29 MRSA §249, as amended by PL 1981, c. 492, Pt. E, §12, is further amended to read:

§249. Motorcycles

The annual fees for the registration of motorcy-