

# 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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## CHAPTER 790

H.P. 1528 - L.D. 2157

### AN ACT to Grandfather Current Employees Regarding the Purchase of Military Service Time.

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

5 MRSA §1094, sub-§13, as amended by PL 1985, c. 365, §7, and as repealed and replaced by PL 1985, c. 502, is repealed and the following enacted in its place:

13. Military service credit. Military service shall be credited as follows:

A. Anything to the contrary notwithstanding, military service shall be credited to all state employees for full-time active duty as a member of the Armed Forces of the United States who are unable to otherwise qualify for military service credits. A state employee shall be entitled to this credit only if at point of retirement he shall have at least 15 years of creditable service in the State Retirement System. The member shall contribute to the retirement system, for each year of military service claimed, that percentage of contribution required of active members during the period of time covered by the military service applied to the earnable compensation paid that member during the first year of state employment subsequent to service in the Armed Forces of the United States, together with interest at 2% greater than regular interest from January 1, 1976, or the date of attaining 15 years of creditable service, if later, to the date of payment; 5% shall be the minimum rate of contribution. In the event 2 or more percentages of contribution were in effect during the period of military service, the greatest percentage of contribution shall govern. Credit for military service under this subsection shall be limited to 4 years. Credit shall be available to those persons who were separated under conditions other than dishonorable from the Armed Forces of the United States.

A local district may elect, with regard to special retirement plans under section 1092, subsection 3, and section 1121, subsections 4, 8 and 9, that military service credits under this subsec-

tion shall only apply to additional retirement benefits under section 1092, subsection 3-A, and shall not apply to age or service requirements of retirement. 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.

It is the intent that these provisions shall apply to all persons, active or retired, but that for those already retired the effective date of any adjustment shall be not earlier than that date on which the time or credit is certified to the Maine State Retirement System. This paragraph shall not apply to any member who begins membership on or after January 1, 1976; and

B. Any member not entitled to receive military service credit pursuant to paragraph A or section 1091, subsection 6, who served on full-time active duty as a member of the Armed Forces of the United States at any time from August 5, 1964, to May 7, 1975, and was separated under conditions other than dishonorable, may be granted creditable service for that military service. Credit for military service under this paragraph shall be limited to 4 years. A member shall be entitled to this credit only, if at point of retirement, he shall have at least 15 years of membership service and is unable to qualify for military service credits or benefits from any other retirement plan, according to the rules established by the board of trustees. The member shall contribute to the retirement system for the period of military service at the rate prescribed by section 1095 applied to his earnings during the 12 months preceding the month in which he pays or begins payment of the required contributions. Interest at a rate not to exceed regular interest by more than 5 percentage points as set by the board shall be paid on the unpaid balance from the first day of the month in which the member begins payment to the date payment is completed. A participating local district that has adopted paragraph A as part of its plan may adopt this paragraph as part of its plan and may elect, with regard to special retirement plans under section 1092, subsection 3, and section 1121, subsections 4, 8 and 9, that military service credit under this subsection shall apply only to additional retirement benefits under section 1092, subsection 3-A, and shall not apply to service requirements of retirement. Nothing in this paragraph may be construed to affect in any way

the rights of public employees to bargain collectively for terms and conditions of employment. This paragraph shall not apply to any member who begins membership after December 31, 1987.

Effective July 16, 1986.

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## CHAPTER 791

S.P. 918 - L.D. 2292

### AN ACT to Provide a Periodic Cost-of-living Adjustment in the State Reimbursement to Boarding Care Facilities.

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

Sec. 1. 22 MRSA §7907, as enacted by PL 1977, c. 708, §1, is repealed and the following enacted in its place:

§7907. Boarding care payments

Except as otherwise provided in section 7906, the department shall:

1. Adult foster homes. Reimburse all approved adult foster homes at a rate of at least \$225 per month; and

2. Boarding care facilities. Reimburse all boarding care facilities of 6 or fewer beds, except as provided in section 7906, on a flat rate basis, which rate shall be increased effective as of July 1, 1986, and on January 1st of each year after 1986 by the estimated percentage increase in the cost of goods and services purchased by health care facilities during the prior year, as published by Data Resources, Inc.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1986-87

HUMAN SERVICES, DEPARTMENT OF

Bureau of Income Maintenance