

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

CHAPTER 255

H.P. 1241 — L.D. 1693

AN ACT to Remove Statutory Protection for Those who Sexually Assault Voluntary Social Companions.

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

Sec. 1. 17-A MRSA §252, sub-§3, as amended by PL 1985, c. 414, §1, is repealed and the following enacted in its place:

3. Rape is a Class A crime.

Sec. 2. 17-A MRSA §253, sub-§4, as repealed and replaced by PL 1985, c. 544, is repealed and the following enacted in its place:

4. Violation of subsection 1 is a Class A crime.

Effective September 29, 1987.

CHAPTER 256

H.P. 1291 — L.D. 1769

AN ACT to Amend the Laws Relating to the Maine State Retirement System.

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

Sec. 1. 5 MRSA §17001, sub-§11, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

11. Department. "Department" means any department, commission, institution or agency of State Government including the Maine Vocational-Technical Institute System.

Sec. 2. 5 MRSA §17001, sub-§20, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

20. Member. "Member" means any employee person included in the membership of the retirement system, as provided in chapter 423, subchapter II, or chapter 425, subchapter II.

Sec. 3. 5 MRSA §17001, sub-§40, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

40. State employee. "State employee" means any regular classified or unclassified officer or employee in a department and any employee of the Maine Vocational-Technical Institute System, but does not include:

A. A judge, as defined in Title 4, section 1201 or 1301,

who is now or later may be entitled to retirement benefits under Title 4, chapter 27 or 29;

B. A member of the State Police who is now entitled to retirement benefits under Title 25, chapter 195; or

C. A Legislator who is now or later may be entitled to retirement benefits under Title 3, chapter 29.

Sec. 4. 5 MRSA §17102, sub-§1, ¶¶B and C, as enacted by PL 1985, c. 801, §§5 and 7, are repealed and the following enacted in their place:

B. A person who is a member of the retirement system through employment as a teacher and who is duly elected by the Maine Teachers' Association;

C. A person who is a member of the retirement system through employment as a state employee and who is duly elected by the Maine State Employees' Association;

Sec. 5. 5 MRSA §17154, sub-§8 is enacted to read:

8. Transfers among funds. When considered necessary by the executive director for the efficient administration of the retirement system, he may make transfers among the various funds of the system set forth in this subchapter in accordance with accepted accounting and actuarial principles.

Sec. 5-A. 5 MRSA §17205, as enacted by PL 1985, c. 801, §§5 and 7, is repealed.

Sec. 6. 5 MRSA §17705, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

§17705. Refund of contributions

If the service of any member has terminated, except by death or by retirement under this Part, the member shall be paid the amount of his accumulated contributions, under the following conditions.

1. Ten or more years of service. If the member has 10 or more years of creditable service at the time he terminates service, he must have properly applied for a refund of contributions. Refunds of contributions are governed as follows.

A. Payment shall be made after termination of service and not less than 22 days nor more than 37 days after receipt of the application and receipt of the last payroll upon which the name of the member appears, whichever occurs later.

B. An application for refund is void if the member filing the application returns to service as a state employee or teacher before issuance of the payment.

C. Only contributions made by a particular member may be refunded to that member under this section.