

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

CHAPTER 458

S.P. 617 — L.D. 1818

AN ACT to Amend the State Retirement Laws.

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

Sec. 1. 5 MRSA §17906, sub-§2, ¶B, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

B. Disability retirement benefits shall be calculated as follows:

(1) The initial disability retirement benefit shall be reduced if necessary so that the benefit plus any benefits under paragraph A do not exceed 80% of the beneficiary's average final compensation;

(2) Subsequent cost-of-living adjustments applied to any benefit listed under paragraph A shall be excluded from the calculations under subparagraph (1);

(3) Adjustments under section 17806 shall be applied to that portion of disability retirement benefits calculated under subparagraph (1); and

(4) If a beneficiary receives a benefit under paragraph C, the 80% limit under subparagraph (1) shall not include adjustments under section 17806.

Sec. 2. 5 MRSA §18506, sub-§2, ¶B, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

B. Disability retirement benefits shall be calculated as follows:

(1) The initial disability retirement benefit shall be reduced if necessary so that the benefit plus any benefits under paragraph A do not exceed 80% of the beneficiary's average final compensation;

(2) Subsequent cost-of-living adjustments applied to any benefit listed under paragraph A shall be excluded from the calculations under subparagraph (1);

(3) Adjustments under section 18407 shall be applied to that portion of disability retirement benefits calculated under subparagraph (1); and

(4) If a beneficiary receives a benefit under paragraph C, the 80% limit under subparagraph (1) shall not include adjustments under section 18407.

Sec. 3. PL 1987, c. 256, is amended by adding after section 47 the following:

Sec. 48. Transition. The Maine Revised Statutes,

Title 5, section 18061, subsection 2, paragraph A, as amended by this Act, shall apply to all persons retiring on or after January 1, 1987.

Effective September 29, 1987.

CHAPTER 459

H.P. 596 — L.D. 807

AN ACT to Fund the Cleanup of Fish Kills in the Coastal Waters.

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

12 MRSA §6132, as enacted by PL 1985, c. 786, is amended to read:

§6132. Natural Fish Die-off Clean-up Program

Upon the request of any affected municipality, the Department of Marine Resources shall assess the extent and severity of public nuisance and potential threats to public health posed by natural fish die-offs. The department shall provide technical advice and, subject to the limits of available funding, financial assistance to the affected municipalities in the conduct of any cleanup or other mitigating measures.

Effective September 29, 1987.

CHAPTER 460

H.P. 300 — L.D. 386

AN ACT Relating to the State Board of Arbitration and Conciliation.

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

Sec. 1. 5 MRSA §12004, sub-§3, ¶A, as amended by PL 1985, c. 785, Pt. B, §39, is further amended to read:

A. This classification includes the following boards:

	NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
(1)	State Board of Arbitration and Conciliation	\$50/Day \$75/Day	26 MRSA §911 §931
(2)	Panel of Mediators	\$75/Day	26 MRSA §892
(3)	State Civil Service Appeals Board	\$50/Day	5 MRSA §7081
(4)	Maine Agricultural Bargaining Board	\$50/Day	13 MRSA §1956

Sec. 2. 26 MRSA §931, first ¶, as enacted by PL 1985, c. 294, §§2 and 3, is amended to read:

The State Board of Arbitration and Conciliation, in this subchapter called the "board," shall consist of 3 members appointed by the Governor, from time to time upon the expiration of the terms of the several members, for terms of 3 years. One member shall be an employer of labor or selected from some association representing employers of labor, and another shall be an employee or selected from some bona fide trade or labor union. The 3rd member shall be chairman of the board and shall represent the public interests of the State. Vacancies occurring during a term shall be filled for the unexpired term. Members of the board shall each receive \$50 \$75 a day for their services for the time actually employed in the discharge of their official duties. They shall receive their traveling and all other necessary expenses. The costs for services rendered and expenses incurred by the State Board of Arbitration and Conciliation shall be paid by the State from an appropriation for the board which shall be included in the budget of the Maine Labor Relations Board. Authorization for services rendered and expenditures incurred by the State Board of Arbitration and Conciliation shall be the responsibility of the Executive Director of the Maine Labor Relations Board who shall, annually, on or before July 1st, make a report of the activities of the State Board of Arbitration and Conciliation to the Governor. The board shall from time to time make rules of procedure as it deems necessary.

Effective September 29, 1987.

CHAPTER 461

H.P. 249 — L.D. 322

AN ACT to Allow Reasonable Attorneys Fees for Court Appointed Counsel on Appeals by the State to any Federal Court.

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

15 MRSA §2115-A, sub-§9 is enacted to read:

9. Appeals to Federal Court; fees and costs. The Law Court shall allow reasonable attorneys fees for court appointed counsel when the State appeals a judgment to any Federal Court or to the United States Supreme Court on certiorari. Any fees allowed pursuant to this subsection shall be paid out of the accounts of the Judicial Department.

Effective September 29, 1987.

CHAPTER 462

H.P. 248 — L.D. 321

AN ACT to Open Maine Libraries to Modern Information Technology.

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

27 MRSA §39 is enacted to read:

§39. Statewide Library Information System

1. Statement of policy. The Legislature declares that it is the policy of the State that cooperation among Maine libraries of all types should be fostered and encouraged. The sharing of library holdings enriches the economic, educational and cultural life of each Maine community. Citizen access to materials purchased with public dollars requires that materials be identifiable by title and physical location. It is in the public interest that the Maine State Library Bureau promote and assist access by recording the holdings of Maine libraries in a form accessible by modern information technology. In this way, the educational and informational resources of the State will be available to every citizen.

2. Legislative intent. Recognizing the value of broad citizen access to library materials and recognizing that automated records are essential to the use of technology, the State assigns to the Maine State Library Bureau the responsibility of collecting the holding records of libraries throughout Maine and making them accessible in machine-readable form. It is the State's intent that these records be shared with any citizen or library on request. It is the intent of the Legislature to provide the Maine State Library Bureau with the resources necessary to carry out this section.

Effective September 29, 1987.

CHAPTER 463

H.P. 196 — L.D. 248

AN ACT Concerning the Calculation of the Insured Value Factor in Public Tuition Payments to Private Schools.

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

20-A MRSA §5806, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. Maximum allowable tuition. The maximum allowable tuition charged to a school administrative unit by a private school shall be the rate established under subsection 1 or the state average per public secondary stu-