

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Sec. 103. 39 MRSA §64-C, first ¶, as amended by PL 1975, c. 480, §10, is further amended to read:

If any person had been an active member of a municipal fire department or of a volunteer fire fighters' association, as defined in Title 30, ~~section 3771~~ 30-A, section 3151, for at least 2 years prior to a cardiovascular injury or the onset of a cardiovascular disease or pulmonary disease and provided that the person had developed the disease or had suffered the injury which resulted in death within 6 months of having participated in fire fighting or training or drill which actually involves fire fighting, there shall be a rebuttable presumption that the person received the injury or disease arising out of and in the course of his employment, that sufficient notice of the injury or disease was given, and that the injury or disease was not occasioned by the willful intention of the employee to injure himself or another.

Sec. 104. Transition clause. The following provisions apply to the transition from the Maine Revised Statutes, Title 30 to Title 30-A.

1. **Personnel.** This Act does not affect the term or appointment of any officer, official, employee or other personnel of any county, municipality, plantation, village, quasi-municipal corporation or any state agency, department or board governed by the Maine Revised Statutes, Title 30-A.

2. **Agreements, leases, contracts, authorizations or bonds.** All agreements, leases, contracts, authorizations, notes or bonds issued under the Maine Revised Statutes, Title 30, before the effective date of this Act shall continue to be valid under the terms of issuance until they expire or are rescinded, amended or revoked.

3. **Ordinances, rules and regulations.** All ordinances, rules and regulations enacted or adopted by any county, municipality, plantation, village, quasi-municipal corporation or any state agency, department or board under the authority of the Maine Revised Statutes, Title 30, shall continue in force until they are repealed, rescinded, amended or revoked.

4. **Dedicated revenues.** This Act shall not be construed to change the status of any dedicated revenues. All dedicated revenues existing prior to this Act shall not lapse because of this Act, but shall be transferred to the funds of the same name which are created by this Act.

Sec. 105. Legislative intent. It is the intent of the Legislature that this Act shall be considered a revision of certain laws governing state and local government and shall not in any way be considered to change or revise the meaning or intent of those laws.

Sec. 106. Effective date. This Act shall take effect on March 1, 1989.

Effective March 1, 1989.

CHAPTER 738

H.P. 1887 — L.D. 2582

AN ACT to Increase the Minimum Wage.

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

Sec. 1. 26 MRSA §664, first ¶, as amended by PL 1985, c. 76, §2, is further amended to read:

By reason of the declaration of policy set forth in section 661 and in the protection of the industry or business and in the enhancement of public interest, health, safety and welfare, it is declared unlawful for any employer to employ any employee, except as otherwise provided in this subchapter, at the rate of less than ~~\$3.45 per hour starting on January 1, 1985, and \$3.55 per hour starting on January 1, 1986, and \$3.65 per hour starting on January 1, 1987 and \$3.75 per hour starting January 1, 1989 and \$3.85 per hour starting January 1, 1990, but in no case may the minimum hourly wage exceed the average minimum hourly wage of the 5 other New England states;~~ or to require any employee to work more than 40 hours in one week, unless 1 1/2 times the regular hourly rate is paid for all work done over 40 hours in any one week; and whenever the highest federal minimum wage is increased in excess of ~~\$3.55 per hour~~, the minimum wage established under this section, the minimum wage shall be increased to the same amount, effective on the same date as the increase in the highest federal minimum wage, but in no case shall the minimum wage exceed \$4 \$5 per hour. The overtime provision of this section shall not apply to seamen, the canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of herring as sardines, of perishable foods, of agricultural produce and meat and fish products, nor to the canning of perishable goods, nor to hotels, motels, restaurants and other eating establishments, public employees, nor to automobile mechanics or automobile salesmen.

Sec. 2. 26 MRSA §664, 2nd ¶, as amended by PL 1985, c. 576, is further amended to read:

In determining the wage of a service employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of ~~\$1.54 in 1986, and \$1.64 per hour beginning on January 1, 1987, and \$1.74 per hour starting January 1, 1989 and, starting January 1, 1990, at the minimum hourly wage set forth in this section, minus \$2.01 per hour;~~ except that in the case of an employee who, either himself or acting through his representative, shows to the satisfaction of the director that the actual amount of tips received by him was less than the amount determined by the employer as the amount by which the wage paid him was deemed to be increased, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

HUMAN SERVICES,
DEPARTMENT OF

Supplemental Security Income

All Other \$72,177

Provides funds to reimburse boarding homes for increased wages.

Effective August 4, 1988.

CHAPTER 739

S.P. 977 — L.D. 2595

AN ACT to Provide for Payment of Contributions by Employers Under the Maine State Retirement System.

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

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

1. Accumulated contributions. “Accumulated contributions” means the sum of all the amounts contributed by the member or picked up by the employer from the compensation of a member and credited to a the member’s individual account in the Members’ Contribution Fund, plus regular interest on the member’s account, as provided in subchapter IV, article 2.

Sec. 2. 5 MRSA §17001, sub-§13, ¶A, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. “Earnable compensation” includes:

- (1) Workers’ compensation benefits;
- (2) Maintenance, if any; and
- (3) Any money paid by an employer under an annuity contract for the future benefit of an employee; and
- (4) Pick-up contributions.

Sec. 3. 5 MRSA §17001, sub-§28-A is enacted to read:

28-A. Pick-up contributions. “Pick-up contributions” means member contributions to the retirement system which are assumed and paid by the employer through a reduction of members’ salaries for services rendered, in accordance with the United States Internal Revenue

Code, Section 414(h), in lieu of employee contributions.

Sec. 4. 5 MRSA §17054, first ¶, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

The right of a person to a retirement allowance, the retirement allowance itself, the refund of a person’s accumulated contributions, any death benefit, any other right accrued or accruing to any person under this Part and the money in the various funds created by this Part may not be subject to execution, garnishment, attachment or any other process and shall be unassignable except that:

Sec. 5. 5 MRSA §17154, sub-§§5 and 6, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

5. Payment of employer charges for state employees. For state employees, on every payroll from which retirement contributions are deducted or picked up, the State Controller shall cause a charge to be made to each department of the State in order to pay employer costs.

A. The charge shall be a percentage, to be predetermined by the actuary and approved by the board, of the total gross salaries earnable compensation of members appearing on the payroll of each department.

B. The amount or amounts shall be credited to the appropriate funds as listed in this subchapter.

6. Payment of employer charges for teachers. For teachers, percentage rates to be predetermined by the actuary and approved by the board shall be applied to the total gross salaries earnable compensation of members covering the most recent school year preceding the preparation of the biennial budget.

A. The resulting amount shall be appropriated and credited to the appropriate funds.

B. Notwithstanding this section, the employer retirement costs related to the retirement system applicable to those teachers whose funding is provided from federal grants or through federal reimbursement shall be paid by local school systems from those federal funds.

Sec. 6. 5 MRSA §17158, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

§17158. Full funding

Upon full funding of the accrued unfunded reserves of the Maine State Retirement System, the board of trustees may reduce employer contributions to the level required to maintain proper funding of earned benefits. The board of trustees may also seek legislative action to reduce employee contributions or pick-up contributions established by this Part.

Sec. 7. 5 MRSA §17203, sub-§§3 and 4, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read: