

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 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
1989

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

come due immediately; and

Whereas, it is the responsibility of the Legislature to act upon those portions of tentative collective bargaining agreements negotiated by the Executive Branch on behalf of Maine Vocational-Technical Institute System employees which require legislative action; and

Whereas, the Governor and the Legislature also share a desire to address the needs of certain Maine Vocational-Technical Institute System employees excluded from collective bargaining units on a timely basis; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Lump sum payments. The 4% lump sum payments to be provided to confidential and bargaining unit employees of the Maine Vocational-Technical Institute System pursuant to Private and Special Law 1987, chapter 23, shall not be considered to be earnable compensation under the Maine State Retirement System, except as follows. With respect to any lump sum payment made pursuant to Private and Special Law 1987, chapter 23, an employee of the Vocational-Technical Institute System who retires within 3 years of July 1, 1986, may pay to the Maine State Retirement System the amount of the employer's and the employee's contributions established by the Maine Revised Statutes, Title 5, sections 17154, 17701 and 17702, which would be payable on the 4% sum if it were earnable compensation. Upon payment of these amounts, in accordance with the rules established by the Board of Trustees of the Maine State Retirement System, the employee shall be entitled to consideration of the 4% sum for purposes of average final compensation.

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

Effective June 24, 1987.

CHAPTER 46

S.P. 607 — L.D. 1797

AN ACT to Provide for a Comprehensive Study of the Feasibility of Providing Detention Facility Services for Aroostook County by Private Contract.

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

Aroostook County Detention Facility Study Committee. An Aroostook County Detention Facility Study

Committee shall be composed of the following members: Two Senators appointed by the President of the Senate; 5 Representatives to be appointed by the Speaker of the House; one Aroostook County Commissioner and 3 members of the public appointed jointly by the President of the Senate and Speaker of the House; the Aroostook County Sheriff, or his designee, and the District Attorney serving Aroostook County, or his designee.

The chairman shall be designated from among the membership jointly by the President of the Senate and the Speaker of the House.

The appointing authorities shall notify the Executive Director of the Legislative Council of the appointments.

The members may meet in Aroostook County. They shall be compensated for actual expenses from the county contingency fund.

The committee shall undertake a comprehensive study of the feasibility and practicality of providing detention facility services for Aroostook County by private contract, including: The scope and nature of services to be provided; the cost and methods of funding; the necessary revisions of law or rule required; the methods of reviewing, administering and accounting for these services and the source, means and amount of funding.

The committee may make recommendations to the county delegation.

Effective September 29, 1987.

CHAPTER 47

S.P. 320 — L.D. 949

AN ACT to Provide Funds for the Maine State Police Publication and Continuing Education.

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

Sec. 1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1987-88 1988-89

PUBLIC SAFETY, DEPARTMENT OF

State Police

All Other

\$1,250 \$1,250

Provides a 25% General Fund match to produce Maine State Police publication, to include new laws, and for continuing education.

Sec. 2. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1987-88 1988-89

PUBLIC SAFETY, DEPARTMENT OF

State Police

All Other \$3,750 \$3,750

Provides a 75% Highway Fund match to produce Maine State Police publication, to include new laws, and for continuing education.

Effective September 29, 1987.

CHAPTER 48**H.P. 998 — L.D. 1344****AN ACT to Provide Pension Rights to Morris G. Pilot.**

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

Sec. 1. Pension rights for Morris G. Pilot. Morris G. Pilot shall have the pension rights granted in this Act.

Sec. 2. Retirement pension. Notwithstanding the Maine Revised Statutes, Title 4, chapter 29, Morris G. Pilot, on reaching the age of 65, shall have the right to a pension equal to 35% of his average final compensation as a District Court Judge. "Average final compensation" is defined in the Maine Revised Statutes, Title 4, section 1201, subsection 3. The pension shall be adjusted annually by a cost-of-living factor, as determined in the Maine Revised Statutes, Title 4, section 1358.

Sec. 3. Survivors benefits. On the death of Morris G. Pilot, his spouse Ann S. Pilot, if living, shall receive a pension equal to 35% of his average final compensation or his retirement allowance at the time of his death, whichever is greater. The pension shall be adjusted annually by a cost-of-living factor as determined in the Maine Revised Statutes, Title 4, section 1358.

Sec. 4. Funding. Benefits provided in this Act shall be funded solely by the State in the same manner as provided under the Maine Revised Statutes, Title 4, section 1403.

Effective September 29, 1987.

CHAPTER 49**S.P. 616 — L.D. 1817****AN ACT to Provide for the Compilation of Data and Information Relating to Reasons for Residential Mortgage Foreclosures in Maine.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjourn-

ment unless enacted as emergencies; and

Whereas, there is very limited information relating to residential mortgage foreclosures in the State; and

Whereas, there are many banks, including federally chartered banks, savings and loan banks and mortgage companies which are not required to report to the Bureau of Banking; and

Whereas, the State has experienced the loss or decline of several significant employers or firms which has created serious economic dislocation in several regions of the State; and

Whereas, a number of families may have lost their homes or may lose their homes as industries and regions experience further economic distress; and

Whereas, the extent of the impact of economic distress upon residential mortgagees needs to be determined before any remedial approaches can be developed; and

Whereas, the data and information required for this study needs to be developed as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Study and analysis. The Maine State Housing Authority shall conduct a study of residential mortgage foreclosures in the State to determine the underlying reasons for these foreclosures.

Sec. 2. Bureau of Banking. The Bureau of Banking shall cooperate with the Maine State Housing Authority by providing data and other information necessary for the Maine State Housing Authority to conduct this study and by encouraging financial institutions and private mortgage lenders to work with the Maine State Housing Authority to undertake this study.

Sec. 3. State agencies. The State Development Office, the State Planning Office, the Department of Labor and regional planning and economic development organizations shall cooperate with the Maine State Housing Authority by providing the authority with economic data reflecting economic conditions of the State and the ability of homeowners to make mortgage payments, such as plant closing data, unemployment data and any other information that the Maine State Housing Authority finds necessary to conduct this study.

Sec. 4. Residential mortgage holding institutions. The Governor and Legislature invite and urge financial institutions and private mortgage companies