

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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(b) Disinfectants, germicides, bactericides and virucides;

(c) Insect repellents;

(d) Indoor and outdoor animal repellents;

(e) Moth flakes, crystals, cakes and nuggets;

(f) Indoor aquarium supplies;

(g) Swimming pool supplies;

(h) Pediculocides and mange cure on man;

(i) Aerosol products; and

(j) General use paints, stains, and wood preservatives and sealants.

B. The board may promulgate rules to exempt the sale of additional general use pesticide products from the dealer licensing provisions of this section.

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

Effective May 3, 1989.

CHAPTER 94

H.P. 286 - L.D. 398

An Act to Include the Casco Bay Island Transit District under the Risk Management Division

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

5 MRSA §1728-A, sub-§1, as amended by PL 1987, c. 778, §1, is further amended to read:

1. Duties. The director shall provide insurance advice and services for the State Government and any department or agency thereof for all forms of insurance, except for those departments or agencies and those types of insurance otherwise provided for by law. The director shall provide insurance advice and services for family foster homes, as defined in Title 22, section 8101, subsection 3; and; respite care providers, as defined in Title 34-B, section 6201, subsection 2-A; and the Casco Bay Island Transit District created by Private and Special Law 1981, chapter 22. The director shall be responsible for the acquisition and administration of all insurance purchased by the State, including the authority to purchase, on a competitive bid basis, insurance for the State for automobile, fire, liability and any other type of coverage which may be necessary to protect the State from financial loss. The director may enter into contracts for various types of claims management services in order to insure the most economically advantageous insur-

ance protection in the operation of the State's insurance coverage program. In these regards, the director has the following duties:

A. To review annually the entire subject of insurance as it applies to all state property and activities and other persons pursuant to this section, and to provide to the commissioner a statement of its activities during the year ending the preceding June 30th. This report shall include:

- (1) An evaluation of the state insurance program;
- (2) A complete statement of all types and costs of insurance in effect;
- (3) Names of agents and companies of record; and
- (4) Such other matters as the director determines to be appropriate and necessary or as the commissioner may request;

B. To recommend to the commissioner such insurance protection as the director may deem necessary or desirable for the protection of all state property or activities or other insureds under this section;

C. Pursuant to programs approved by the commissioner, to provide insurance protection for state property and liability insurance in accordance with the Maine Tort Claims Act, Title 14, section 8116, and premises liability, when required by a state lease or private property approved by the Attorney General, by self-insured retention, as provided, or purchase of insurance from companies or agents licensed to do business in this State, or by both, to effect the best possible contracts as to services, coverages and costs. The purchase of insurance under this section normally shall be made upon competitive bidding, except that the director may, in appropriate circumstances, purchase insurance by negotiation.

In the event of the purchase of insurance upon competitive bidding by qualified insurers, the director shall announce the low bid at a meeting advertised for the opening of bids, which, when approved by the commissioner, shall constitute an award of a contract of insurance;

D. To determine and review the values of property in which the State has an insurable or legal interest and recommend limits and types of insurance protection for that property;

E. To establish and promote safety and other loss prevention programs;

F. To receive and, with the assistance of the Attorney General, administer all claims for personal injury and property damage against the State; and

G. With the assistance of the Attorney General, to pursue all claims against 3rd parties in all cases in which the State may be subrogated to the rights of injured employees or where damage to state property may have resulted from the negligence of a 3rd party.

See title page for effective date.

CHAPTER 95

H.P. 394 - L.D. 525

An Act to Facilitate Conversion of the Maine State Retirement System Records to an Automated System

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

Sec. 1. 5 MRSA §17156, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

§17156. Rate of interest

The board shall, from time to time, by order, set the rate of regular interest at a percent rate compounded ~~annually~~ periodically determined by the board to be equitable, both to members and to the taxpayers of the State.

Sec. 2. 5 MRSA §17157, sub-§§1 and 2, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

1. Transfer to Members' Contribution Fund. The board shall periodically allow ~~annually~~ regular interest on the individual accounts of members in the Members' Contribution Fund and shall transfer those amounts from the Retirement Allowance Fund to the Members' Contribution Fund.

2. Transfer to Survivors' Benefit Fund. The board shall periodically allow ~~annually~~ regular interest on the mean amount accumulated in the Survivors' Benefit Fund and shall transfer that amount of interest from the Retirement Allowance Fund to the Survivors' Benefit Fund.

Sec. 3. 5 MRSA §17203, sub-§1, ¶¶A to C are enacted to read:

A. Amounts deducted from the compensation of state employees shall be credited to the retirement system in the same manner and at the same time that employer charges are credited to the retirement system as provided by section 17154, subsection 5.

B. Amounts deducted from the compensation of teachers shall be paid to the retirement system by the chief administrative officer of each school administrative unit monthly in accordance with rules of the board. Delinquent payments due under this paragraph:

(1) May be subject to interest at a rate, to be set by the board and paid by the school administrative unit, not to exceed regular interest by 5 or more percentage points;

(2) May be recovered by action in a court of competent jurisdiction against the school administrative unit; or

(3) May, at the request of the retirement system, be deducted from any other money payable to that school administrative unit.

C. Payment of members' contributions to the retirement system by participating local districts is governed by sections 18301 to 18303.

Sec. 4. 5 MRSA §17204, sub-§3 is enacted to read:

3. Limitation. This section shall not be applicable to any member who has not begun increased contributions under this section before January 1, 1990.

Sec. 5. 5 MRSA §17753, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

§17753. Service credit for back contributions

Upon complete payment of the back contributions under section 17704, the member shall be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the back contributions under section 17704, the member shall be granted service credit on a pro rata basis in accordance with rules adopted by the board.

Sec. 6. 5 MRSA §17754, sub-§1, ¶G is enacted to read:

G. Upon complete payment of the back contributions under paragraph B or F, the member shall be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the back contributions under paragraph B or F, the member shall be granted service credit on a pro rata basis in accordance with rules adopted by the board.

Sec. 7. 5 MRSA §17757, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

§17757. Former members

Upon complete payment of the back contributions under section 17703, the member shall be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the back contributions under section 17703, the member shall be granted service credit on a pro rata basis in accordance with rules adopted by the board.