

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

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refundable under sections 17705, 17706, 18306 and 18307 ~~shall be~~ are available to satisfy any child support obligation ~~which that~~ is otherwise enforceable by execution, garnishment, attachment, assignment or other process: ; and

**Sec. 2. 5 MRSA §17054, sub-§3** is enacted to read:

**3. Recovery of overpayments by the retirement system.** Any amounts due the retirement system as the result of overpayment of benefits or an excess refund of contributions may be recovered from an individual's contributions or any benefits payable under this Part to the individual or the beneficiary of the individual. If the overpayment or excess refund of contributions resulted from an unintentional mistake by an employee of the retirement system, the retiree or the recipient of the benefit, no interest may be collected by the retirement system on the amount to be recovered. The executive director may also take action to recover those amounts due from any amounts payable to the individual by any other state agency or by an action in a court of competent jurisdiction. Whenever the executive director makes a decision to recover any amounts under this subsection, that decision is subject to appeal under section 17451.

See title page for effective date.

**CHAPTER 185**

**S.P. 361 - L.D. 963**

**An Act to Provide for the Payment of Late Fees by School Administrative Units and Participating Local Districts That Are Delinquent in Paying Contributions to the Maine State Retirement System**

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

**Sec. 1. 5 MRSA §17203, sub-§1, ¶B,** as enacted by PL 1989, c. 95, §3, is amended to read:

B. Amounts deducted from the compensation of teachers ~~shall must~~ 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 a late fee as directed by the board and 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.

**Sec. 2. 5 MRSA §18303, sub-§3, ¶¶A and B,** as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

A. May be recovered by action in a court of competent jurisdiction against the participating local district liable for the payments; or

B. May, at the request of the retirement system, be deducted from any other money payable to that participating local district by any department of the State; or

**Sec. 3. 5 MRSA §18303, sub-§3, ¶C** is enacted to read:

C. May be subject to a late fee as directed by the board and 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.

See title page for effective date.

**CHAPTER 186**

**H.P. 503 - L.D. 697**

**An Act to Provide an Opportunity for Complainants to be Heard before the Board of Registration in Medicine**

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

**32 MRSA §3282-A, sub-§1,** as enacted by PL 1983, c. 378, §53, is amended to read:

1. **Disciplinary proceedings and sanctions.** The board shall investigate a complaint, on its own motion or upon receipt of a written complaint filed with the board, regarding noncompliance with or violation of this chapter or of any rules adopted by the board.

The board shall notify the licensee of the content of a complaint filed against the licensee as soon as possible, but in no event later than within 60 days of receipt of this information. The licensee shall respond within 30 days. If the licensee's response to the complaint satisfies the board that the complaint does not merit further investigation or action, the matter may be dismissed, with notice of the dismissal to the complainant, if any.

If, in the opinion of the board, the factual basis of the complaint is or may be true, and it is of sufficient gravity to warrant further action, the board may request an informal conference with the licensee. The board shall provide the