

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.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

§13305. Elimination of principal's position

The right to terminate a contract, after due notice of 90 days, is reserved to the school board when changes in local conditions warrant the elimination of the principal's position for which the contract was made.

Sec. 2. Application. This Act applies to all contracts entered into or renewed or extended on or after the effective date of this Act.

See title page for effective date.

CHAPTER 557

S.P. 237 - L.D. 628

An Act to Ensure Community Participation in Substance Abuse Programs and Planning

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

Sec. 1. 5 MRSA §20005, sub-§6, ¶¶A and B, as enacted by PL 1989, c. 934, Pt. A, §3, are amended to read:

A. Administer all contracts with community service providers for the delivery of alcohol and drug abuse services; ~~and~~

B. Establish operating and treatment standards, and inspect and issue certificates of approval for drug abuse treatment facilities or programs, including residential treatment centers, pursuant to section 20024; and

Sec. 2. 5 MRSA §20005, sub-§6, ¶C is enacted to read:

C. Ensure community participation by funding regional alcohol councils to:

(1) Assist in the development of comprehensive state plans, the review of the effectiveness of existing policies and services, and the identification of unmet needs;

(2) Review and comment on proposed grants and contracts;

(3) Increase public awareness and participation;

(4) Supply general reference information; and

(5) Advocate for individuals in need of assistance.

The director shall ensure that councils are funded in a manner that recognizes local differences in cost and travel distances and allows equal provision of services in each geographic area, to the extent that funds are available within the office for this purpose.

See title page for effective date.

CHAPTER 558

S.P. 158 - L.D. 370

An Act Regarding Purchase of Service Credit by Members Who Previously Taught in Other than Public Schools

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

Sec. 1. 5 MRSA §17763, sub-§1, as amended by PL 1989, c. 710, §10, is further amended to read:

1. Parochial school or public or private academy. A public school teacher member who taught in a parochial school or in a public or private academy may purchase up to 10 years of service credit for that service under the following conditions.

A. The teacher member must have taught in a school approved by the Department of Education or the education department of another state while holding an appropriate teaching certificate.

B. The teacher member must have ~~10~~ 20 years of creditable service in the public schools as a state employee or teacher in this State.

C. The teacher member must, before any retirement benefit becomes effective for that teacher member, pay make contributions into the Members' Contribution Fund, for the years of private or parochial school teaching on the same basis as the member would have made contributions had the service been as a state employee or teacher in this State, including interest at a rate to be set by the board not to exceed regular interest by 5 or more percentage points. The member's earnings for the years of private or parochial school teaching must be assumed to have been the same as the average salary for teachers in this State as determined by the Department of Education for each of the years when the private or parochial school teaching took place. Interest must be computed beginning at the end of the year when those contributions would have been made, if the service had been as a state employee or teacher in this State, to the date of payment. Payment must be made by a single direct payment or annual direct payments to the retirement system; ~~an amount that,~~

~~together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service. Annual payments must be made in accordance with section 17701, subsection 4.~~

D. The member must have begun membership before January 1, 1976.

E. The member's last 10 years of creditable service before the date of retirement must be as a state employee or teacher in this State.

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

Sec. 2. 5 MRSA §18362, sub-§1, as amended by PL 1989, c. 710, §21, is further amended to read:

1. Parochial school or public or private academy. A member who taught in a parochial school or in a public or private academy may purchase up to 10 years of service credit for that service under the following conditions.

A. The member must have taught in a school approved by the Department of Education or the education department of another state while holding an appropriate teaching certificate.

B. The member must have ~~40~~ 20 years of creditable service ~~in the retirement system~~ as a member of the participating local district.

C. The member must, before any retirement benefit becomes effective for the member, ~~pay~~ make contributions into the Members' Contribution Fund, for the years of private or parochial school teaching on the same basis as the member would have made contributions had the service been as a state employee or teacher in this State, including interest at a rate to be set by the board not to exceed regular interest by 5 or more percentage points. The member's earnings for the years of private or parochial school teaching must be assumed to have been the same as the average salary for teachers in this State as determined by the Department of Education for each of the years when the private or parochial school teaching took place. Interest must be computed beginning at the end of the year when those contributions would have been made, if the service had been as a state employee or teacher in this State, to the date of payment. Payment must be made by a single direct payment or annual direct payments to the retirement

~~system, an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date for the member's retirement benefit, of the portion of the member's retirement benefit based on the additional creditable service. Annual payments must be made in accordance with section 18301, subsection 4.~~

D. The member must have begun membership before January 1, 1976.

E. The member's last 10 years of creditable service before the date of retirement must be as a member of the participating local district.

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

See title page for effective date.

CHAPTER 559

S.P. 116 - L.D. 211

An Act to Ban Tree Spiking

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

17-A MRSA §806, sub-§1, as amended by PL 1979, c. 289, is further amended to read:

1. A person is guilty of criminal mischief if, intentionally or knowingly, ~~he~~ the person:

A. Damages or destroys the property of another, having no reasonable ground to believe that ~~he~~ the person has a right to do so; damages or destroys property to enable any person to collect insurance proceeds for the loss caused; or tampers with the property of another, having no reasonable grounds to believe that ~~he~~ the person has the right to do so, and thereby impairs the use of that property; ~~or~~

B. Damages, destroys or tampers with property of a law enforcement agency, fire department, or supplier of gas, electric, steam, water, transportation, sanitation or communication services to the public, having no reasonable ground to believe that ~~he~~ the person has a right to do so, and by such conduct recklessly creates a risk of interruption or impairment of services rendered to the public; ~~or~~

C. Drives or places in any tree or saw log, without the prior consent of the owner, any iron, steel or