

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

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~~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

other substance sufficiently hard to damage saws or wood manufacturing or processing equipment with intent to cause inconvenience, annoyance or alarm to any other person.

See title page for effective date.

CHAPTER 560

H.P. 482 - L.D. 676

An Act to Allow Unemployment Compensation Benefits to be Payable to Individuals Who are Forced to Leave Employment to Protect Their Health and Safety

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

Sec. 1. 26 MRSA §1043, sub-§7-B is enacted to read:

7-B. Domestic abuse. “Domestic abuse” means any of the following acts between any family or household members or sexual partners whether or not they have lived together:

A. Attempting to cause or causing bodily injury or offensive physical contact including sexual assaults;

B. Attempting to place or placing another in fear of bodily injury through any course of conduct including, but not limited to, threatening, harassing or tormenting behavior;

C. Compelling a person by force, threat of force or intimidation to engage in conduct from which the person has a right or privilege to abstain or to abstain from conduct in which the person has a right to engage;

D. Knowingly restricting substantially the movements of another person without that person’s consent or other lawful authority by: removing that person from that person’s residence, place of business or school; moving that person a substantial distance from the vicinity where that person was found; or confining that person for a substantial period either in the place where the restriction commenced or in a place to which that person has been moved;

E. Communicating to a person a threat to commit, or cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed; or

F. Repeatedly intimidating or harassing a person with the intention of causing fear or intimidation.

Sec. 2. 26 MRSA §1193, sub-§1, ¶A, as amended by PL 1987, c. 365, §1, is repealed and the following enacted in its place:

A. For the week in which the claimant left regular employment voluntarily without good cause attributable to that employment. The disqualification continues until the claimant has earned 4 times the claimant’s weekly benefit amount in employment by an employer. A claimant may not be disqualified under this paragraph if:

(1) The leaving was caused by the illness or disability of the claimant or an immediate family member and the claimant took all reasonable precautions to protect the claimant’s employment status by promptly notifying the employer of the reasons for the absence and by promptly requesting reemployment when again able to resume employment;

(2) The leaving was necessary to accompany, follow or join the claimant’s spouse in a new place of residence and the claimant can clearly show within 14 days of arrival at the new place of residence an attachment to the new labor market, and the claimant is in all respects able, available and actively seeking suitable work;

(3) The leaving was in good faith in order to accept new employment on a permanent full-time basis and the new employment did not materialize for reasons attributable to the new employing unit; or

(4) The leaving was necessary to protect the claimant from domestic abuse and the claimant made all reasonable efforts to preserve the employment.

See title page for effective date.

CHAPTER 561

H.P. 164 - L.D. 249

An Act to Make Changes in the Quahog Tax Laws

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

Sec. 1. 12 MRSA §6731-A, sub-§5 is enacted to read:

5. Toxin Monitoring Fund. The Toxin Monitoring Fund is established within the department. The commissioner shall use any money credited to the Toxin Moni-