

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
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J.S. McCarthy Company
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PUBLIC LAWS
OF THE
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that the person has completed the rehabilitation plan and is ready to return to employment. The former employer shall reemploy the person in the first available position for which that person is qualified, taking into consideration that person's prior compensation and benefits, training, education and experience, including that person's rehabilitation plan.

Sec. 10. 5 MRSA §17927, sub-§7, as enacted by PL 1989, c. 409, §§8 and 12, is repealed and the following enacted in its place:

7. Other employment under system. A person is not required to accept employment that reasonably necessitates relocation or for which the person is not qualified, taking into consideration that person's prior compensation and benefits, training, education and experience, including that person's rehabilitation plan. The disability retirement benefit may not be discontinued except as provided by section 17929 or until the person is reemployed consistent with this section.

Sec. 11. 5 MRSA §18203-A is enacted to read:

§18203-A. Resumption of participation after withdrawal

The board may establish by rule the conditions under which a local district that has withdrawn from participation in the retirement system may again contract for participation of its employees in the retirement system under this chapter or under chapter 427.

Sec. 12. 5 MRSA §18253, sub-§1, ¶C, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

C. ~~All~~ If the new employer makes the election provided under paragraph B, all funds in the retirement system contributed by the member's former employer on account of his the member's previous employment shall must be transferred to the account of the new employer and shall must be used to liquidate the liability incurred by reason of the previous employment.

Sec. 13. 5 MRSA §18254-A is enacted to read:

§18254-A. Effect of district's resumption of participation after withdrawal

The board may establish by rule the effect on employees of a local district that resumes participation in the retirement system after having withdrawn from participation.

Sec. 14. 5 MRSA §18304, sub-§1, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

1. Time. The repayment may not be made until the member has accumulated at least 2 continuous years of creditable service after the date of restoration to mem-

bership and must be made before the date any retirement benefit becomes effective for the member.

Sec. 15. 5 MRSA §18527, sub-§6, as enacted by PL 1989, c. 409, §§11 and 12, is amended to read:

6. Return to service. If the rehabilitation plan includes return to employment with the person's former employer, that person ~~shall~~ must be reemployed in accordance with the plan. ~~If the plan does not include reemployment with the former employer, the~~ The executive director shall notify the former employer, in writing, that the person has completed the rehabilitation plan and is ready to return to employment. The former employer shall reemploy the person in the first available position for which that person is qualified, taking into consideration that person's prior compensation and benefits, training, education and experience, including that person's rehabilitation plan.

Sec. 16. 5 MRSA §18527, sub-§7, as enacted by PL 1989, c. 409, §§11 and 12, is repealed and the following enacted in its place:

7. Other employment under system. A person is not required to accept employment that reasonably necessitates relocation or for which the person is not qualified, taking into consideration that person's prior compensation and benefits, training, education and experience, including that person's rehabilitation plan. The disability retirement benefit may not be discontinued except as provided by section 18529 or until the person is reemployed consistent with this section.

See title page for effective date.

CHAPTER 581

H.P. 890 - L.D. 1287

An Act Regarding Training Costs of Police Officers

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

25 MRSA §2808, sub-§1, ¶C, as repealed and replaced by PL 1989, c. 454, is amended to read:

C. The term "training costs" includes the following:

- (1) The full cost of the salary, including fringe benefits, paid to the officer while in training;
- (2) The full cost of the tuition charged by the Maine Criminal Justice Academy;
- (3) The full cost of uniforms provided to the officer in training; and

(4) The full cost of the salary, ~~exclusive~~ inclusive of overtime, paid to officers previously or newly employed by the municipality to provide police protection that would otherwise have been lost during the absence of the officer in training.

See title page for effective date.

CHAPTER 582

H.P. 200 - L.D. 291

An Act to Amend the Student Incentive Scholarship Program

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

Sec. 1. 20-A MRSA §11611, sub-§5, as enacted by PL 1989, c. 559, §10, is amended to read:

5. Institution of higher education. "Institution of higher education" means an institution of higher education located within this State, ~~or~~ within another state with which this State has a reciprocal agreement or within another state that permits portability. The institutions shall meet the requirements of and conform to the definitions contained in the federal Higher Education Act of 1965, Section 1201, as amended, United States Code, Title 20, Section 1141; and the federal Higher Education Act of 1965, Section 491, as amended, United States Code, Title 20, Section 1088; and the regulations, guidelines and procedures promulgated by the Secretary of Education and published in the Federal Register pursuant to these sections of law.

Sec. 2. 20-A MRSA §11611, sub-§6 is enacted to read:

6. Portability. "Portability" means permission to use funding provided to a student for education by a state, as a grant, loan, scholarship or any combination, in an academic program and institution regardless of geographic location.

Sec. 3. Effective date. This Act takes effect on January 1, 1992.

Sec. 4. Application. This Act applies to the Maine student incentive scholarship program awards for the 1992-93 academic year and all academic years thereafter.

Effective January 1, 1992.

CHAPTER 583

S.P. 687 - L.D. 1828

An Act Concerning Room Requirements for Hotels under the Liquor Licensing Laws

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

28-A MRSA §1061, sub-§4, ¶A, as amended by PL 1989, c. 139, is repealed and the following enacted in its place:

A. The number of rooms required is based on the population of the municipality in which the hotel is located, as reported in the 1960 federal decennial census. If the population reported in the most recent federal decennial census is at least 20% less than the population reported in the 1960 census, the most recent federal decennial census must be used to determine the number of rooms required.

(1) If the hotel is located in a municipality having a population of 7,500 or less, the hotel must have at least 12 adequate sleeping rooms.

(2) If the hotel is located in a municipality having a population of more than 7,500, the hotel must have at least 30 adequate sleeping rooms.

See title page for effective date.

CHAPTER 584

H.P. 876 - L.D. 1262

An Act to Enhance Access to Financing for Health Care Facilities

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

Sec. 1. 22 MRSA §2053, sub-§3-A is enacted to read:

3-A. Health care facility. "Health care facility" means any nursing home or boarding home that is, or will be upon completion, licensed under the laws of the State.

Sec. 2. 22 MRSA §2053, sub-§4-A, as enacted by PL 1973, c. 713, §2, is repealed.

Sec. 3. 22 MRSA §2053, sub-§5, as amended by PL 1973, c. 713, §3, is further amended to read:

5. Participating health care facility. "Participating hospital health care facility" means a any hospital ~~or~~,