

# 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

**FIRST SPECIAL SESSION**

July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

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**

**AS PASSED AT THE**  
**FIRST SPECIAL SESSION**

**of the**

**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**JULY 11, 1991 to JULY 18, 1991**

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**Whereas**, under existing law, these 8 days without pay will have the effect of reducing the service retirement benefit of state employees who will be retiring prior to the expiration of the 90-day period; and

**Whereas**, this reduction of benefit to these employees would be inequitable; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**5 MRSA §17001, sub-§4, ¶A**, as amended by PL 1991, c. 121, Pt. A, §1, is further amended to read:

A. The average annual rate of earnable compensation of a member during the 3 years of creditable service as an employee in Maine, not necessarily consecutive, in which the member's annual rate of earnable compensation is highest. However, if a member is subject to a temporary layoff as a result of a Governor's Executive Order, loss of pay pursuant to an agreement of February 15, 1991 between the Executive Department and the American Federation of State, County and Municipal Employees, Council 93, ~~or~~ days off without pay as authorized by legislative action or days off without pay resulting from any executive order declaring or continuing a state of emergency relating to the lack of an enacted budget document for fiscal years ending June 30, 1992 and June 30, 1993, the 3-year average final compensation must be determined as if the member had not been temporarily laid off, reduced in pay; or provided days off without pay; or

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

Effective July 30, 1991.

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## CHAPTER 617

S.P. 787 - L.D. 1983

### An Act to Amend the Fees for Lobster and Crab Fishing Licenses

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

**Sec. 1. 12 MRSA §6421, sub-§7-A**, as amended by PL 1991, c. 528, Pt. T, §1 and affected by Part RRR and c. 591, Pt. T, §1, and affected by Part RRR, is further amended to read:

**7-A. Fee.** Except as provided in subsection 8, the fee for the license is:

A. ~~Forty-three dollars~~ Forty-six dollars and fifty cents for a Class I license for applicants under 18 years of age;

B. ~~Eighty-nine dollars~~ Ninety-two dollars and seventy-five cents for a Class I license for applicants 18 years of age or older;

C. ~~Two hundred sixty-six dollars~~ One hundred eighty-five dollars and fifty cents for a Class II license; and

D. ~~Three hundred sixty-five dollars~~ Two hundred seventy-eight dollars and twenty-five cents for a Class III license.

**Sec. 2. 12 MRSA §6421, sub-§8**, as enacted by PL 1991, c. 528, Pt. T, §1 and affected by Part RRR and c. 591, Pt. T, §1, is amended to read:

**8. Exception.** The fee for a Class I license for applicants 70 years of age or older is ~~\$53~~ \$46.50.

Effective October 17, 1991.

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## CHAPTER 618

S.P. 788 - L.D. 1984

### An Act to Amend Certain Provisions of the Laws Contained in Public Law 1991, Chapter 591

**Emergency preamble.** **Whereas**, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, Public Law 1991, chapter 591 contains certain provisions that are in error; and

**Whereas**, Public Law 1991, chapter 591 was enacted as an emergency measure and is now in effect and the changes contained in this legislation therefore need to take effect immediately; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 5 MRSA §7-B**, as enacted by PL 1991, c. 528, Pt. III, §1 and affected by Pt. RRR and as enacted by c. 591, Pt. III, §1, is amended to read:

**§7-B. Use of state vehicles for commuting**

No state-owned or state-leased vehicle may be used by any employee to commute between home and work, except for those vehicles authorized and assigned to a law enforcement official within the following organizational units: Bureau of State Police; ~~Bureau of Capitol Security~~; Bureau of Intergovernmental Drug Enforcement; Office of the State Fire Marshal; Bureau of Liquor Enforcement; ~~Bureau of Highway Safety~~; Division of Motor Vehicles; Bureau of Marine Patrol; ~~Division of Probation and Parole and other correctional officers in the Department of Corrections~~; Bureau of Forestry; Division of Forest Fire Control; Bureau of Warden Service; and Bureau of Parks and Recreation.

**Sec. 2. 5 MRSA §17001, sub-§13, ¶B**, as amended by PL 1991, c. 528, Pt. EEE, §3 and affected by Pt. RRR and as amended by c. 591, Pt. EEE, §3, is further amended to read:

B. "Earnable compensation" does not include:

(1) For any member who has 7 years of creditable service by December 1, 1991 or who has reached 60 years of age and has been in service for a minimum of one year immediately before that date, payment for more than 30 days of unused accumulated or accrued sick leave, payment for more than 30 days of unused vacation leave or payment for more than 30 days of a combination of both;

(1-A) For any member who ~~does is not have 7 years of creditable service by December 1, 1991~~ covered by subsection 1, payment for any unused accumulated or accrued sick leave or payment for any unused vacation leave;

(2) Any other payment which is not compensation for actual services rendered or which is not paid at the time the actual services are rendered; or

(3) Teacher recognition grants paid pursuant to Title 20-A, section 13503-A.

**Sec. 3. 5 MRSA §17858**, as enacted by PL 1991, c. 528, Pt. EEE, §15 and affected by Pt. RRR and as enacted by c. 591, Pt. EEE, §15, is amended to read:

**§17858. Retirement incentive option**

Any state employee, as defined in section 17001, subsection 40, having reached normal retirement age who retires on or after October 30, 1991 and who is restored to service is not subject, for up to 3 years, to the earnings limitations set forth in section 17855. Any such person is entitled to all benefits that the person was entitled to at the time of termination by collective bargain-

ing agreements or civil service laws and rules. The retired state employee's salary must be 80% of the employee's salary at the time of termination. The retired state employee is not a member of the retirement system and therefore may not accrue additional creditable service and is not entitled to any other benefits that accrue to an active member of the retirement system. For any state employee who has reached normal retirement age on or before October 30, 1991, the option established in this section must be selected by the state employee by January 31, 1992. For all other state employees for fiscal year 1991-92 only, the option established in this section must be selected by the state employee within 3 months of reaching normal retirement age.

**Sec. 4. PL 1991, c. 591, Pt. B, §1**, under that part designated "INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF" in that part relating to "Enforcement Operations - Inland Fisheries and Wildlife" is amended by inserting at the end the following:

Includes the restoration of 3 District Game Warden positions who participated in the voluntary cost savings retirement program.

**Sec. 5. PL 1991, c. 591, Pt. B, §1**, under that part designated "INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF" in the first part relating to "Fisheries and Hatcheries Operations" is amended by inserting at the end the following:

Includes the restoration of a Fish Culturist position in Phillips abolished in Public Law 1991, chapter 9.

**Sec. 6. PL 1991, c. 591, Pt. EEE, §16**, first sentence is amended to read:

The State Budget Officer shall calculate the amount in section ~~46~~ 17 of this Part that applies against each General Fund account for all departments and agencies not within the Judicial Department or the Legislature based on the Personal Services appropriations to those accounts.

**Sec. 7. Retroactivity; effective date.** This Act is retroactive to and takes effect July 1, 1991.

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

Effective July 1, 1991.