

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

court. If a child is placed in the custody of the department, the court shall order child support from each parent according to the guidelines pursuant to Title 19, chapter 7, subchapter I-A, designate each parent as a nonprimary care provider and apportion the obligation accordingly.

Income affidavits and instructions must be provided to each parent by the department at the time of service of the petition or motion. The court may order a deviation pursuant to Title 19, section 317. Support ordered pursuant to this section must be paid directly to the department pursuant to Title 19, section 777-A, subsection 3. The failure of a parent to file an affidavit does not prevent the entry of a protection order. A parent may be subject to Title 19, section 314, subsection 1, paragraph D for failure to complete and file income affidavits.

See title page for effective date.

CHAPTER 249

H.P. 734 - L.D. 992

An Act to Establish a Guideline for Maximum Assessment Ratios

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

Sec. 1. 36 MRSA §327, sub-§1, as enacted by PL 1975, c. 545, §13, is amended to read:

1. Minimum assessment ratios. A 50% minimum assessment ratio by 1977; a 60% minimum assessment ratio by 1978; and a 70% minimum assessment ratio by 1979 and thereafter. Notwithstanding this subsection, a municipality should not have an assessment ratio at an amount greater than 110% of its just value;

Sec. 2. Application. This Act applies to any property tax year beginning on or after April 1, 1994.

See title page for effective date.

CHAPTER 250

H.P. 755 - L.D. 1022

An Act to Amend the Maine State Retirement System Laws Related to the Participating Local Districts Consolidated Plan

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

Whereas, the Participating Local District Advisory Committee established by the Maine Revised Stat-

utes, Title 5, section 18802 is charged with the responsibility of developing a consolidated retirement plan for participating local districts in the Maine State Retirement System; and

Whereas, the committee has prepared its proposals for the consolidated plan and has determined that it is in the best interest of both participating local districts and their employees to provide that all participating local districts be a part of the consolidated plan; and

Whereas, the committee has determined that amendments to the laws related to the participating local districts consolidated plan are necessary so that the committee may complete the development of the plan and the plan may be initiated on July 1, 1993; 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 §17001, sub-§32, ¶B, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

B. For a retired participating local district employee:

(1) Except as provided in subparagraph (2), "restoration to service" means acceptance of employment with the participating local district from which the employee retired; and

(2) After the date on which a participating local district's consolidated plan under chapter 427 goes into operation, "restoration to service" means acceptance of employment with any district that participates in the consolidated plan. This subparagraph applies to employees who retire before a consolidated plan goes into operation as well as to those who retire after a consolidated plan has gone into operation.

Sec. 2. 5 MRSA §18201, first ¶, as amended by PL 1989, c. 811, §2, is further amended to read:

A local district may contract for the participation of its employees in the retirement system under this chapter any time before the date the board puts into operation the consolidated retirement plan for participating local districts under chapter 427. After the effective date of on which the consolidated plan described in chapter 427 is put into operation, a local district may contract for participation only in a program provided by the consolidated plan under chapter 427.

Sec. 3. 5 MRSA §18801, first ¶, as enacted by PL 1989, c. 811, §3, is amended to read:

The board shall establish by rule a consolidated retirement plan for participating local districts and other local districts that contract with the retirement system in accordance with section 18804 on the date the consolidated plan is put into operation and at any time after that date.

Sec. 4. 5 MRSA §18801, sub-§4, as enacted by PL 1989, c. 811, §3, is amended to read:

4. Implementation of plan. The board, as part of its rules, shall set the minimum number of local districts that must contract for participation and the minimum number of members before the plan is put into operation. The rules must contain provisions ~~relating~~ related to the transition from participation in chapter 425 to participation in this plan by local districts and for setting the date when participation of the employees of a participating local district in this plan begins. All local districts that are participating local districts under chapter 425 on the date the plan is put into operation must elect to join the consolidated plan, be transferred to the consolidated plan or withdraw from the system, in accordance with rules established by the board.

Sec. 5. 5 MRSA §18802, sub-§7, as enacted by PL 1989, c. 811, §3, is amended to read:

7. Repeal. This section is repealed effective June 30, ~~1993~~ 1996.

Sec. 6. 5 MRSA §18804, first ¶, as enacted by PL 1989, c. 811, §3, is amended to read:

~~★ All local districts that are participating local districts under chapter 425 on the date the plan is put into operation may contract for participation in the plan in the manner provided in subsection 1 or 2 for other local districts. A participating local district that elects to be transferred into the consolidated plan must contract for participation according to the terms of its transfer, in accordance with rules established by the board. Other local districts may contract for the participation of its their employees in the retirement system under this chapter in the manner provided by subsection 1 or 2.~~

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

Effective June 4, 1993.

CHAPTER 251

H.P. 799 - L.D. 1085

An Act Repealing Advisory Boards on Agriculture Matters

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

PART A

Sec. A-1. 5 MRSA §12004-I, sub-§2, as enacted by PL 1987, c. 786, §5, is repealed.

PART B

Sec. B-1. 5 MRSA §12004-I, sub-§2-A, as enacted by PL 1991, c. 609, §1, is repealed.

Sec. B-2. 7 MRSA §2402, sub-§1, as enacted by PL 1991, c. 609, §2, is further amended by amending the last paragraph to read:

~~With the advice of the Integrated Pest Management Advisory Committee established in section 2403, the~~ The commissioner may expend any remaining General Fund appropriations for publications, educational efforts and other purposes consistent with this section.

Sec. B-3. 7 MRSA §2403, as enacted by PL 1991, c. 609, §2, is repealed.

See title page for effective date.

CHAPTER 252

H.P. 803 - L.D. 1089

An Act Repealing Advisory Boards on Education Matters

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

PART A

Sec. A-1. 5 MRSA §12004-I, sub-§7-A, as enacted by PL 1989, c. 579, §1, is repealed.

Sec. A-2. 20-A MRSA c. 430-A, as amended, is repealed.

PART B

Sec. B-1. 5 MRSA §12004-I, sub-§9, as amended by PL 1989, c. 503, Pt. A, §23, is repealed.