

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

(3) Mental health service providers; and

(4) The protection and advocacy agency designated pursuant to Title 5, section 19502.

See title page for effective date.

CHAPTER 594

S.P. 415 - L.D. 1324

An Act to Create Statewide Arrest Powers for Municipal and County Law Enforcement Officers

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

Sec. 1. 30-A MRSA §405 is enacted to read:

§405. Optional arrest powers

1. Optional powers. The county commissioners may authorize a county's sheriff and certified, full-time deputy sheriffs to perform any of the following acts while outside the jurisdiction in which they are appointed:

A. Arrest without a warrant a person who has committed or is committing in the sheriff's or deputy sheriff's presence a Class A, B or C crime defined in Title 17-A, chapters 9, 11, 13, 17, 27 or 33 while the sheriff or deputy sheriff is on or off duty; or

B. Arrest without a warrant a person for a crime committed in the county in which the sheriff or deputy sheriff is appointed:

(1) If that county authorizes the sheriff or deputy sheriffs it appoints to make arrests under this paragraph;

(2) If the arrest is made as part of an ongoing criminal investigation made by a sheriff or deputy sheriff while on duty and assigned to the investigation;

(3) If the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance; and

(4) If the arrest is authorized by Title 17-A, section 15, subsection 1, paragraph A.

As used in this subsection, the phrase "committed or is committing in the sheriff's or deputy sheriff's presence" has the same meaning as provided in Title 17-A, section 15, subsection 2.

2. Liability. When a county sheriff or deputy sheriff makes an arrest, as authorized in subsection 1, outside of jurisdictional limits of the county in which the sheriff or deputy sheriff is appointed, that sheriff or deputy sheriff has the same immunity from tort liability and all of the pension, relief, disability, worker's compensation, insurance and any other benefits the sheriff or deputy sheriff enjoys while performing duties within the sheriff or deputy sheriff's appointing county.

Sec. 2. 30-A MRSA §2671, sub-§§2-A and 2-B are enacted to read:

2-A. Optional powers. Notwithstanding subsection 2, municipal officers may authorize a municipality's police officers to perform any of the following acts while the police officers are outside the jurisdiction in which they are appointed:

A. Arrest without a warrant a person who has committed in the officer's presence or is committing in the officer's presence a Class A, B or C crime defined in Title 17-A, chapters 9, 11, 13, 17, 27 or 33 while the officer is on or off duty; or

B. Arrest without a warrant a person for a crime committed in the municipality in which the officer is appointed:

(1) If that municipality authorizes the officers it appoints to make arrests under this paragraph;

(2) If the arrest is made as part of an ongoing criminal investigation made by an officer while on duty and assigned to the investigation;

(3) If the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance; and

(4) If the arrest is authorized by Title 17-A, section 15, subsection 1, paragraph A.

As used in this subsection the phrase "committed in the officer's presence or is committing in the officer's presence" has the same meaning as provided in Title 17-A, section 15, subsection 2.

2-B. Liability. When a municipal police officer makes an arrest, as authorized in subsection 2-A, outside of jurisdictional limits of the municipality in which the police officer is appointed, that police officer has the same immunity from tort liability and all of the pension, relief, disability, worker's compensation, insurance and any other benefits the police

officer enjoys while performing duties within the police officer's appointing municipality.

See title page for effective date.

CHAPTER 595

S.P. 466 - L.D. 1458

An Act to Clarify the Role and Purpose of the Maine State Retirement System

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

Whereas, the Maine State Retirement System was created as a trust and a service organization to receive employment-based contributions to be invested for the purpose of providing retirement, disability and death benefits to state employees, teachers and employees of participating local districts; and

Whereas, the type and level of these benefits and the criteria and conditions of eligibility for benefits are determined by the Legislature, or in the case of participating local districts by the governing body of each district, and not by the Maine State Retirement System or its board of trustees; and

Whereas, the board of trustees and the Maine State Retirement System are responsible as fiduciaries for the trust funds and as administrators for the management of the system's funds and for the equitable and efficient administration of the benefit programs created by the Legislature, including the provision of adequate information and assistance to State Government, to school administrative units and to participating local districts and for the provision of adequate information and counseling to individual members; and

Whereas, the Maine State Retirement System is increasingly put into the position of deciding and enforcing decisions related to benefit type and level and eligibility for benefits and related recordkeeping and reporting, a position that is incompatible with the system's role as a service organization, its fiduciary role, and its administrative responsibilities, including particularly its responsibilities to inform, educate and assist members and the entities for whom they work; 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 preserva-

tion of the public peace, health and safety; now, therefore,

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

Sec. 1. 4 MRSA §1353, sub-§2, as amended by PL 1991, c. 887, §2, is further amended to read:

2. Amount. Until July 1, 1994 ~~1996~~, the amount of a disability retirement allowance is 59% of the member's average final compensation. Any member entitled to this benefit who was serving as a judge on November 30, 1984 may elect to have that member's disability benefits calculated in accordance with chapter 29, instead of this subsection. A member who is serving as a judge on October 16, 1992 may elect to be covered under the disability benefit plan applicable to the judge as that plan is amended to meet the requirements of the federal Older Workers Benefit Protection Act. The election must be made by the same procedure provided in Title 5, section 17941 for state employees.

Sec. 2. 4 MRSA §1358, sub-§1, ¶C, as amended by PL 1993, c. 410, Pt. L, §8-A, is further amended to read:

C. Adjustments under this section must be applied to the allowances of all retirees who have been retired for at least 12 months before the adjustment takes effect, except that a member who has less than 10 years of creditable service on July 1, 1993 may not receive a cost-of-living adjustment until at least 12 months after reaching normal retirement age. Beneficiaries of deceased retirees and members are eligible for the adjustment provided in this section at the same time the deceased retiree or member would have been eligible. A member who is eligible to retire as of June 30, 1993 and who actually retires effective no later than July 1, 1994 is eligible for the cost-of-living adjustment if that member has been retired for at least 6 months before the date that the adjustment becomes payable.

Sec. 3. 5 MRSA §17001, sub-§13, ¶C, as repealed and replaced by PL 1993, c. 410, Pt. L, §13, is amended to read:

C. Earnable ~~Notwithstanding the other provisions of this subsection, for the purposes of determining average final compensation, earnable~~ compensation does not include any increase that exceeds the prior year's earnable compensation by more than 5% or that results in a total increase of more than 10% during the 3-year period used in the calculation of average final compensation unless the cost of the additional actuarial liability arising from the excess in-