

MAINE STATE LEGISLATURE

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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

ity for the program. The school board is entitled to receive the state subsidy for the program and may charge tuition for costs that exceed expenditures made for those programs in the base year.

2. Dedication of funds. Funds generated under the school subsidy formula through expenditures for programs for infants and children, from birth to under age 6, who are disabled, must be committed to continue to fund programs and services for the target population at the local level.

3. Coordination of services and resource development activities. School administrative units shall coordinate their program and service activities for infants and children, from birth to under age 6, who are disabled, with their local regional sites to avoid duplication and maximize the use of rules as adopted by the department.

§7734-B. Annual recommendation

Prior to December 15th of each year, the council and the boards of directors of the regional sites shall provide to the commissioner a joint recommendation for funding level computations and requested funding level for operating and program costs. The commissioner shall act on the recommendation no later than April 1st. In order to develop this recommendation, the state-level intermediate educational unit and the boards of directors of the regional sites, in consultation with regional site coordinators, shall review all state and federal funding sources and federal statutory requirements for disbursement. The state-level intermediate educational unit and the boards of directors of the regional sites shall propose a funding formula to ensure equitable distribution of resources.

§7734-C. Annual report

The council shall provide the joint standing committee on educational matters a yearly report on the Child Development Services System.

Sec. 17. 20-A MRSA §15603, sub-§22, ¶D, as amended by PL 1987, c. 767, §2, is further amended to read:

D. Starting in 1986-87 for expenditures in the base year 1984-85, the following preschool handicapped services:

- (1) The salary and benefit costs of certified professional, assistants and aides or persons contracted to perform preschool handicapped services ~~which that~~ have been approved by the commissioner; and
- (2) The cost of tuition to other schools for programs ~~which that~~ have been approved by the commissioner; .

Federal and state grants awarded to school administrative units to initiate these services must be considered local funds in computing the units' educational costs;

Sec. 18. PL 1991, c. 843, §5 is repealed.

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

Effective April 7, 1994.

CHAPTER 626

H.P. 1363 - L.D. 1842

An Act Relating to Retirement Benefits for the State Police

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

Sec. 1. 5 MRSA §17852, sub-§4, ¶C-2 is enacted to read:

C-2. A person qualifying under section 17851, subsection 4, paragraph B, may elect to retire before reaching the age of 55 without reduction for retirement before that age if, prior to the effective date of the person's retirement, the person has paid to the retirement system by an increased employee contribution, by single or periodic payment of a lump sum or by a combination thereof, the amount that equals the full actuarial cost of that person's preage 55 retirement, plus any applicable interest. "Full actuarial cost" means that the person's payment or payments must fully offset any unfunded liability that would or does result from retirement prior to age 55 and must fully fund the cost of the person's retirement prior to age 55 so that an additional employer contribution is not required. If the person makes the election provided by this paragraph at any time after the date on which the person is first employed as a state police officer, the payment must include interest at a rate to be set by the board not to exceed regular interest by 5 or more percentage points, applied as of the date upon which the person was first employed as a State Police officer to the contributions that the person would have paid or had picked up by the employer had the person elected this option at the date of first employment.

This paragraph takes effect July 1, 1995. Election to retire under this paragraph is a one-time irrevocable election. A person first hired as a

State Police officer after July 1, 1995 must make the election no later than 30 days after the date of first employment. A person already employed as a State Police officer on July 1, 1995 must make the election no later than 90 days after July 1, 1995.

Sec. 2. Methodology for calculation. Prior to July 1, 1995, the Maine State Retirement System must prepare a methodology for calculating the full actuarial cost and interest to be applied when a person elects to retire under the Maine Revised Statutes, Title 5, section 17852, subsection 4, paragraph C-2. The retirement system must also establish the procedure for election under that paragraph. In establishing the methodology and procedure, the retirement system shall inform the Maine State Troopers Association and the Department of Public Safety. Any actuarial services necessary to the development of the methodology and procedure must be obtained by the retirement system from its actuary and the cost of these services must be paid by the Maine State Troopers Association.

See title page for effective date.

CHAPTER 627

H.P. 1369 - L.D. 1853

An Act to Amend the Laws Concerning Set-back Variances

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

Sec. 1. 30-A MRSA §4353, sub-§4-B, as enacted by PL 1991, c. 659, §3, is amended to read:

4-B. Set-back variance for single-family dwellings. A municipality may adopt an ordinance that permits the board to grant a set-back variance for a single-family dwelling. An ordinance adopted under this subsection may permit a variance from a set-back requirement only when strict application of the zoning ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- A. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- B. The granting of a variance will not alter the essential character of the locality;
- C. The hardship is not the result of action taken by the applicant or a prior owner;

D. The granting of the variance will not substantially reduce or impair the use of abutting property; and

E. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

An ordinance adopted under this subsection is strictly limited to permitting a variance from a set-back requirement for a single-family dwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a set-back requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage. An ordinance may allow for a variance under this subsection to exceed 20% of a set-back requirement, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to Title 38, chapter 3, subchapter I, article 2-B, if the petitioner has obtained the written consent of an affected abutting landowner.

See title page for effective date.

CHAPTER 628

H.P. 1372 - L.D. 1856

An Act Concerning the 1993 Apportionment of Legislative Districts

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

Whereas, certain legislative districts will be delineated pursuant to the apportionment plan after their primary elections are held but before the general election; and

Whereas, it would be easier and less confusing for towns and municipalities to know the delineation of legislative districts before any further elections are held; 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. 21-A MRSA §1201, as amended by PL 1993, c. 7, §1, is repealed.