

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

ers. A person who, for the purpose of obtaining a refund value or handling fee, tenders to a dealer, distributor, redemption center or bottler more than 10 cases with 24 empty beverage containers in each case that the person knows or has reason to know were not originally sold in this State as filled beverage containers is subject to the enforcement action and civil penalties set forth in this subsection. A person who violates the provisions of this subsection is subject to a civil penalty of the greater of \$100 for each container or \$25,000 for each tender of containers.

**Sec. 2. 32 MRSA §1869, sub-§4** is enacted to read:

**4. Container pickup.** Notwithstanding subsection 1, a person who knowingly violates a provision of section 1866, subsection 5 commits a civil violation for which a forfeiture of \$1,000 may be adjudged.

See title page for effective date.

## CHAPTER 704

H.P. 1214 - L.D. 1633

### An Act to Amend the Provisions Relating to Mental Examination and Observation of Persons Accused of a Crime

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

**Sec. 1. 15 MRSA §101-B, sub-§2, ¶A**, as enacted by PL 1987, c. 402, Pt. A, §109, is amended to read:

A. It appears to the court, based on the report of any such examiner, that:

(1) The defendant suffers may suffer or may have suffered from a mental disease or defect, abnormal condition of mind or any mental or emotional condition affecting his the defendant's guilt, criminal responsibility or his competence to stand trial; or

(2) Further observation is required; or

See title page for effective date.

## CHAPTER 705

H.P. 1358 - L.D. 1833

### An Act to Reinstitute Stipends

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

**Sec. 1. 5 MRSA §7065, sub-§2**, as repealed and replaced by PL 1989, c. 418, §§1 and 4, is amended to read:

**2. Salary limits.** No position may be assigned a salary greater than the maximum or less than the minimum rates fixed in the compensation plan except as provided by subsections 2-A and 2-B subsection 2-D.

**Sec. 2. 5 MRSA §7065, sub-§2-D** is enacted to read:

**2-D. Recruitment and retention adjustments.** Subject to this subsection, the director, with the agreement of the bargaining agent, if applicable, may approve payment of recruitment and retention adjustments when the payment of a labor market adjustment is required to recruit and retain an adequate work force.

A. Payment of a recruitment and retention adjustment may be authorized only when justified by the following conditions.

(1) High turnover exists or long-term vacancies exist within State Government in the relevant occupational classifications or job series.

(2) The relevant occupational classification or job series has a clear, geographically definable labor market within which the State must compete.

(3) All appropriate recruitment and retention efforts have been attempted and have proven ineffective at the current levels of compensation.

(4) Comprehensive, verifiable documentation of labor market compensation levels for the relevant occupation has been compiled to determine competitive pay levels within the defined labor market. This documentation must demonstrate that a labor market disparity exists and that the disparity represents a long-term, not transitory or seasonal, problem.

B. The labor market adjustment must be reviewed at least every 2 years and adjusted to changes in the labor market or the overall relation of the standard pay policy to the specialized labor market. If the subsequent review provided in this paragraph results in the adjustment being decreased or discontinued, an employee receiv-

ing the recruitment and retention adjustment may not be subject to a reduction in pay.

C. To assist the director in making a determination under paragraphs A and B, a committee must be formed to evaluate each request from an agency or bargaining agent for a recruitment or retention adjustment. The committee must be composed of a representative of the bureau, a representative of the employing agency or agencies and a representative of the bargaining agent, if applicable. The committee shall evaluate the request against the criteria specified in paragraphs A and B and shall conduct studies as the committee considers necessary to evaluate the request. The committee shall, by majority vote, provide the director, the agency and the bargaining agent, if applicable, with a report recommending and documenting adjustments authorized under this subsection. The director, the agency and the bargaining agent, if applicable, shall act on this report. If a funding request is necessary to implement an approved adjustment, the director shall submit the cost items for inclusion in the Governor's next operating budget within 10 days after action on the report.

See title page for effective date.

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## CHAPTER 706

S.P. 733 - L.D. 1958

### An Act to Establish the Maine School of Science and Mathematics

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

#### PART A

**Sec. A-1. 5 MRSA §12004-C, sub-§6** is enacted to read:

<u>6. Board of Trustees, Maine School of Science and Mathematics</u>	<u>Expenses Only</u>	<u>20-A MRSA §8204</u>
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**Sec. A-2. 20-A MRSA §5205, sub-§8** is enacted to read:

**8. Students attending Maine School of Science and Mathematics.** For purposes of subsidy calculation only, students attending the Maine School of Science and Mathematics are not considered residents of the sending school administrative unit.

**Sec. A-3. 20-A MRSA §5805, sub-§3** is enacted to read:

**3. Maine School of Science and Mathematics.** The per pupil charge for all Maine pupils eligible under section 8205, subsection 11 is the adjusted tuition and insured value factor amount that is calculated by multiplying the state average tuition and state average insured value factor amount by 1.5. If necessary for bond repayment purposes described in Title 22, section 2053, subsection 4-B, the adjusted tuition and insured value factor amount is increased by no more than an additional 25% of the state average tuition and state average insured value factor amount.

**Sec. A-4. 20-A MRSA c. 312** is enacted to read:

## CHAPTER 312

### MAINE SCHOOL OF SCIENCE AND MATHEMATICS

#### §8201. School established

The Maine School of Science and Mathematics is established as a public, chartered school pursuant to this chapter for the purpose of providing certain high-achieving high school students with a challenging educational experience.

#### §8202. Intent; funding

The school is established as a public, residential school located in Limestone and the following provisions apply.

**1. Curriculum.** The school's curriculum is designed to exceed existing state educational standards.

**2. Tuition; funding.** Students from this State may attend the school free of tuition and room and board expense. Funding for these students is provided as follows.

For each pupil enrolled during the year of allocation, the State provides to the school the adjusted tuition and insured value factor amount described in section 5805, subsection 3. This amount must be provided in 4 equal payments and the payments must be made quarterly during the year of attendance. The first payment must be made by August 31st. The total amount provided for all pupils is limited to the amount appropriated for this purpose.

**3. Out-of-state tuition.** Students from other states and countries may attend the school on a space-available basis by paying the cost of tuition, fees and room and board as established by the board of trustees.