

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

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J.S. McCarthy Company
Augusta, Maine
1993

CHAPTER 90

H.P. 1301 - L.D. 1756

**An Act to Authorize a Department of
Inland Fisheries and Wildlife Bond
Issue of \$10,000,000 for
Fish Hatcheries**

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for the improvement and expansion of fish hatcheries.

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

Sec. 1. Authorization of bonds to provide for the improvement and expansion of fish hatcheries. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$10,000,000 to raise funds for the improvement and expansion of fish hatcheries as authorized by section 6. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 5 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. 2. Records of bonds issued to be kept by the Treasurer of State. The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 lapse to the debt service account established for the retirement of these bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in section 6 under the direction and supervision of the Department of Inland Fisheries and Wildlife for the improvement and expansion of fish hatcheries.

Sec. 6. Allocations from General Fund bond issue; improvements and expansion of fish hatcheries. The proceeds of the sale of bonds must be expended as designated in the following schedule.

**INLAND FISHERIES AND
WILDLIFE,
DEPARTMENT OF**

Fisheries and Hatcheries Operations	\$10,000,000
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Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State have ratified the issuance of bonds as set forth in this Act.

Sec. 8. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Act, are deauthorized and may not be issued; except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 10. Referendum for ratification; submission at general election; form of question; effective date. This Act must be submitted to the legal voters of the State of Maine at the next general election in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a general election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$10,000,000 bond issue for the improvement and expansion of fish hatcheries?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No."

The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim the result without delay, and the Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

CHAPTER 91

H.P. 1362 - L.D. 1841

An Act to Create Retirement Alternatives

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

Whereas, the Legislature finds that improvements in the retirement benefits offered to state employees must be made in order to attract and retain qualified employees and address specific inequities in the current plan; and

Whereas, the details of the improvements to be made must be considered thoroughly and a comprehensive education and implementation plan must be developed; and

Whereas, a group made of representatives of employees, employers and the general public is best suited to manage this transition process; 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. Committee to Create Retirement Alternatives; creation. The Committee to Create Retirement Alternatives, referred to in this Act as the "committee," is established. The committee consists of 11 members appointed by the Governor subject to review by the Joint Standing Committee on Aging, Retirement and Veterans and confirmation by the

Legislature. Five of the members must be appointed from nominations provided to the Governor by the 5 unions representing state employees and teachers participating in the Maine State Retirement System. Five of the members must be appointed to represent the perspective of the employer. Each side has one vote and 2 votes are required to take affirmative action on all official actions of the committee. The final member must be appointed to represent the perspective of the public and serves as nonvoting chair of the committee. The member representing the public must have previous experience with a public or private pension system or have current working knowledge of standard pension administration and management practices.

All appointments must be made no later than 30 days following the effective date of this Act.

The first meeting of the committee must be convened by the Chair of the Legislative Council within 14 days after the confirmation of the committee members. Only the member of the committee appointed to represent the perspective of the public is entitled to receive per diem reimbursement in the amount of the legislative per diem and must be reimbursed for expenses upon application to the Department of Administrative and Financial Services, Bureau of Human Resources.

Sec. 2. Duties and responsibilities. The committee shall, at a minimum, develop a comprehensive plan for changing the retirement benefits provided to state employees, including members of the special plans, and teachers in accordance with the recommendations of the Committee to Create Retirement Alternatives as specified in this Act. This recommended plan must be presented to the Governor and the Legislature by January 1, 1996 for consideration during the Second Regular Session of the 117th Legislature.

Sec. 3. Required content of legislation. The legislation prepared by the committee must provide for at least the following.

1. Membership in the Maine State Retirement System must be optional for all new employees, all part-time, seasonal and temporary employees and all employees who had less than 10 years of creditable service on July 1, 1993. Any employee electing not to become or remain a member of the Maine State Retirement System is required to participate in social security. The legislation must specify the process by which an employee selects coverage, the time frame in which that choice must be made, the consequences of the individual's election and the responsibility of both the employer and the Maine State Retirement System in informing the employee of the options.