

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

2. A defined contribution retirement plan to supplement social security coverage must be offered for those eligible employees who opt out of the Maine State Retirement System's defined benefit plan. At a minimum the defined contribution plan must provide for the employer matching of employee contributions up to 3% of the employee's pay. The legislation must also specify who is responsible for administering the plan, what range of investment choices should be provided to the employee, what options employees have for enrolling or changing contribution rates, when the employer contribution vests and any limitations on in-service withdrawals or lump-sum distributions.

3. The recommended effective date of the proposed legislation must provide eligible employees a sufficient amount of time to be fully educated on their options and able to make informed choices based on their own particular circumstances.

4. The proposed legislation must include changes necessary to address any inequities identified in the special plans.

Sec. 4. Required content of plan. The plan to be presented to the Legislature must include the following:

1. All of the legislation necessary to implement the changes required by section 3 of this Act;

2. An assessment of the extent to which the recommended changes will reduce the inequities present in the current benefit structure and increase the attractiveness of available retirement options for all employees;

3. A detailed actuarial analysis on the projected costs of the changes as presented in the proposed legislation; and

4. A detailed plan and timetable for educating affected employees and new employees on the retirement benefit options presented to them.

Sec. 5. Additional legislation. The committee may also recommend legislation as permitted by this section.

1. The committee may propose making a permanent benefit design commission to provide input and advice to the Legislature on legislation affecting retirement benefits.

2. The committee may propose legislation eliminating the difference in retirement benefits depending upon years of service on July 1, 1993 as long as it is implemented in conjunction with providing employees with the alternative benefit option required by section 3 of this Act.

Sec. 6. Staff and assistance. On the request of the committee, assistance, including actuarial services, must be provided by the Maine State Retirement System; the Department of Administrative and Financial Services, Bureau of Human Resources; the Department of the Attorney General; the State Planning Office; and any other agency of the Executive Department. The committee may request assistance from the Legislative Council to prepare the legislation required by this Act.

Sec. 7. Actuarial services. The Maine State Retirement System is authorized to spend up to an additional \$100,000 in excess of its fiscal year 1994-95 budgeted amounts for actuarial services in order to assist the Committee to Create Retirement Alternatives.

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

Effective April 15, 1994.

CHAPTER 92

H.P. 1392 - L.D. 1890

An Act to Authorize a General Fund Bond Issue in the Amount of \$9,000,000 to Construct Water Pollution Control Facilities and to Investigate, Abate, Clean up and Mitigate Threats to the Public Health and Environment from Uncontrolled Hazardous Substances Sites

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 construction of water pollution control facilities and for the investigation, abatement and mitigation of threats to the public health and environment from uncontrolled hazardous substances sites or other hazardous waste discharges.

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

Sec. 1. Authorization of bonds to provide for construction of water pollution control facilities and for the investigation, abatement, mitigation and cleanup of threats to the public health and environment from uncontrolled hazardous substances sites or other hazardous waste discharges. 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 \$4,000,000 to raise funds for construction of water pollution control facilities, \$1,000,000 for the Small Community Program and \$4,000,000 for the investigation, abatement, mitigation and cleanup of threats to the public health and environment from uncontrolled hazardous substances sites or other hazardous waste discharges 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 Environmental Protection.

Sec. 6. Allocations from General Fund bond issue. The proceeds of the sale of bonds must be expended as designated in the following schedule.

1994-95	
ENVIRONMENTAL PROTECTION, DEPARTMENT OF	
State Revolving Loan Fund for construction of water pollution control facilities	\$4,000,000

Small Community Program	1,000,000
Investigation, abatement, mitigation and cleanup of threats to the public health and environment from uncontrolled hazardous substances sites or other hazardous waste discharges	\$4,000,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION	
TOTAL	\$9,000,000

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 \$9,000,000 bond issue for the following purposes: (1) Four million dollars for construction of local water pollution control facilities, providing the state match for \$20,000,000 in federal funds; (2) \$1,000,000 for the Small Community Program; and (3) Four million dollars to provide for the investigation, abatement and mitigation of threats to the public health and environment from uncontrolled hazardous substances sites or other hazardous waste discharges?"

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 93

S.P. 697 - L.D. 1895

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$21,300,000 to Improve Rail and Port Facilities and Make Improvements at State and Municipal Transportation Facilities

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 to improve rail and port facilities and make improvements at state and municipal transportation facilities.

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

Sec. 1. Authorization of bonds to provide funds to improve rail and port facilities and make improvements at state and municipal transportation facilities. 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 \$21,300,000 to raise funds to improve rail and port facilities and make improvements at state and municipal transportation facilities 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 10 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 Transportation.

Sec. 6. Allocations from General Fund and Highway Fund bond issues. The proceeds of the sale of bonds must be expended as designated in the following schedule.

1993-94

**TRANSPORTATION,
DEPARTMENT OF**

General Fund

Provides funds for acquisition of land and for related costs for port facilities improvements	\$3,500,000
State share of rail facilities improvements not to exceed 50% on individual rail improvement projects	8,000,000

General Fund Total \$11,500,000

Highway Fund

Oil tank removal at Department of