

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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**  
**1995**

C. A gift received from a relative; and

Sec. 2. 1 MRSA §1012, sub-§4, ¶D is enacted to read:

D. A subscription to a newspaper, news magazine or other news publication.

Sec. 3. 17-A MRSA §602, sub-§2, ¶C, as amended by PL 1993, c. 396, §1, is further amended to read:

C. "Pecuniary benefit" means any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is economic gain; it does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally. "Pecuniary benefit" does not include meals a meal if the meals are meal is provided by industry or special interest organizations as part of an informational program presented to a group of public servants or a subscription to a newspaper, news magazine or other news publication.

See title page for effective date.

CHAPTER 34

H.P. 232 - L.D. 312

An Act to Clarify the Law Relating to the Licensing of Accounting Firms

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

Sec. 1. 32 MRSA §12201, sub-§5, as enacted by PL 1987, c. 489, §2, is amended to read:

5. Firm. "Firm" means a sole proprietorship, a corporation or a partnership or any other form of organization.

See title page for effective date.

CHAPTER 35

H.P. 304 - L.D. 408

An Act to Exempt Individual Retirement Accounts from Attachment

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

Sec. 1. 14 MRSA §4422, sub-§13, ¶E, as enacted by PL 1981, c. 431, §2, is amended to read:

E. A payment or account under a stock bonus, pension, profitsharing, annuity, individual retirement account or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, unless:

- (1) The plan or contract was established by or under the auspices of an insider that employed the debtor at the time the debtor's rights under the plan or contract arose;
(2) The payment is on account of age or length of service; and
(3) The plan or contract does not qualify under the United States Internal Revenue Code of 1954, Sections Section 401(a), 403(a), 403(b), 408 or 409.

See title page for effective date.

CHAPTER 36

H.P. 375 - L.D. 510

An Act to Extend the Duration of Workers' Compensation Health Benefit Pilot Projects

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

Sec. 1. 39-A MRSA §403, sub-§2, ¶D, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

D. Unless continued or modified by law, this subsection is repealed on October 31, 1996 January 1, 2001.

See title page for effective date.

CHAPTER 37

H.P. 378 - L.D. 513

An Act to Require That the Dollar Value of the Employee Benefit Package Be Included in All Official Statements Concerning State and Legislative Salaries

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

**Sec. 1. 3 MRSA §162, sub-§2**, as amended by PL 1983, c. 584, is further amended to read:

**2. Legislative employee salary and benefit schedules.** To establish salary schedules for all employees of legislative agencies, departments and offices, except as otherwise provided by law, to develop relatively uniform salary schedules for House and Senate employees and officers and, notwithstanding any other provision of law, to establish benefit schedules for legislative employees. Every publication that states the salary of an employee or a position must also include a statement of the dollar value of the fringe benefit package provided;

**Sec. 2. 5 MRSA §53** is enacted to read:

**§53. Value of fringe benefits**

Every state agency, department, board, commission, institution, authority or public instrumentality shall include in every publication that states the salary of an employee or a position a statement of the dollar value of the fringe benefit package provided. For purposes of this section, "fringe benefits" includes an employer's cost of an employee's health insurance, dental insurance and retirement but does not include the amount paid to cover any unfunded liability.

**Sec. 3. 5 MRSA §282, sub-§6**, as amended by PL 1989, c. 502, Pt. B, §1, is further amended to read:

**6. Supervise.** To supervise and direct the administration of the State Claims Commission; and

**Sec. 4. 5 MRSA §282, sub-§7** is enacted to read:

**7. Value of fringe benefits.** To ensure that all publications that state the salary of an employee or of a position in State Government also include a statement of the dollar value of the fringe benefit package provided. For purposes of this subsection, "fringe benefits" includes an employer's cost of an employee's health insurance, dental insurance and retirement but does not include the amount paid to cover any unfunded liability.

See title page for effective date.

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**CHAPTER 38**

**S.P. 205 - L.D. 548**

**An Act to Correct Certain Statutory References in the Crime of Negotiating a Worthless Instrument**

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

**Sec. 1. 17-A MRSA §708, sub-§2, ¶B**, as enacted by PL 1975, c. 499, §1, is amended to read:

B. Payment was refused by the drawee for lack of funds upon presentation presentment made within a reasonable the time after negotiation or issue, as determined according to frame specified in Title 11, section 3-503 3-1304, and the drawer failed to make good honor the drawer's contract within 5 days after actual receipt of a notice of dishonor, as defined in Title 11, section 3-508 3-1503, provided that this time limit is tolled during one subsequent representment of the negotiable instrument.

**Sec. 2. 17-A MRSA §708, sub-§3**, as enacted by PL 1975, c. 499, §1, is amended to read:

**3.** As used in this section, unless the context otherwise indicates, the following definitions apply; terms have the following meanings.

A. "Issue" has the meaning provided in Title 11, section ~~3-102~~ 3-1105, subsection (1); ~~paragraph(a);~~

A-1. "Drawee" has the meaning provided in Title 11, section 3-1103, subsection (1). paragraph (b).

A-2. "Drawer" has the meaning provided in Title 11, section 3-1103, subsection (1). paragraph (c).

B. "Negotiable instrument" has the meaning provided in Title 11, section ~~3-104;~~ 3-1104.

C. "Negotiation" and its ~~variants~~ variants have the meaning provided in Title 11, section ~~3-202~~ 3-1201.

See title page for effective date.

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**CHAPTER 39**

**H.P. 412 - L.D. 569**

**An Act to Remove Restrictions on Compensation For Deputy District Attorneys**

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

**Whereas,** the relative limit on compensation for deputy district attorneys is set in statute. That limit