

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
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TITLE 3, SECTION 163-A, SUBSECTION 4

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relatives of patients admitted for treatment in the health care facility, community health or social service facility, doctors office building, administration building, research facility, maintenance, storage or utility facility or other structures or facilities related to any of the foregoing or required or useful for the operation of the project, or the refinancing of existing indebtedness in connection with any of the foregoing, including parking and other facilities or structures essential or convenient for the orderly conduct of the health care facility or community health or social service facility. "Project" also includes all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, rights-of-way, utilities, easements and other interests in land, parking lots, machinery and equipment, and all other appurtenances and facilities either on, above or under the ground that are used or usable in connection with the structures mentioned in this paragraph, and includes landscaping, site preparation, furniture, machinery and equipment and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended, but does not include such items as food, fuel, supplies or other items that are customarily considered as a current operating charge. In the case of a hospital, as defined in subsection 4, paragraph B, a community health center or a community ~~mental~~ health or social service facility, "project" does not include any facilities, structures or appurtenances, the use of which is not directly related to the provision of patient care by its members; and

Sec. 4. 22 MRSA §2075, sub-§1, ¶B, as enacted by PL 1991, c. 584, §6, is amended to read:

B. As used in this chapter, "required debt service reserve" means, as of any date of computation, the amount or amounts required to be on deposit in the reserve fund as provided by resolution of the authority. For purposes of this chapter, the amount of any letter of credit, insurance contract, surety bond or similar financial undertaking available to be drawn upon and applied to obligations to which money in the reserve fund may be applied is deemed to be and must be counted as money in the Maine Health Facilities' Reserve Fund, capital reserve funds or any other reserve fund as provided by resolution of the authority. The required debt service reserve is, as of any date of computation, an aggregate amount equal to at least the largest amount of money required by the terms of all contracts between the authority and holders of bonds secured by the reserve fund to be raised in the current or any succeeding calendar year for:

- (1) The payment of interest on and maturing principal of that portion of outstanding bonds secured by the reserve fund; and
- (2) Sinking fund payments required by the terms of any such contracts to sinking funds established for the payment or redemption of those bonds.

See title page for effective date.

CHAPTER 180

H.P. 567 - L.D. 768

An Act to Permit the Buyback of Retirement Time

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

Sec. 1. 5 MRSA §17652, sub-§2, ¶A, as amended by PL 1987, c. 739, §§9 and 48, is further amended to read:

~~A.-A.~~ Except as provided in section 17704-A, a person who joins the retirement system under this subsection may not pay contributions or have pick-up contributions made on or receive any service credit for the period during which that person elected not to be a member of the system.

Sec. 2. 5 MRSA §17704, sub-§4, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

4. Applicability. This section does not apply to any member who begins membership after December 31, 1985, and who had, in accordance with section 17652, elected not to become a member when first employed, except as provided in section 17704-A.

Sec. 3. 5 MRSA §17704-A is enacted to read:

§17704-A. Back contributions; elected and appointed officials

Notwithstanding section 17652, subsection 2, paragraph A and section 17704, an elected official or an official appointed for a fixed term who began membership after December 31, 1985 may purchase service credit for the period during which that person elected not to be a member of the retirement system if the following requirements are met.

1. Election. Notice of the member's election to pay back contributions into the Members' Contribution Fund under this section must be received by the retirement system by December 31, 1995.

2. Timing of payment. The payment must be made before the date any retirement benefit becomes effective for the member.

3. Method of payment. The payment must be made to the retirement system by a single direct payment or by annual direct payments. Annual payments must be made as provided in section 17701, subsection 4.

4. Amount of payment. The amount of payment must be the amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service. Additional amounts paid under this section become part of the member's accumulated contributions.

Sec. 4. 5 MRSA §17753, as repealed and replaced by PL 1989, c. 95, §5, is amended to read:

§17753. Service credit for back contributions

Upon complete payment of the back contributions under section 17704 or 17704-A, the member ~~shall~~ must be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the back contributions under section 17704 or 17704-A, the member ~~shall~~ must be granted service credit on a pro rata basis in accordance with rules adopted by the board.

See title page for effective date.

CHAPTER 181

S.P. 372 - L.D. 1049

**An Act to Amend the Law
Concerning the Pricing of
Discontinued and Test-market
Liquor Items**

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

Sec. 1. 28-A MRSA §1651, sub-§2, ¶C, as amended by PL 1991, c. 780, Pt. Y, §130, is further amended to read:

C. Notwithstanding the other provisions of this section, with approval of the Commissioner of Administrative and Financial Services, the commission may reduce the price of discontinued items of liquor. The reduced price may not be less than the actual cost of the discontinued liquor items ~~and the commission may not discontinue an item for a period of at least 6 months~~

~~after that item has been listed and on sale in state liquor stores.~~

Sec. 2. 28-A MRSA §1651, sub-§2, ¶G is enacted to read:

G. Notwithstanding the other provisions of this section, the commission may reduce, at the expense of the broker or supplier, the price of those test-market items that fail to meet set minimum gross profit standards after a 3-month period.

See title page for effective date.

CHAPTER 182

S.P. 460 - L.D. 1256

**An Act to Permit Wire-tapped
Conversations of or with Prisoners to
be Used in Court**

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

Sec. 1. 15 MRSA §712, sub-§2, ¶B, as enacted by PL 1987, c. 680, §5, is amended to read:

B. Notice of the possibility of interception is ~~posted in a place and~~ provided in a way sufficient to make ~~that person~~ the parties to the communication aware of the possibility of interception; and

Sec. 2. 15 MRSA §713, as amended by PL 1983, c. 379, is further amended to read:

§713. Evidence

The contents of an interception ~~shall are~~ not be admissible in court, except that the contents of an interception of any oral or wire communication ~~which~~ that has been legally obtained under the laws of another jurisdiction in which the interception occurred, ~~shall be~~ or that has been legally obtained pursuant to section 712, subsection 2 is admissible in the courts of this State, subject to the Maine Rules of Evidence.

See title page for effective date.

CHAPTER 183

H.P. 710 - L.D. 967

**An Act to Amend the Adult
Protective Services Act to Allow
Referrals of Cases of Abuse, Neglect**