

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

J.S. McCarthy Company
Augusta, Maine
1995

4. Possession of useful objects. Except as otherwise directed by the Attorney General, the Attorney General's deputies or assistants, the medical examiner or Office of the Chief Medical Examiner may direct that a law enforcement officer at the scene make measurements, take photographs and take possession of all objects that in the opinion of the medical examiner or Office of the Chief Medical Examiner may be useful in establishing the cause, manner and circumstances of death. For these same purposes, the medical examiner or the Office of the Chief Medical Examiner may direct that a law enforcement officer take possession of any objects or specimens that have been removed from the victim at the scene or elsewhere while under medical care.

Sec. 2. 22 MRSA §3028, sub-§5, as amended by PL 1985, c. 611, §7, is further amended to read:

5. Requests for objects. Any person having possession of any object or objects, as described in subsection 4, shall at the request of the medical examiner give that object or objects to a law enforcement officer, to the medical examiner or to the Office of the Chief Medical Examiner. Medical personnel and institutions turning over any objects or specimens that have been removed from the victim while under medical care are immune from civil or criminal liability when complying with this subsection. Original written or recorded material that might express suicidal intent ~~shall~~ must be sent to the Office of the Chief Medical Examiner. The Chief Medical Examiner may elect to accept copies in place of originals.

Sec. 3. 22 MRSA §3028, sub-§7, as enacted by PL 1979, c. 538, §8, is amended to read:

7. Written report. Upon completing ~~his~~ an investigation, the medical examiner shall submit a written report of ~~his~~ findings to the Chief Medical Examiner on forms provided for that purpose. The medical examiner shall retain one copy of the report.

If a medical examiner reports suspected abuse, neglect or exploitation to the Chief Medical Examiner, the Chief Medical Examiner, by reporting that information to the department on behalf of the medical examiner, fulfills the medical examiner's mandatory reporting requirement under section 3477 or 4011.

See title page for effective date.

CHAPTER 273

H.P. 522 - L.D. 712

An Act to Make Allocations from the Transportation Safety Fund for the

Fiscal Years Ending June 30, 1996 and June 30, 1997

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the Department of Public Safety and the Department of the Secretary of State will become due and payable on or immediately after July 1, 1995; 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. 29-A MRSA §561, sub-§3, ¶¶A and B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

A. There must be allocated to the Department of Public Safety for the State Police no more than ~~\$2,600,000~~ \$2,200,000 in fiscal year ~~1993-94~~ 1995-96 and ~~\$2,600,000~~ \$2,300,000 in fiscal year ~~1994-95~~ 1996-97 for duties imposed by this chapter and Title 35-A and for related activities.

B. There must be allocated to the Department of the Secretary of State for the Bureau of Motor Vehicles no more than ~~\$660,000~~ \$750,000 annually for enforcement of commercial driver license law.

Sec. 2. Allocation of funds. Income to the Transportation Safety Fund for the next 2 fiscal years, from July 1, 1995 to June 30, 1996 and from July 1, 1996 to June 30, 1997, must be segregated, apportioned and disbursed as designated in the following schedule.

	1995-96	1996-97
PUBLIC SAFETY, DEPARTMENT OF		
Traffic Safety - Commercial Vehicle Enforcement		
Positions - Legislative Count	(41.0)	(41.0)
Personal Services	\$1,775,646	\$1,925,916
All Other	270,694	278,677
Capital Expenditures	122,500	72,800

Provides funds for one State Police Sergeant position, one State Police Specialist position, one State Police Corporal position, 30 State Police Trooper positions, one Safety Inspector Supervisor position, 7 Motor Carrier Inspector positions, general operating expenses and capital expenditures to enforce commercial vehicle laws throughout the State.

DEPARTMENT OF PUBLIC SAFETY		
TOTAL	\$2,168,840	\$2,277,393

SECRETARY OF STATE, DEPARTMENT OF THE

Administration - Motor Vehicles

Positions - Legislative Count	(19.0)	(19.0)
Personal Services	\$595,763	\$602,290
All Other	125,127	127,829

Provides funds for 3 Driver License Examiner I positions, one Clerk IV position, 2 Clerk Typist III positions, one Clerk III position, 12 Clerk Typist II positions and general operating expenses to carry out the Single Point Contact Program.

DEPARTMENT OF THE SECRETARY OF STATE		
TOTAL	\$720,890	\$730,119

Sec. 3. Adjustments to allocations.

Allocations under this Act may be increased or adjusted by the State Budget Officer, with the approval of the Governor, to specifically cover those adjustments determined to be necessary under any salary plan approved by the Legislature and those reclassifications or range changes that have been approved by the Department of Administrative and Financial Services and submitted for legislative review prior to the effective date of this Act.

Sec. 4. Encumbered balance at year end.

At the end of each fiscal year, all encumbered balances may not be carried more than once.

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

Effective June 21, 1995.

CHAPTER 274

S.P. 559 - L.D. 1518

An Act to Amend the Maine State Retirement System with Respect to the Consolidated Plan for Participating Local Districts

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

Whereas, the consolidated plan for participating local districts has been in operation since July 1, 1994 and will expand to include additional participating local districts that will join the consolidated plan on July 1, 1995; and

Whereas, current statutes do not accurately reflect the intent of the Participating Local District Advisory Committee as was originally intended by the Legislature; and

Whereas, immediate statutory revision is needed to ensure that the consolidated plan is established and operated to reflect the advisory committee's intent; 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. 5 MRSA §17001, sub-§13, ¶C, as amended by PL 1993, c. 580, §1 and affected by §3, and as amended by c. 595, §3 and affected by §16, is repealed and the following enacted in its place:

C. Notwithstanding the other provisions of this subsection, for the purposes of determining average final compensation, "earnable compensation" does not include any increase that exceeds the prior year's earnable compensation by more than 5% or that results in a total increase of more than 10% during the 3-year period used in the calculation of average final compensation, unless the cost of the additional actuarial liability arising from the excess increase is paid by the employer