

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

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

as provided in section 17154. Any payment made under paragraph B, subparagraph (1) must be included in determining the amount of increase in the year in which the payment is made. This paragraph does not apply to excess increases resulting from compensation paid prior to July 1, 1993, from compensation paid in accordance with an individual employment contract executed prior to July 1, 1993 or a collective bargaining agreement executed or ratified in its final form by final vote of one party to the agreement prior to July 1, 1993 for the initial term of that contract or agreement or from other action by the governing body of a school administrative unit in effect on July 1, 1993. This paragraph does not apply to increases in compensation of state employees during fiscal year 1993-94 and fiscal year 1994-95. In all circumstances in which this paragraph does not apply to earnable compensation of state employees and teachers, the provisions of this paragraph that were in effect prior to June 30, 1993 apply. This paragraph does not apply to earnable compensation of employees of participating local districts.

Sec. 2. 5 MRSA §17001, sub-§32, ¶B, as repealed and replaced by PL 1993, c. 250, §1, is amended to read:

B. For a retired participating local district employee:

(1) Except as provided in subparagraph (2), "restoration to service" means acceptance of employment with the participating local district from which the employee retired; and

(2) After the date on which a ~~participating local district's~~ the consolidated plan under chapter 427 goes into operation, for a participating local district employee who retires from a participating local district that at the time of the employee's retirement is in the consolidated plan, "restoration to service" means acceptance of employment with ~~any district that participates in the consolidated plan. This subparagraph applies to employees who retire before a consolidated plan goes into operation as well as to those who retire after a consolidated plan has gone into operation~~ the participating local district from which the employee retired or with any other participating local district that is in the consolidated plan at the time the employee accepts employment.

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

Effective June 21, 1995.

CHAPTER 275

H.P. 699 - L.D. 957

An Act to Require Licensure for Use of the Title Athletic Trainer

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

Sec. 1. 32 MRSA c. 127-A is enacted to read:

CHAPTER 127-A

ATHLETIC TRAINERS

§14351. Purpose

The Legislature finds that the practice of athletic training affects the public health, safety and welfare and is subject to regulation and control in the public interest. The purpose of this chapter is to protect the public from the unqualified use of the term "athletic trainer" and from unprofessional conduct by persons licensed to use the term "athletic trainer."

§14352. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Athlete. "Athlete" means a physically active individual training for or participating in an amateur, educational or professional athletic organization or any other association that sponsors athletic programs or events in the State.

2. Athletic injury. "Athletic injury" means a disruption of tissue continuity that is sustained by an athlete or recreational athlete when that injury:

A. Results from that individual's participation in or training for sports, fitness training or other athletic competition; or

B. Restricts or prevents that individual from participation in those activities.

3. Athletic trainer. "Athletic trainer" means a person licensed by the department to use that title after meeting the requirements of this chapter.

4. Athletic training. "Athletic training" means: