

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

cubic yards of material will be extracted during that year;

C. A fee of \$250 for each variance requested under section 490-CC, except for the following:

- (1) A fee of \$500 for a variance to excavate below the seasonal high water table;
- (2) A fee of \$500 for a variance to create an externally drained quarry;
- (3) A fee of \$125 for a variance to waive the topsoil salvage requirement;
- (4) A fee of \$125 for a variance to waive the monitoring requirements for airblasts and ground vibration; and
- (5) A fee of \$250 upon filing a notice of intent to expand under section 490-EE; and

D. A fee of \$250 upon filing a notice of intent to expand under this section.

Notwithstanding any other provision of this subsection, the total for all fees paid under paragraphs A and B for one quarry in one calendar year may not exceed \$350.

Sec. 36. Transition provisions. A peat mine licensed pursuant to the Maine Revised Statutes, Title 38, chapter 3, subchapter I, article 6 prior to the effective date of this Act is also considered licensed pursuant to Title 38, chapter 3, subchapter I, article 5-A, as of the effective date of this Act.

See title page for effective date.

CHAPTER 701

H.P. 1379 - L.D. 1887

An Act to Revise the Salaries of Certain County Officers

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, it has become necessary to revise the salaries of certain county officers; and

Whereas, it is desired to have these revisions retroactive to January 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. 30-A MRSA §2, sub-§1-B, ¶¶A to D, as repealed and replaced by PL 1995, c. 500, §1 and affected by §2, are repealed and the following enacted in their place:

	<u>1995</u>	<u>1996</u>
<u>A. Androscoggin County:</u>		
<u>(1) Commissioners</u>		
<u>(a) Chair</u>	<u>\$6,536</u>	<u>\$6,536</u>
<u>(b) Members</u>	<u>5,595</u>	<u>5,595</u>
<u>(2) Treasurer</u>		
	<u>21,007</u>	<u>21,007</u>
<u>(3) Sheriff</u>		
	<u>30,955</u>	<u>30,955</u>
<u>(4) Judge of Probate</u>		
	<u>12,689</u>	<u>12,689</u>
<u>(5) Register of Probate</u>		
	<u>10,712</u>	<u>10,712</u>
<u>(6) Register of Deeds</u>		
	<u>27,495</u>	<u>27,495</u>
<u>B. Kennebec County:</u>		
<u>(1) Commissioners</u>		
<u>(a) Chair</u>	<u>\$7,438</u>	<u>\$7,662</u>
<u>(b) Members</u>	<u>7,014</u>	<u>7,225</u>
<u>(2) Treasurer</u>		
	<u>9,452</u>	<u>9,452</u>
<u>(3) Sheriff</u>		
	<u>35,906</u>	<u>37,701</u>
<u>(4) Judge of Probate</u>		
	<u>18,210</u>	<u>19,302</u>
<u>(5) Register of Probate</u>		
	<u>23,951</u>	<u>25,388</u>
<u>(6) Register of Deeds</u>		
	<u>25,066</u>	<u>26,500</u>
<u>C. Penobscot County:</u>		
<u>(1) Commissioners</u>		

(a) Chair	\$8,752	\$8,752
(b) Members	8,353	8,353
(2) Treasurer	3,963	6,527
(3) Sheriff	40,111	40,111
(4) Judge of Probate	23,412	23,412
(5) Register of Probate	23,999	23,999
(6) Register of Deeds	22,146	23,999

D. Piscataquis County:

(1) Commissioners		
(a) Chair	\$6,395	\$6,587
(b) Members	5,513	5,679
(2) Treasurer	7,277	7,495
(3) Sheriff	30,870	31,796
(4) Judge of Probate	15,242	15,700
(5) Register of Probate	17,958	18,497
(6) Register of Deeds	19,845	20,441

Sec. 2. Retroactivity. This Act applies retroactively to January 1, 1995.

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

Effective April 11, 1996.

CHAPTER 702

H.P. 1380 - L.D. 1888

An Act Regarding the Maine Potato Board

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

Whereas, Public Law 1995, chapter 502 established the Maine Potato Board as an incorporated public instrumentality of the State effective March 1, 1996; and

Whereas, the timing of the transition of the Maine Potato Board from an agency of the State to an independent agency has a potentially detrimental

impact on the application of retirement benefits to the Maine Potato Board's employees; and

Whereas, there is a compelling need to clarify the retirement status of the Maine Potato Board's employees and have that clarification apply from March 1, 1996 onward; 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. 36 MRSA §4603, sub-§12 is enacted to read:

12. State employees for certain purposes. Notwithstanding subsection 9, employees of the board, including employees hired after the effective date of this section, are state employees for the purposes of the state retirement provisions of Title 5, Part 20 and the state employee health insurance program under Title 5, chapter 13, subchapter II.

Sec. 2. 36 MRSA §4606, first ¶, as amended by PL 1995, c. 502, Pt. C, §18, is further amended to read:

Money received by the Treasurer of State under this chapter, including all receipts of taxes levied under section 4605, must be transferred to the board in its capacity as an independent agency on a monthly basis and used for all activities of the board authorized under this chapter. The board shall pay a sum to the State Tax Assessor representing the cost incurred by the State in collecting the taxes. Notwithstanding section 4603, subsection 1, money received by the Treasurer of State under this chapter, including all receipts of taxes levied under section 4605, must be allocated or appropriated to the board by the Legislature.

Sec. 3. PL 1995, c. 502, Pt. C, §20, sub-§3 is repealed and the following enacted in its place:

3. Personnel; retirement; health insurance; accrued benefits. Employees of the Maine Potato Board must be transferred from state employment to the Maine Potato Board in its capacity as an independent agency.

A. Employees of the Maine Potato Board continue to be treated as state employees for purposes of rights and benefits under the Maine State Retirement System. The retirement accounts of employees transferred to the board in