

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

(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

its capacity as an independent agency must remain in the state regular plan. New employees also become members of the Maine State Retirement System under the state regular plan. The board shall make employer retirement plan contributions at the state regular plan rate. Employee retirement plan contributions must be at the state regular plan rate.

B. Employees of the Maine Potato Board continue to be treated as state employees for the purposes of the state employee health insurance program. Board employees are entitled to receive the same retirement health benefits as state employees.

C. The accrued fringe benefits of employees transferred to the Maine Potato Board in its capacity as an independent agency, including vacation and sick leave, health and life insurance and retirement, remain with the transferred employee.

Sec. 4. Retroactivity. This Act applies retroactively to March 1, 1996.

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

Effective April 11, 1996.

CHAPTER 703

H.P. 1377 - L.D. 1885

An Act Regarding the State Government Computer System

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

Whereas, the Legislature must immediately change the statutory guidelines concerning the use of the state government computer system and remove inconsistencies in the current law; 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 §1890-B, as amended by PL 1991, c. 340, is repealed and the following enacted in its place:

§1890-B. Misuse of State Government computer system

1. Violation. A person is guilty of misuse of a State Government computer system if that person knowingly uses a computer system operated by a state department or agency, the Judicial Department or the Legislature:

A. To prepare materials with the intent to expressly advocate, to those eligible to vote, for the election or defeat of any candidate for a federal office, a constitutional office, or any candidate for elective municipal, county or state office, including leadership positions in the Senate and the House of Representatives; or

B. With the intent to solicit contributions reportable under Title 21-A, chapter 13.

1-A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Computer system" has the same meaning as in Title 17-A, section 431.

B. "Leadership positions" includes the presiding officers of each House, party leaders, the Clerk of the House and Assistant Clerk of the House and the Secretary of the Senate and the Assistant Secretary of the Senate.

2. Penalty. Misuse of a State Government computer system is a Class C crime.

4. Confidentiality. Computer programs, technical data, logic diagrams and source code related to data processing or telecommunications are confidential and are not public records as defined in Title 1, section 402, subsection 3 to the extent of the identified trade secrets. To qualify for confidentiality under this subsection, computer programs, technical data, logic diagrams and source code must:

A. Contain trade secrets as defined in Title 10, section 1542, subsection 4 held in private ownership; and

B. Have been provided to a state agency by an authorized independent vendor or contractor under an agreement by which:

- (1) All trade secrets that can be protected are identified without disclosing the secret;