

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

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 lapse to the debt service account established for the retirement of these bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in section 6 under the direction and supervision of the Director of the Bureau of Parks and Lands.

Sec. 6. Allocations from General Fund bond issue; major improvements at state park and historic site facilities. The proceeds of the sale of bonds must be expended as designated in the following schedule.

DEPARTMENT OF CONSERVATION

Bureau of Parks and Lands	\$3,000,000
Provides funds for major capital improvements at state park and historic site facilities, specifically renovations needed to make state parks and historic sites accessible to people with disabilities, completion of roof and masonry restoration at Fort Knox State Historic Site and the replacement of Churchill Dam in the Allagash Wilderness Waterway.	

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State have ratified the issuance of bonds as set forth in this Act.

Sec. 8. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Act, are deauthorized and may not be issued; except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 10. Referendum for ratification; submission at general election; form of question; effective date. This Act must be submitted to the legal voters of the State of Maine at the next general election in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a general election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$3,000,000 bond issue to make capital improvements at state parks and historic sites?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim the result without delay, and the Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

CHAPTER 78

H.P. 1349 - L.D. 1850

An Act to Clarify the Retirement Status of Certain Employees of the Child Development Services System

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

Whereas, in 1986, the 16 county projects established to aid in the coordination of the provision of services to preschool handicapped children were combined as the Child Development Services System, or "CDS"; and

Whereas, CDS was created, in part, to establish a central employer for CDS staff, and, so structured, CDS met the definitional requirements and elected to become a participating local district of the Maine State Retirement System; and

Whereas, CDS staff who had previously earned service credit in the Maine State Retirement System state and teacher plan were permitted to bring that service credit with them to be considered as service credit earned in CDS; and

Whereas, amendments to the laws governing the CDS changed its structure so that CDS no longer met the definitional requirements to be a participating local district of the Maine State Retirement System; and

Whereas, current applicable Maine State Retirement System laws require that, when a participating local district ceases to exist, funds in the retirement account of the participating local district are allocated to the employees in a manner that effectively defeats earlier legislative intent permitting state and teacher plan service credit to be considered as service credit earned in CDS as a participating local district service credit; and

Whereas, enactment of specific provisions governing the distribution of CDS participating local district funds would preserve the earlier legislative intent with respect to affected CDS employees while incurring no additional liability cost to the state and teacher plan; 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. Distributions to employees as the result of Child Development Services System no longer meeting requirements to be a participating local district. Since the Child Development Services System's status as a participating local district of the Maine State Retirement System ended June 30, 1992, employer and employee contributions and earnings on those contributions held by the Maine State Retirement System on behalf of Child Development Services System as a participating

local district and its employees must be distributed in accordance with the following:

1. The following general provisions apply.

A. Unless specifically provided otherwise, all calculations for lump-sum distributions and transfers of full actuarial values and related service credit under this section must be made on the basis of service credit and average final compensation as of June 30, 1992.

B. A person entitled to make an election under this section must make that election not later than May 1, 1996 in accordance with procedures established by the Maine State Retirement System. If a person fails to make the election by the deadline, the person must be treated as if the person had elected subsection 2, paragraph B, subparagraph (3).

C. The value of the assets of Child Development Services System as a participating local district must be established as of June 1, 1996. Distributions under this section must be made no later than June 30, 1996.

D. A person who elects under this section to transfer service credit to the retirement system's state and teacher plan and who later becomes eligible to take a refund is entitled to a refund in the amount of the person's employee contributions and interest earned on the contributions.

E. A person covered by this section who, after June 30, 1992 and prior to the effective date of this Act, has received a refund of contributions and interest and who is entitled to make the election under subsection 2, paragraph B and who elects either subsection 2, paragraph B, subparagraph (1) or (2) must repay in full to the retirement system the total amount of the refunded contributions and interest, plus interest on the refunded amount accrued between the date the refund was issued and the date the repayment was made. The repayment must be made in full no later than May 1, 1996.

F. The retirement system will contact and assist persons to whom this section applies to understand the distribution or distribution elections available under this section to each person.

2. Distribution elections are as follows.

A. A person who on June 30, 1992 was a Maine State Retirement System member by virtue of employment by Child Development Services System as a participating local district and who, on the effective date of this Act, is an employee of Child Development Services System or was a

former employee of Child Development Services System, and whose service credit under Child Development Services System as a participating local district does not include any service credit earned initially under the retirement system's state and teacher plan and subsequently transferred to Child Development Services System as a participating local district to be considered as service credit earned under Child Development Services System's participating local district plan receives a lump-sum distribution calculated on the basis of the person's service credit earned under the Child Development Services System's participating local district plan and average final compensation based on compensation earned under the Child Development Services System's participating local district plan, less any distribution of employee contributions and interest already made to the person as a refund subsequent to June 30, 1992.

B. A person who on June 30, 1992 was a Maine State Retirement System member by virtue of employment by Child Development Services System as a participating local district and who, on the effective date of this Act, is an employee of Child Development Services System or was a former employee of Child Development Services System, and whose service credit under Child Development Services System as a participating local district includes service credit earned initially under the retirement system's state and teacher plan and subsequently transferred to Child Development Services System as a participating local district to be considered as service credit earned under Child Development Services System's participating local district plan shall elect one of the following:

(1) To have transferred back to the retirement system's state and teacher plan all of the person's service credit under the Child Development Services System's participating local district plan including service credit earned initially under the retirement system's state and teacher plan and subsequently transferred to Child Development Services System as a participating local district to be considered as service credit earned under Child Development Services System's participating local district plan. For each person who so elects, the amount of the full actuarial value of the person's retirement benefit calculated on the basis of the combined service credit and average final compensation based on compensation related to that service credit must be transferred from Child Development Services System's participating local district plan to the retirement system's state and teacher

plan. All of the service credit so transferred must be considered a service credit earned under the state and teacher plan and must be combined with other service credit, if any, earned by the person under the state and teacher plan;

(2) To receive a lump-sum distribution calculated on the basis of the person's service credit earned under the Child Development Services System participating local district plan and average final compensation based on compensation earned under the Child Development Services System's participating local district plan, less any distribution of employee contributions and interest already made to the person as a refund subsequent to June 30, 1992, and to have transferred back to the retirement system's state and teacher plan the service credit initially earned under the state and teacher plan and subsequently transferred to the Child Development Services System participating local district plan. For each person who so elects, the amount of the full actuarial value of the person's retirement benefit calculated on the basis of that service credit and average final compensation based on compensation related to that service credit must be transferred from Child Development Services System participating local district plan to the state and teacher plan. All of the service credit so transferred must be considered as service credit earned under the state and teacher plan and must be combined with other service credit, if any, earned by the person under the state and teacher plan; or

(3) To receive a lump-sum distribution calculated on the basis of the person's service credit under the Child Development Services System's participating local district plan, including service credit initially earned under the retirement system's state and teacher plan and subsequently transferred to Child Development Services System as a participating local district to be considered as service credit earned under Child Development Services System participating local district plan, and average final compensation based on compensation related to all of that service credit.

3. If, after all lump-sum distributions are made, there are insufficient assets in Child Development Services System's participating local district plan to carry out all transfers of full actuarial value to the state and teacher plan that are necessary as a result of elections made by persons entitled to an election under

this section, the amount of the shortfall in assets must be calculated as a percent of the total amount of assets required to make all of the full actuarial value transfers. That percentage must then be applied to the full actuarial value for each person's electing such a transfer, reducing each person's full actuarial value and related transferred service credit by that percentage, so that the transferred service credit, so reduced, is fully funded.

4. If, after all lump-sum distributions and transfers of actuarial values as provided under this section are made, assets remain in the Child Development Services System's participating local district plan, the full remaining balance of assets must be distributed to Child Development Services System for retention or distribution back to Child Development Services System's funding source or sources, as required by applicable law.

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

Effective April 10, 1996.

CHAPTER 79

S.P. 749 - L.D. 1859

An Act to Authorize the Disposition of Property Interests at the Pineland Center

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

Sec. 1. Definitions. As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.

2. Lease. "Lease" refers to real property leases and includes but is not limited to ground leases and leases with option to purchase.

3. Pineland Conversion Committee. "Pineland Conversion Committee," referred to in this Act as the "committee," consists of the Commissioner of Administrative and Financial Services or the commissioner's designee who serves as chair; the Director of the Bureau of General Services within the Department of Administrative and Financial Services; the chair or any member of the Governor's Task Force on Pineland Center Reuse as of October 1995 as established by Executive Order 4 Fiscal Year 1994-95; a representative appointed by the Board of Selectmen of the Town

of New Gloucester; and a representative appointed by the Governor.

4. State property. "State property" means the property known as "the Pineland Center," containing approximately 299.92 acres, and described in the following deeds recorded in the Cumberland County Registry of Deeds: Book 822, Page 249; Book 822, Page 251; Book 822, Page 253; Book 822, Page 257; Book 823, Page 385; Book 826, Page 79; Book 844, Page 28; and Book 1796, Page 401; together with the buildings and improvements, all appurtenant rights and easements and all personal property located on that property, including vehicles, machinery, equipment and supplies.

Sec. 2. Authority to convey real estate. The State, through the commissioner and upon a majority vote of the committee, may:

1. Enter into agreements. Enter into agreements for sale or lease of all or portions of the state property at such prices and upon such terms as the committee determines, in its sole discretion subject to any federal, state or local permits or approvals required by law;

2. Enter into leases. Execute and deliver a lease or leases, or deeds as described in section 5, and other instruments transferring interests in all or portions of the state property at such prices and upon such terms as the committee determines, in its sole discretion;

3. Settle boundary discrepancies. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies;

4. Eminent domain. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 3, the power of eminent domain for the purpose of quieting for all time any possible challenges to ownership of the state property and for no other purpose;

5. Contribute to value. Negotiate, draft, execute and deliver any easements or other rights that could contribute to the value of a proposed sale or lease of the State's interests; and

6. Release interest. Release any interests in the state property that do not contribute to the value of the remaining state property.

Sec. 3. Membership; appointment. The committee established in section 1, subsection 3 consists of 5 members, appointed by the Governor, to serve until such time as the Governor appoints members to the Pineland Development Authority pursuant to section 13 or all interests in the state property have been conveyed. A committee member's term does not extend beyond 2 years from the