

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

Sec. 1. Resolve 1993, c. 74, §7 amended. Resolved: That Resolve 1993, c. 74, §7 is amended to read:

Sec. 7. Report. Resolved: That the commission shall submit a report, together with any necessary implementing legislation, to the Second Regular Session of the 117th Legislature by November 1, ~~1995~~ 1996; and be it further

See title page for effective date.

CHAPTER 37

H.P. 1129 - L.D. 1574

Resolve, Authorizing the Sale of Certain Property in Connor

Sec. 1. Authorization to sell land. Resolved: That the Bureau of General Services is authorized to sell at an appraised value a state-owned property known as the Thibodeau School Lot in Connor and the building thereon to adjacent property owners Douglas and Elaine Michaud for the purpose of installing a leach field on said property.

See title page for effective date.

CHAPTER 38

S.P. 365 - L.D. 991

Resolve, to Strengthen Fish Hatchery Capacity within the State by Establishing a Partnership between Public and Private Organizations

Sec. 1. Task force. Resolved: That the Fish Hatchery Task Force to Investigate Establishing a Partnership between Public and Private Organizations is created, and in this resolve referred to as "task force," to enter into discussions that include other interested parties to investigate and pursue opportunities for creating a partnership of public and private organizations for the efficient operation of state fishery restoration programs for inland and coastal waters; and be it further

Sec. 2. Task force membership; election of chair. Resolved: That the task force membership consists of the Commissioner of Inland Fisheries and Wildlife, the Commissioner of Marine Resources, the Commissioner of Environmental Protection, the Commissioner of Agriculture, Food and Rural Resources, one member of the Senate appointed by the President of the Senate, one member of the House of Representatives appointed by the Speaker of the

House of Representatives and one member of the public to be appointed by the Governor. The Chair of the Legislative Council shall convene the first meeting. At the first meeting, the task force shall elect a chair from among its members; and be it further

Sec. 3. Meetings; reimbursement. Resolved: That the task force hold meetings in Augusta to take input from the public, there be public notice of those meetings and that the meetings and task force documents are public proceedings and public records pursuant to the Maine Revised Statutes, Title 1, section 402. Members are not entitled to receive reimbursement for expenses. Legislative members are not entitled to receive per diem compensation; and be it further

Sec. 4. Salmonid fish health guidelines. Resolved: That the task force shall examine the appropriateness of the New England Salmonid Fish Health Guidelines in relationship to providing the greatest opportunities for the public and private raising of salmon and trout; and be it further

Sec. 5. Water quality. Resolved: That the task force shall review and make any appropriate recommendations for change to the classification of receiving waters and water quality discharge standards affecting public and private fish hatcheries; and be it further

Sec. 6. Report. Resolved: That the task force shall report its recommendations on these issues and policies to the 117th Legislature by January 1, 1996.

See title page for effective date.

CHAPTER 39

S.P. 563 - L.D. 1531

Resolve, Establishing a Moratorium on Implementation of the Law Requiring Public Employers to Pay the Costs of Early Retirement Incentives

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 and resolves of the Legislature do not become effective

until 90 days after adjournment unless enacted as emergencies; and

Whereas, although early retirement incentives can provide employers immediate savings in benefit costs, the full long-term costs of such incentives are frequently very high; and

Whereas, effective July 1, 1993, State law was changed to make certain public employers responsible for paying the actuarial and administrative costs of early retirement incentives offered to their employees; and

Whereas, because the costs of early retirement may be very high, the implementation of the new law is expected to have a major financial impact on certain public employers who may not have been fully aware of the costs when they offered early retirement incentives; and

Whereas, reliable data on the number of incentives offered, the number of employers and employees affected, and the costs involved is not currently available; and

Whereas, lacking that information, the Legislature is unable to equitably determine how the costs of early retirement incentives should be apportioned; 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

Sec. 1. Moratorium on implementation of Maine Revised Statutes, Title 5, section 17154, subsection 10. Resolved: That, notwithstanding the Maine Revised Statutes, Title 5, section 17154, subsection 10, the Board of Trustees of the Maine State Retirement System may not enforce Title 5, section 17154, subsection 10 or any rules adopted pursuant to section 17154, subsection 10 until March 15, 1996, although the board may adopt or amend rules related to that subsection for application after March 15, 1996. In any subsequent action to collect the costs of early retirement incentives from employers under Title 5, section 17154, subsection 10, the board may not charge interest for the period from the effective date of this resolve to March 15, 1996; and be it further

Sec. 2. Collection of data. Resolved: That the Maine State Retirement System shall collect from school administrative units data regarding the type and number of early retirement incentives offered to members of the Maine State Retirement System since July 1, 1993 and relevant information about members

who have retired or intend to retire with early retirement incentives after that date. Not later than September 15, 1995, each school administrative unit shall provide to the Maine State Retirement System:

1. The name of each employee of that unit who was or is a member of the Maine State Retirement System and who on or after July 1, 1993 retired or gave notice of intent to retire before normal retirement age, with all information about each employee and the application of a retirement incentive to that employee that is relevant to determine the costs specified in the Maine Revised Statutes, Title 5, section 17154, subsection 10 and to carry out the purposes of this resolve. The retirement system may develop a standardized format for the collection of employee information under this subsection;

2. Copies of the collective bargaining agreement or agreements covering members of the Maine State Retirement System that were in effect in that unit on or after July 1, 1993, including any memoranda of agreement, side agreement or other addendum to a collective bargaining agreement that affects payments to an employee at the time of retirement. Portions of documents that affect retirement must be clearly marked for identification. This subsection does not apply to any such agreement or addendum executed and ratified by final vote of one party to the agreement before July 1, 1993; and

3. Copies of any document, including minutes, setting out any policy of that unit's school board or administration relating to payments made at the time of retirement to employees who are or were members of the Maine State Retirement System; and be it further

Sec. 3. Report. Resolved: That the Maine State Retirement System shall compile the information collected pursuant to this resolve, calculate the additional actuarial and administrative costs of early retirement incentives offered to members of the Maine State Retirement System in accordance with the Maine Revised Statutes, Title 5, section 17154, subsection 10 and report the costs to the Joint Standing Committee on Labor not later than February 15, 1996. Following consideration of the report, the Joint Standing Committee on Labor may develop and report out legislation governing early retirement incentives for consideration at the Second Regular Session of the 117th Legislature.

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

Effective June 28, 1995.
