

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

CHAPTER 40**H.P. 761 - L.D. 1035****Resolve, to Create the Teacher Retirement Advisory Committee****Sec. 1. Committee established. Resolved:**

That the Teacher Retirement Advisory Committee, referred to in this resolve as the "committee," is established; and be it further

Sec. 2. Members. Resolved: That the committee consists of 4 members as follows:

1. One member appointed by the Maine Education Association;
2. One member appointed by the Maine School Management Association;
3. One member from the Maine State Retirement System, appointed by the Board of Trustees of the Maine State Retirement System; and
4. One member from the Department of Education, appointed by the Governor; and be it further

Sec. 3. Deadline for appointments; organizational meeting. Resolved: That all appointments must be made no later than 14 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Maine State Retirement System upon making their appointments. When appointment of all members of the committee is completed, the Executive Director of the Maine State Retirement System shall call the committee together for its first meeting no later than November 15, 1995. The committee shall select a chair from among its members; and be it further

Sec. 4. Duties. Resolved: That the committee shall examine the issue of whether extracurricular stipends should be included or excluded from earnable compensation for teacher retirement purposes. In its examination of this issue, the committee shall consider the following:

1. Whether a recommended change to the definition of "earnable compensation" should be applied so that teachers who already have been compensated for stipendiary positions for an extended period of time, including the 3 years in which their earnings were highest, will be entitled to have those earnings included in their average final compensation;
2. Whether a percentage of any excluded extracurricular stipends may be deposited in a defined contribution plan or other retirement option;

3. An effective date for any recommended changes that permits local school districts and employees to make a smooth transition to recommendations from the committee; and

4. An actuarial assessment of the impact on the unfunded liability of the Maine State Retirement System resulting from the recommendations of the committee.

The committee shall report its findings, recommendations and any necessary implementing legislation to the Joint Standing Committee on Labor no later than February 15, 1996; and be it further

Sec. 5. Staff assistance. Resolved: That the Maine State Retirement System shall provide staff assistance to the committee upon its request; and be it further

Sec. 6. Compensation. Resolved: That members of the committee are not entitled to receive compensation or reimbursement for expenses.

See title page for effective date.

CHAPTER 41**H.P. 105 - L.D. 140****Resolve, to Establish a Pilot Project for Medicaid Reimbursement for Acupuncture Treatment of Substance Abuse**

Sec. 1. Acupuncture pilot project. Resolved: That the Department of Human Services and the Office of Substance Abuse are authorized to pursue a home-and-community-based waiver from the federal Health Care Financing Administration to develop a pilot project for the treatment of alcoholism and drug dependency through the use of acupuncture. The Department of Human Services and the Office of Substance Abuse may establish treatment standards for the project by either formal rulemaking or protocols that are binding on the participants. The pilot project must be limited to a finite number of patients determined by the Department of Human Services and the Office of Substance Abuse and may not last longer than 2 years. Acupuncture treatment under the project must be reimbursable as allowed under the United States Social Security Act, Title XIX. The pilot project must be developed and implemented in a manner that ensures that it will be cost-neutral or will result in savings to the State's Medicaid program. The Department of Human Services and the Office of Substance Abuse shall submit a report on the results of the acupuncture pilot project to the joint standing committee of the Legisla-

ture having jurisdiction over human resource matters at the end of the project.

See title page for effective date.

CHAPTER 42

H.P. 805 - L.D. 1122

Resolve, Urging Efforts to Enhance Opportunities for Businesses that Use Recycled Materials as Raw Materials

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

Whereas, legislation has been proposed to eliminate the Maine Waste Management Agency; and

Whereas, the Maine Waste Management Agency was responsible for promoting and facilitating recycling of solid waste in the State; and

Whereas, it is anticipated that an existing state agency will assume certain of the agency's recycling programs; and

Whereas, matching businesses that need recycled materials as raw materials with producers of recyclable materials may be beneficial both to businesses and waste producers; and

Whereas, staff resources at the successor agency are limited, making it inadvisable to impose additional duties on that staff; and

Whereas, the successor agency is likely, when it first assumes recycling duties, to review staff assignments and goals and that review process provides an opportunity to determine how the staff can facilitate recycling; 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. Provision of assistance to businesses. Resolved: That in structuring its operations and establishing goals and assigning duties to its staff, the successor agency to the Maine Waste Management Agency shall include as a goal the provision of assistance to businesses that use recycled products as raw materials; and be it further

Sec. 2. Pursuit of goals. Resolved: That in pursuing that goal the successor agency is urged within available resources to:

1. Develop, in cooperation with the Department of Economic and Community Development and other state, municipal and business assistance and trade organizations, programs that support the increased collection of recycled materials for use by Maine businesses;

2. Convene task forces to coordinate policy on a case-by-case basis when businesses or recycling programs identify shortages or lack capacity to produce sufficient raw materials;

3. Review existing marketing and brokering services to determine adequacy in meeting the needs of businesses dependent upon recycled materials for raw materials; and

4. Determine and recommend to the Legislature whether to include newspapers or any other materials as mandatory items under Title 38, section 2138 to ensure adequate flow of raw materials to businesses dependent upon recycled materials.

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

Effective June 30, 1995.

CHAPTER 43

H.P. 459 - L.D. 625

Resolve, to Reduce the Economic Impacts of the Clean Air Act on Maine's Citizens and Businesses

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

Whereas, this resolve requires that the Department of Environmental Protection provide a petition to the Governor in order that the petition may be submitted to the United States Environmental Protection Agency in a timely manner; and

Whereas, this resolve requires the Department of Environmental Protection to submit to the United States Environmental Protection Agency as soon as practicable a request to redesignate areas of the State for purposes of the federal Clean Air Act ozone requirements; and