

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

the State. The term "District Judge" includes the Chief Judge and Deputy Chief Judge.

See title page for effective date.

CHAPTER 11

S.P. 204 - L.D. 663

An Act to Permit the State Court Administrator to Accept Funds from the Federal Government and Private Sources

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

Sec. 1. 4 MRSA §17-B is enacted to read:

§17-B. Funds from the Federal Government and private sources

The State Court Administrator may accept, use, expend and dispose of, on behalf of the State, funds, equipment, supplies, materials and property from any agency of the United States or from any private foundation or other private source.

See title page for effective date.

CHAPTER 12

H.P. 565 - L.D. 756

An Act to Continue the Participating Local District Consolidated Plan Advisory Committee

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

Whereas, provisions establishing the Participating Local District Advisory Committee were inadvertently allowed to lapse in 1996; and

Whereas, the advisory committee is essential to the operation of the consolidated plan for participating local districts, because its members, who represent participating local district employers and employees, are instrumental in the design and oversight of the consolidated plan; and

Whereas, 224 participating local districts are now in the consolidated 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. 5 MRSA §18802-A is enacted to read:

§18802-A. Participating Local District Advisory Committee

1. Composition; appointment. The Participating Local District Advisory Committee, referred to in this chapter as the "advisory committee," is composed of the following 12 members:

A. Five voting members who are members of labor organizations that represent participating local district employees, appointed by the Governor after being nominated by their respective labor organizations as follows:

(1) One member nominated by the Maine Education Association;

(2) One member nominated by the American Federation of State, County and Municipal Employees;

(3) One member nominated by the Service Employees International Union;

(4) One member nominated by the International Association of Fire Fighters; and

(5) One member nominated by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America;

B. Five voting members who represent participating local districts appointed by the Governor after being nominated as follows:

(1) Three members nominated by the Maine Municipal Association; and

(2) Two members nominated by the Maine School Management Association;

C. One nonvoting member appointed by the Governor; and

D. The executive director or the executive director's designee, to serve as an ex officio nonvoting member.

2. Compensation of members. The members of the advisory committee are not entitled to receive compensation for their participation in the advisory committee's activities.

3. Chair. The executive director, or a designee, shall serve as chair.

4. Term. The terms of the members are as follows.

A. Each member, except the initial appointees, shall serve a term of 5 years.

B. A member shall continue to serve after the expiration of that member's term until a qualified successor is appointed. The member's continuation as a member does not change the expiration of that member's term.

C. The term of a member appointed to succeed a member whose term has expired expires 5 years after the expiration date of the term of the previous member, regardless of the effective date of the new appointment. There is no limit to the number of terms to which a member may be appointed.

D. The appointing authority shall appoint a person to fill a vacancy caused by death, resignation or ineligibility within 60 days. This appointment is for the unexpired portion of the term and must be made from a nomination provided by the organization the former member represented, as provided by subsection 1. With the agreement of the member being replaced and of the nominating and appointing authorities, the member being replaced shall serve until a replacement is appointed. Otherwise, a vacancy exists until a replacement is appointed.

E. The terms of the initial appointments are as follows.

(1) Members who represent participating local district employees are appointed by the Governor, one each, to terms of 1, 2, 3, 4 and 5 years.

(2) Members who represent participating local districts are appointed by the Governor, one each, to terms of 1, 2, 3, 4 and 5 years.

F. A member is considered to have resigned if:

(1) The member severs the affiliation with the organization that nominated the member in accordance with subsection 1; or

(2) The member is absent from 3 consecutive meetings of the advisory committee without good cause as determined by the advisory committee.

5. Transaction of business. The transaction of business by the advisory committee is governed as follows.

A. Seven members constitute a quorum for the transaction of any business.

B. Each member is entitled to one vote.

C. Except as provided by subsection 6, 6 affirmative votes are necessary for the passage of any resolution or any other action by the advisory committee.

6. Proposal for plan design or amendment. The advisory committee shall present to the board proposals for the consolidated retirement plan and amendments to the plan. Passage of any resolution or any other action by the advisory committee relating to proposals for the consolidated retirement plan or proposed amendments to the consolidated retirement plan requires 8 affirmative votes.

Sec. 2. Retroactivity. This Act applies retroactively to June 30, 1996.

Sec. 3. Transition. The members of the Participating Local District Advisory Committee holding office on June 29, 1996, may continue to hold office if otherwise qualified and fulfill the duties of members of the advisory committee until expiration of the term in which they were serving on June 29, 1996 or until a replacement is appointed. Vacancies must be filled according to the Maine Revised Statutes, Title 5, section 18802-A, subsection 4.

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

Effective March 17, 1997.

CHAPTER 13

H.P. 173 - L.D. 228

An Act to Require the Department of Transportation to Notify Counties of Planned Bridge Projects at the Time of Planning

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

Sec. 1. 23 MRSA §608-C, as enacted by PL 1985, c. 480, §§7 and 10, is amended to read:

§608-C. Capital improvement candidates

On and after July 1, 1986, the department shall biennially prepare lists of bridges eligible for