

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
JUNE 26, 1997

FIRST SPECIAL SESSION
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

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

improvement under this subchapter, arranged in priority order. The department shall offer to the towns an opportunity to improve bridges based inasmuch as is practical on those lists. Any town, county or the State may petition to the department, based on the lists prepared under this section, to improve a bridge under this subchapter. Prior to the placement of a bridge on the biennial list, the department shall notify the county commissioners of the county in which the bridge is located of preliminary engineering work, cost estimates and the anticipated inclusion of that bridge in the biennial list.

See title page for effective date.

CHAPTER 14

H.P. 192 - L.D. 245

An Act to Provide a Time Limit Extension for Basic Corrections Training

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

Sec. 1. 25 MRSA §2804-D, as amended by PL 1993, c. 551, §3, is further amended to read:

§2804-D. Basic corrections training

1. Required. As a condition to the continued employment of any person as a full-time corrections officer by a municipality, a county, the State or any other nonfederal employer, that person must successfully complete, within the first 12 months of employment, a basic training course of not less than 80 hours as approved by the board. Thereafter, as a condition of continued employment as a full-time corrections officer, the officer must satisfactorily maintain the basic certification. The board, under extenuating and emergency circumstances in individual cases, may extend the 12-month period for not more than 90 days. The board, in individual cases, may waive basic training requirements when the facts indicate that an equivalent course has been successfully completed in another state or federal jurisdiction within the 2 years immediately preceding employment. This section applies to any person employed as a full-time corrections officer on or after July 6, 1978. Administrators of facilities where there are corrections officers who are not full-time are encouraged to develop an orientation program for those persons.

See title page for effective date.

CHAPTER 15

H.P. 221 - L.D. 285

An Act to Repeal the Task Force on Defense Realignment and the Economy

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

Sec. 1. 5 MRSA §3307-E, as amended by PL 1995, c. 688, §§1 and 2, is repealed.

See title page for effective date.

CHAPTER 16

H.P. 403 - L.D. 548

An Act Concerning Service Relating to the Disclosure of Financial Records

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

Sec. 1. 9-B MRSA §163, sub-§1, as amended by PL 1985, c. 647, §2, is further amended to read:

1. Service. A fiduciary institution shall disclose financial records under section 162 pursuant to a subpoena, summons, warrant or court order ~~which~~ that on its face appears to have been issued upon lawful authority only if the subpoena, summons, warrant or court order is served upon the customer prior to disclosure by the fiduciary institution. The agency or person requesting the disclosure of financial records shall certify in writing to the fiduciary institution the fact that the subpoena, summons, warrant or court order has been served upon the customer. The court for good cause shown may delay or dispense with service of the subpoena, summons, warrant or court order upon the customer. The court shall delay or dispense with service of the subpoena, summons, warrant or court order upon the customer upon notice by the Attorney General ~~or his~~, the Attorney General's designee or the District Attorney that ~~such~~ service upon the customer would not be in the public interest. A subpoena, summons or warrant issued in connection with a criminal proceeding or federal grand jury proceeding or a trustee process lawfully issued need not be served upon the customer.

See title page for effective date.
