

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

Department of Transportation and the Federal Aviation Administration.

See title page for effective date.

CHAPTER 52

H.P. 650 - L.D. 903

An Act to Maintain the Department of Transportation's Current Policy on Reimbursement of Consultant Costs

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

Sec. 1. 23 MRSA §52, as amended by PL 1973, c. 625, §128, is further amended by adding a new paragraph at the end to read:

In order to promote engineering and design quality and ensure maximum competition by firms providing consultant services, the department may adopt its own guidelines for determining the reasonableness and permissibility of various cost factors including, but not limited to, salary limits, benefits and expense reimbursement. Notwithstanding any other federal or state law to the contrary, the department's guidelines must be utilized in lieu of federally mandated provisions.

See title page for effective date.

CHAPTER 53

H.P. 237 - L.D. 301

An Act to Provide Representation for Dentists on the Board of the Maine Health Data Organization

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

Sec. 1. 22 MRSA §8703, sub-§2, as enacted by PL 1995, c. 653, Pt. A, §2 and affected by §7, is amended to read:

2. Board of directors. The organization operates under the supervision of a board of directors, which consists of ~~45~~ 16 voting members.

A. The Governor shall appoint ~~13~~ 14 board members in accordance with the following requirements. Appointments by the Governor are not subject to review or confirmation.

(1) Three members must represent consumers. For the purposes of this section, "consumer" means a person who is not affiliated with or employed by a 3rd-party payor, a provider or an association representing those providers or those 3rd-party payors.

(2) Two members must represent employers.

(3) Two members must represent 3rd-party payors.

(4) ~~Six~~ Seven members must represent providers. Two provider members must represent hospitals chosen from a list of at least 5 current hospital representatives provided by the Maine Hospital Association. Two provider members must be physicians or representatives of physicians chosen from a list of at least 5 nominees provided jointly by the Maine Medical Association and the Maine Osteopathic Association. One provider member must be a dentist chosen from a list of at least 3 nominees provided by the Maine Dental Association. Two provider members must be representatives of other health care providers, at least one of whom is a current representative of a home health care company.

B. The commissioner shall appoint 2 members who are employees of the department to represent the State's interest in maintaining health data and to ensure that information collected is available for determining public health policy.

C. All appointments must be completed by May 1, 1996.

Sec. 2. Appointment deadline. The appointment of the additional provider member pursuant to section 1 of this Act must be no later than October 15, 1997.

See title page for effective date.

CHAPTER 54

H.P. 70 - L.D. 95

An Act Concerning Prisoner Participation in Public Works Projects

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

Sec. 1. 17-A MRSA §1304, sub-§4 is enacted to read:

4. If the court sentences a person to imprisonment for nonpayment of a fine, the court may authorize, at the time of sentencing only, participation of the person in a project under Title 30-A, section 1606 with the agreement of the sheriff of the county jail where the person is committed. The person's sentence must be prorated according to the provisions of Title 30-A, section 1606, subsection 2. The sentence runs consecutively with any other sentence.

Sec. 2. 30-A MRSA §1606, sub-§2, as amended by PL 1989, c. 629, §2, is further amended to read:

2. Sentence prorated. Inmates participating in a public works-related project or an improvement of property owned by a charitable organization under this section ~~shall~~ **must** have their sentences to the jail prorated at the rate of one day removed from the sentences for every 16 hours of participation in the project, except that inmates committed to the custody of the sheriff for nonpayment of fines under Title 17-A, section 1304 must have their sentences prorated at the rate of \$5 removed from the fines for every one hour of participation in the project.

See title page for effective date.

CHAPTER 55

H.P. 561 - L.D. 752

An Act to Include in the Legislative and Judicial Retirement Systems the Same Provisions for Post-retirement Divorce That Are in the Maine State Retirement System

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

Sec. 1. 3 MRSA §860 is enacted to read:

§860. Divorce

If a retiree who is the recipient of a reduced service retirement allowance under section 857 is granted a divorce either after retirement or before a retirement beneficiary is named, the provisions of Title 5, section 17805-A apply on the same basis as for members of the Maine State Retirement System.

Sec. 2. 4 MRSA §1361 is enacted to read:

§1361. Divorce

If a retiree who is the recipient of a reduced regular retirement allowance under section 1357,

subsection 2, paragraph B, C or D is granted a divorce either after retirement or before a retirement beneficiary is named, subsections 1 to 4 apply.

1. Election of benefit for difference beneficiary. The recipient may elect to have the reduced retirement benefit paid under the same option to a different beneficiary under the following conditions:

A. The spouse or former spouse who was originally named as retirement beneficiary must have been the sole beneficiary of the reduced retirement benefit under section 1357, subsection 2, paragraph B, C or D; and

B. The recipient and the spouse or former spouse who was originally named retirement beneficiary must agree to the change of beneficiary. Prior to this agreement, the executive director shall ensure that the spouse or former spouse who was originally named as retirement beneficiary has been counseled by an employee of the retirement system regarding the financial effect of giving up rights as a beneficiary and has signed a statement that the information has been received and understood.

2. Time and manner of election. The recipient may make the election at any time after the divorce is granted by:

A. Sending a written request to the executive director; and

B. Submitting evidence of the divorce.

3. Amount of benefit. The amount of the benefit payable under the option elected is the actuarial equivalent, at the date of the beginning of payment of benefits under this section, of the amount of reduced retirement benefit the recipient has been receiving, plus the amount expected to be paid to the original spouse after the recipient's death.

4. Effective date of coverage of new beneficiary. The effective date of the designation of the recipient's new beneficiary is the date the request is received. The recipient's retirement benefit must be adjusted on the first day of the month following the effective date of the new designation of beneficiary.

See title page for effective date.

CHAPTER 56

S.P. 251 - L.D. 820

An Act to Repeal the Maine Surplus Energy Auction Program