

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

4. Fee. Fees for licenses issued under this section are as follows:

A. For a sea urchin and scallop diving tender license, \$89; and

B. For a 30-day temporary sea urchin and scallop diving tender license, \$25.

See title page for effective date.

CHAPTER 159

S.P. 95 - L.D. 374

An Act to Consider Cost-effectiveness When Providing Medicaid Coverage for Dental Services

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

Sec. 1. 22 MRSA §3174-F, sub-§1, ¶¶C and D, as amended by PL 1991, c. 591, Pt. P, §13, are further amended to read:

C. Extraction of teeth that are severely decayed and pose a serious threat of infection during a major surgical procedure of the cardiovascular system, the skeletal system or during radiation therapy for a malignant tumor; ~~and~~

D. Treatment necessary to relieve pain, eliminate infection; or prevent imminent tooth loss; ~~and~~

Sec. 2. 22 MRSA §3174-F, sub-§1, ¶F is enacted to read:

F. Other dental services, including full and partial dentures, medically necessary to correct or ameliorate an underlying medical condition, if the department determines that provision of those services will be cost-effective in comparison to the provision of other covered medical services for the treatment of that condition.

See title page for effective date.

CHAPTER 160

S.P. 120 - L.D. 399

An Act to Extend Certain Survivor Benefits to the Spouses of Firefighters and Law Enforcement Officers and Expand the Definition of Law Enforcement Officers

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

Sec. 1. 20-A MRSA §12551, as amended by PL 1989, c. 502, Pt. A, §61, is further amended to read:

§12551. Purpose

In recognition of the indispensable public service role ~~which that~~ firefighters and law enforcement officers play in the well-being of the people of this State, it is the purpose of this chapter to provide for assistance to the children ~~and spouse~~ of firefighters and law enforcement officers who are killed in the line of duty so that these children ~~and spouses~~ may have the opportunity to pursue a degree at one of the state ~~post-secondary~~ postsecondary educational institutions.

Sec. 2. 20-A MRSA §12552, sub-§2, as enacted by PL 1985, c. 472, is amended to read:

2. Law enforcement officer. "Law enforcement officer" means an active state police officer, municipal police officer, county sheriff or deputy sheriff in this State. "Law enforcement officer" also means an active game warden, fire marshal, liquor enforcement officer or marine patrol officer, if employed on a full-time basis in that position in this State.

Sec. 3. 20-A MRSA §12553, as amended by PL 1987, c. 402, Pt. A, §124, is further amended to read:

§12553. Tuition waiver

The child ~~or spouse~~ of a firefighter or law enforcement officer who has been killed or who has received an injury during the performance of ~~his that~~ firefighter's or law enforcement officer's duties, which results in death, may attend, as provided in this section, any state ~~post-secondary~~ postsecondary educational institution free of tuition charges.

1. Eligibility of a child. The child of a firefighter or law enforcement officer ~~shall be~~ is eligible for tuition waiver under this chapter if ~~he the child~~ is:

A. The natural or legally adopted child of a firefighter or law enforcement officer;

B. Is less than 21 years old at the time of the death of the parent who is a firefighter or law enforcement officer;

C. A Maine resident;

D. A high school graduate or has attained equivalent certification; and

E. Accepted for admission to a state ~~post-secondary~~ postsecondary educational institution.

1-A. Eligibility of a spouse. The spouse of a firefighter or law enforcement officer is eligible for tuition waiver under this chapter if the spouse is:

A. Legally married to the firefighter or law enforcement officer at the time of the firefighter's or law enforcement officer's death;

B. A Maine resident;

C. A high school graduate or has attained equivalent certification; and

D. Accepted for admission to a state postsecondary educational institution.

2. Limitation. The tuition waiver provided by this chapter ~~shall be~~ is limited to undergraduate degree programs and ~~shall be~~ is limited to not more than 5 years of full-time enrollment or its equivalent.

3. Continuation. The tuition waiver provided by this chapter ~~shall be~~ is awarded on a yearly basis and ~~shall continue~~ continues to be available, if the child or spouse is otherwise eligible under this section, as long as the child or spouse remains in good academic standing at a state institution.

See title page for effective date.

CHAPTER 161

H.P. 750 - L.D. 1027

An Act to Permit Teachers to Transfer Retirement System Creditable Service Earned as a Teacher's Aide while Employed by a School and Covered by a Participating Local District

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

Sec. 1. 5 MRSA §17765 is enacted to read:

§17765. Teacher previously employed as teacher's aide or Educational Technician I

A member who is a teacher who was previously employed by a school administrative unit in this State as a teacher's aide or Educational Technician I may purchase service credit for the time so employed, under the following conditions.

1. Payment to fund. Before the retirement benefit becomes effective, members must pay into the Members' Contribution Fund by a single direct

payment or annual direct payments to the retirement system an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service. Payments must be made as provided in section 17701, subsection 4.

2. Partial payment and partial service credit. If any retirement becomes effective before the completion of the payment under this section, the member is entitled to service credit for that portion of the additional creditable service that the total amount of payments actually made, plus regular interest on those payments to the date the retirement benefit becomes effective, bears to the actuarial equivalent of the total portion of the retirement benefit based on the additional creditable service.

3. Limitation on use of purchased service credit. Notwithstanding any other provision of law, any service credit purchased under this section may be used only for the purpose of increasing the amount of a member's service retirement benefits by inclusion of the purchased service credit and may not be used for any other purpose.

4. Additional conditions of service credit purchase if some or all employment as teacher's aide or Educational Technician I was under a participating local district plan. If a member was previously employed as a teacher's aide or an Educational Technician I and was a member under a participating local district plan, then the following additional conditions apply:

A. If a member was also previously employed as a teacher's aide or an Educational Technician I by a school administrative unit where the member was not a member under a participating local district plan, and the member is purchasing or purchases less than all of the member's total time as a teacher's aide or an Educational Technician I, all of the time during which the member was employed as a teacher's aide or an Educational Technician I and was a member under a participating local district plan must be purchased before the member may purchase any of the time during which the member was employed as a teacher's aide or Educational Technician I and was not a member under a participating local district plan; and

B. As of the date that the retirement system receives any payment toward the purchase, a member's purchase of any service credit under this section for time during which the member was employed as a teacher's aide or an Educational Technician I and was a member under a participating local district plan is an irrevocable