

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

A. For members with 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that:

(1) The amount arrived at under subsection 1 is reduced by applying to that amount the percentage that a life annuity due at 55 years of age bears to the life annuity due at the age of retirement; and

(2) For the purpose of making the computation under subparagraph (1), the board-approved tables of annuities in effect at the date of the member's retirement are used.

For the purpose of calculating creditable service under this subsection only, "creditable service" includes time during which a member participated in the voluntary cost-savings plan or the voluntary employee incentive program, authorized by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV; 10 years of combined creditable service under this Part and Title 3, chapter 29; or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board.

B. For members who do not have 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that the benefit is reduced by 6% for each year that the person's age precedes 55 years of age.

**Sec. 4. Maine State Retirement System methodology.** The Maine State Retirement System shall develop a methodology for calculating the full actuarial cost, reasonable administrative cost and interest, if applicable, to be applied when a person elects to retire under the Maine Revised Statutes, Title 5, section 17851, subsection 13 or 14. The retirement system shall also establish the procedure for election under those subsections.

See title page for effective date.

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## CHAPTER 402

H.P. 1211 - L.D. 1711

### An Act Addressing Sexual Exploitation of an Abuse Victim by a Law Enforcement Officer

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

**Sec. 1. 25 MRSA §2806, sub-§1, ¶B,** as amended by PL 1993, c. 744, §12, is further amended to read:

B. May suspend or revoke the certificate issued pursuant to former section 2803, 2805 or 2805-A or section 2803-A, 2804-B, 2804-C or 2804-D of any person who:

(1) Has been found guilty of murder or any crime classified in state law as a Class A, Class B, Class C or Class D crime or a violation of any provision of the Maine Criminal Code, chapter 15, 19, 25 or 45;

(2) Has engaged in conduct that is prohibited or penalized by state law as murder or a Class A, Class B, Class C or Class D crime or by any provision of the Maine Criminal Code, chapter 15, 19, 25 or 45;

(3) Has been found guilty of conduct specified in subparagraph (2) in another state or other jurisdiction, unless that conduct is not punishable as a crime under the laws of that state or other jurisdiction in which it occurred;

(4) Has engaged in conduct specified in subparagraph (2) in another state or other jurisdiction, unless that conduct is not punishable as a crime under the laws of that state or other jurisdiction in which it occurred;

(5) Has falsified or misrepresented material facts in obtaining or maintaining the certificate; ~~or~~

(6) Has engaged in conduct that violates the standards established by the board pursuant to section 2803-B, subsection 1, ~~provided that as long as~~ the conduct, when viewed in light of the nature and purpose of the person's conduct and circumstances known to the person, involves a gross deviation from the standard of conduct that a reasonable and prudent law enforcement officer would observe in the same situation; ~~and or~~

(7) Has engaged in a sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph C, or in sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D with another person, not the person's spouse, if at the time of the sexual act or sexual contact:

(a) The officer was engaged in an investigation or purported investigation involving an allegation of abuse, as defined in Title 19, section 762, subsection 1 and in Title 19-A, section 4002, subsection 1;

(b) The other person was the alleged victim of that abuse;

(c) The parties did not have a preexisting and ongoing sexual relationship that included engaging in any sexual act or sexual contact; and

(d) Fewer than 60 days had elapsed since the officer initially became involved in the investigation or purported investigation; and

**Sec. 2. 25 MRSA §2806, sub-§1, ¶C**, as amended by PL 1989, c. 521, §§9 and 17, is further amended to read:

C. Shall investigate a complaint, on its own motion or otherwise, regarding the failure of a law enforcement or corrections officer to comply with the requirements of section ~~of~~ 2804-D, 2804-E or 2804-F, and any rules adopted under those sections. The board may, upon notice, conduct an informal conference with the officer. If the board finds that the factual basis of the complaint is true and that further action is warranted, it may take the following action:

- (1) Enter into a consent agreement with the officer, which agreement may contain provisions to ensure compliance, including voluntary surrender of the certificate and terms and conditions of recertification; or
- (2) Refer the complaint to the Attorney General for action in the Administrative Court.

See title page for effective date.

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**CHAPTER 403**

**H.P. 1178 - L.D. 1669**

**An Act Regarding the Relocation of a Child by a Parent Having Primary Physical Custody**

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

**Sec. 1. 19-A MRSA §1653, sub-§14** is enacted to read:

**14. Notice of relocation.** The order must require notice of the intended relocation of a child by a parent awarded shared parental rights and responsibilities or allocated parental rights and responsibilities. At least 30 days before the intended relocation of a child by a parent, the parent shall provide notice to the other parent of the intended relocation. If the relocation must occur in fewer than 30 days, the parent who is relocating shall provide notice as soon as possible to the other parent. If the parent who is relocating believes notifying the other parent will cause danger to the relocating parent or the child, the relocating parent shall notify the court of the intended relocation, and the court shall provide appropriate notice to the other parent in a manner determined to provide safety to the relocating parent and child.

**Sec. 2. 19-A MRSA §1657, sub-§2, ¶A**, as enacted by PL 1995, c. 694, Pt. B, §2, is amended to read:

A. The relocation, or intended relocation, of a child resident in this state to another state by a parent, when the other parent is a resident of this State and there exists an award of shared or allocated parental rights and responsibilities concerning the child; ~~or~~

**Sec. 3. 19-A MRSA §1657, sub-§2, ¶¶A-1 and A-2** are enacted to read:

A-1. The relocation, or intended relocation, of a child that will disrupt the parent-child contact between the child and the parent who is not relocating, if there exists an award of shared or allocated parental rights and responsibilities concerning the child. Relocating the child more than 60 miles from the residence of the parent who is relocating or more than 60 miles from the residence of the parent who is not relocating is presumed to disrupt the parent-child contact between the child and the parent who is not relocating;

A-2. The receipt of notice of the intended relocation of the child as required under section 1653, subsection 14; or

**Sec. 4. Effective date.** This Act takes effect October 1, 1997.

Effective October 1, 1997.

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**CHAPTER 404**

**H.P. 1282 - L.D. 1819**

**An Act to Modernize Maine's Financial Institution Franchise Tax**