

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

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

Sec. 1. 39-A MRSA §358-A, sub-§5 is enacted to read:

5. Rehabilitation data. The board shall develop a system for collecting rehabilitation data and provide any reports considered necessary for the improved function and administration of rehabilitation under this Act.

Sec. 2. Report. The Workers' Compensation Board shall report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 1999. The report must include an analysis of the progress being made toward developing a system for collecting rehabilitation data pursuant to the Maine Revised Statutes, Title 39-A, section 358-A, subsection 5, an evaluation of the different definitions of rehabilitation currently in use, a proposal for a uniform definition of rehabilitation, an evaluation of rehabilitation education and outreach among employers and employees and a specific plan to address problems identified as a result of the analysis and evaluation.

See title page for effective date.

CHAPTER 650

H.P. 1401 - L.D. 1953

**An Act to Implement the
Recommendations of the Maine
Indian Tribal-State Commission
Relating to the Names of Geographic
Features in Passamaquoddy
Territory**

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

Sec. 1. 1 MRSA c. 28 is enacted to read:

CHAPTER 28

NAMES OF GEOGRAPHIC FEATURES

§1501. Name changes by Passamaquoddy Tribe

When the Joint Tribal Council of the Passamaquoddy Tribe changes the name of a geographic feature within its Indian territory, the State shall assist the Passamaquoddy Tribe in notifying the necessary entities, including the United States Board on Geo-

graphic Names, to accomplish the name change in official maps and documents.

See title page for effective date.

CHAPTER 651

S.P. 706 - L.D. 1954

**An Act to Amend the Laws of the
Maine State Retirement System**

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

Whereas, current law prescribing the membership of the Early Retirement Incentives Panel creates a hardship for members of the Board of Trustees of the Maine State Retirement System who may serve on the panel; and

Whereas, immediate enactment of this legislation is necessary to address the situation; 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. 3 MRSA §805, sub-§1, ¶A, as enacted by PL 1985, c. 507, §1, is repealed.

Sec. 2. 4 MRSA §1305, sub-§1, ¶A, as enacted by PL 1983, c. 853, Pt. C, §§15 and 18, is repealed.

Sec. 3. 5 MRSA §17103, sub-§11, as amended by PL 1993, c. 410, Pt. L, §§19 to 21, is further amended to read:

11. Report to Legislature. The board shall make a written report to the appropriate legislative committee on or before the ~~15th of January~~ March 1st of each year ~~which shall~~ that must contain:

A. A discussion of any areas of policy or administration ~~which that~~, in the opinion of the board, should be brought to the attention of the committee;

B. Any proposed legislation amending the retirement system law ~~which that~~ the board recommends to improve the retirement system;

C. A discussion of the progress toward meeting the goals of chapter 161;

D. A review of the operations of the retirement system, including a summary of administrative expenses and improvements in the delivery of services to members of the retirement system; and

E. A budget report showing the budget status of the administrative operations and functions of the system for the current fiscal year relative to the budget for the current fiscal year.

Sec. 4. 5 MRSA §17159, sub-§4, ¶A, as enacted by PL 1995, c. 541, §3, is amended to read:

A. The panel consists of the Commissioner of Administrative and Financial Services or the commissioner's designee who has authority to act on behalf of the commissioner and 3 members appointed by the Governor. One member represents school administrators; one member represents teachers; and one member is ~~either of the 2 trustees a trustee of the board who are appointed by the Governor and qualified in the fields of investments, accounting, banking and insurance or as actuaries is not serving under section 17102, subsection 1, paragraph B or section 17102, subsection 1, paragraph D, subparagraph (2).~~ Members shall elect a chair annually.

Sec. 5. 5 MRSA §17705, sub-§2, ¶B, as amended by PL 1991, c. 619, §7 and affected by §18, is further amended to read:

B. ~~No interest may be added to the member's account for any period beyond the 5th anniversary of the date of the member's termination of service, except that interest~~ Interest on accumulated contributions related to a member's compensation for service rendered as a part-time, seasonal or temporary employee after December 31, 1991 must be added as required by 26 CFR Part 31.

Sec. 6. 5 MRSA §18306, sub-§2, ¶B, as amended by PL 1991, c. 619, §14 and affected by §18, is further amended to read:

B. ~~No interest may be added to the member's account for any period beyond the 5th anniversary of the date of the member's termination of service, except that interest~~ Interest on accumulated contributions related to a member's compensation for service rendered as a part-time, seasonal or temporary employee after December 31, 1991 must be added as required by 26 CFR Part 31.

Emergency clause. In view of the emergency cited in the preamble, section 4 of this Act takes effect

when approved. The other sections of this Act take effect July 1, 1998.

Effective April 1, 1998 unless otherwise indicated.

CHAPTER 652

S.P. 707 - L.D. 1955

An Act to Amend the Health Insurance Benefits of State Employees and Teachers Who Retire or Terminate Service

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

Sec. 1. 5 MRSA §285, sub-§1, ¶G, as amended by PL 1997, c. 80, §2, is further amended to read:

G. Subject to subsection 1-A, employees in any of the categories denominated in paragraphs A to F-1 and paragraph F-3 who:

(1) On April 26, 1968, have retired and who were covered under group health plans that by virtue of Public Law 1967, chapter 543 were terminated;

(2) After April 26, 1968, retire and who on the date of their retirement are currently enrolled in this group health plan as employees;

(3) After December 2, 1986, and after reaching normal retirement age, cease to be members of the Legislature and are recipients of retirement allowances from the Maine State Retirement System based upon creditable service as teachers, as defined by section 17001, subsection 42. This paragraph also applies to former members who were members on December 2, 1986; ~~or~~

(4) After December 2, 1986, and not yet normal retirement age, cease to be members of the Legislature and are recipients of retirement allowances from the Maine State Retirement System based upon creditable service as teachers, as defined by section 17001, subsection 42. This paragraph also applies to former members who were members on December 2, 1986; ~~and or~~

(5) After January 1, 1999, terminate employment under which they were eligible for the group health plan but do not retire at that time and who satisfy the requirements