

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

Regulation Commission. In preparing the report and recommendations, the agencies shall consult among themselves and with any other state or federal agency having administrative authority for lands wholly or partly within the commission's jurisdiction that contain a great pond. The report must describe the authority of each agency to regulate surface water uses and may include recommendations for surface water use regulations on specific water bodies or classes of water bodies within that agency's jurisdiction.

Sec. 17. Recommendations for regulating the use, operation and type of watercraft for great ponds within the organized areas of the State.

A municipality, with the approval of its legislative body, may submit recommendations to the Commissioner of Inland Fisheries and Wildlife for regulating the use, operation and type of watercraft on great ponds within the jurisdiction of that municipality. For great ponds that border more than one municipality, recommendations may be submitted only after approval by the legislative bodies of all municipalities in which those waters are located. For great ponds that border lands within the jurisdiction of the Maine Land Use Regulation Commission, the approval of the commission is also required. If a municipality chooses to prepare recommendations for such waters, it shall take into consideration the use to which those waters are put, the depth of the water, the amount of water-borne traffic on the waters, wildlife and environmental values, noise, traditional uses of the water body and the safety of persons and property. These recommendations may be submitted only after a public hearing and must include a description of the resources the municipality or municipalities will use to enforce those regulations if enacted.

The commissioner shall submit a report to the First Regular Session of the 119th Legislature by January 15, 1999 on the recommendations received from municipalities prior to November 1, 1998 and shall submit a report to the Second Regular Session of the 119th Legislature on the recommendations received from municipalities between November 1, 1998 and October 30, 1999. Each report must be accompanied by legislation implementing the municipal recommendations supported by the Department of Inland Fisheries and Wildlife. That legislation may also include recommendations of the department, developed using the criteria in this section, for waters not addressed in the municipal proposals.

Sec. 18. Report on education and safety training; inland fisheries and wildlife. The Commissioner of Inland Fisheries and Wildlife shall make recommendations no later than January 1, 1999 to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters on an education and safety training program

for motorboat operators on inland waters. In preparing those recommendations, the commissioner shall consult with federal and state agencies and private businesses with an interest in recreational watercraft use. Those recommendations must include methods for evaluating the effectiveness of the program and must address the issue of mandatory versus voluntary participation in the program.

See title page for effective date, unless otherwise indicated.

CHAPTER 740

H.P. 1304 - L.D. 1847

An Act to Modify the Retirement Laws for Certain Law Enforcement Officers

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

Whereas, the full actuarial costs of modification of retirement laws for certain law enforcement officers must be paid before those provisions can become law;

Whereas, the Legislature desires to create a Service Retirement Benefit Reserve in the General Fund in order to accrue sufficient funds to pay those full actuarial costs, and further desires to fund that reserve with money otherwise payable to the Retirement Allowance Fund from unappropriated surplus at the close of fiscal year 1997-98;

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. 5 MRSA §17708, sub-§2, as amended by PL 1987, c. 739, §§20 and 48, is further amended to read:

2. Before September 16, 1984. A state police officer who was first employed by that department after July 9, 1943, but before September 16, 1984, shall contribute to the retirement system or have pick-up contributions made by the employer as follows:

A. At a rate of 7.5% of earnable compensation until the state police officer has completed 20 years of creditable service, as required under section 17851, subsection 4, paragraph A; and

B. After completing the service described in paragraph A, at a rate of 6.5% of earnable compensation for the remainder of employment as a state police officer.

Sec. 2. 5 MRSA §17708, sub-§3, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

3. After September 15, 1984. A state police officer who was first employed by that department after ~~August 31~~ September 15, 1984; shall contribute to the retirement system as follows:

A. At a rate of 7.5% of earnable compensation until ~~he~~ the state police officer has completed 25 years of creditable service, as required under section 17851, subsection 4, paragraph B; and

B. After completing the service described in paragraph A, at a rate of 6.5% of earnable compensation for the remainder of ~~his~~ employment as a state police officer.

Sec. 3. 5 MRSA §17851, sub-§4, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

4. State police. A state police officer qualifies for a service retirement benefit if ~~he~~ that state police officer:

A. Became a state police officer after July 9, 1943, but before September ~~4~~ 16, 1984, and retires after completing 20 years of creditable service as a state police officer, which may include creditable service under section 17760, subsection 1, but may not include creditable service under section 17760, subsection 2; or

B. Became a state police officer after ~~August 31~~ September 15, 1984; and completed 25 years of creditable service as a state police officer.

Sec. 4. Service Retirement Benefit Reserve; established. Notwithstanding the Maine Revised Statutes, Title 5, section 1517, there is established in the General Fund the Service Retirement Benefit Reserve for the purpose of accumulating funds that would otherwise be payable to the Retirement Allowance Fund. The Service Retirement Benefit Reserve must be used to reserve funds that, at the sole discretion of the Legislature, may be appropriated to meet the full actuarial costs arising from the implementation of sections 1 to 3 of this Act. Any funds remaining in the Service Retirement Benefit Reserve at the end of each fiscal year must be carried forward to be used for the same purposes.

Expenditures may not be made from this reserve and appropriations may not be considered to be made to the Retirement Allowance Fund or the Maine State Retirement System from this reserve, without a further authorization of the Legislature.

Sec. 5. Funding of Service Retirement Benefit Reserve. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, section 1517, the following provisions control the transfer of funds that would otherwise qualify for transfer of the Retirement Allowance Fund from unappropriated surplus of the General Fund. At the close of fiscal year 1997-98 and fiscal year 1998-99, the State Controller shall transfer from the unappropriated surplus of the General Fund money to the Retirement Allowance Fund that satisfies the requirements of Public Law 1997, chapter 643, Part X, section 1. Any excess remaining funds that would otherwise qualify for transfer to the Retirement Allowance Fund under Title 5, section 1517 must instead be transferred to the Service Retirement Benefit Reserve established in section 4 of this Act, up to the amount of \$2,820,000, or any additional amount certified by the Maine State Retirement System as the full actuarial cost of implementing sections 1 to 3 of this Act. Any remaining funds not needed to meet the requirements described in this section must be transferred to the Retirement Allowance Fund for the purposes described in Title 5, section 1517.

Sec. 6. Effective date. The provisions of sections 1 to 3 of this Act do not take effect unless and until the Legislature takes additional action to direct payment of the full actuarial costs of those provisions to the Maine State Retirement System. The full actuarial costs of those provisions are currently estimated to be \$2,820,000 if paid by July 1, 1998, but must be adjusted upward if paid after that date. Sections 1 to 3 may not be construed to create any contractual claim or right or any other claim for any state employee. Sections 4 and 5 and this section of this Act become effective immediately upon enactment.

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

Effective April 14, 1998, unless otherwise indicated.