

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

The commissioner shall adopt rules regarding data that the holder of a wholesale seafood license with a shrimp permit must submit to the department. The commissioner may deny an application for the renewal of a wholesale seafood license with a shrimp permit if the license holder fails to report the information required pursuant to this subsection.

**3. Exceptions.** This section does not apply to smoked herring or alewives.

**4. License limited.** A license under this section only authorizes activities at one establishment or with one vehicle, but not on a vessel rigged to fish, provided that this license also authorizes the sale and transportation of scallops from any vessel.

**5. Supplemental license.** A supplemental license must be obtained for each additional establishment or vehicle.

**6. Fees.** The fees are as follows:

A. Two hundred seventeen dollars for a wholesale seafood license or a wholesale seafood license with a lobster permit, sea urchin buyer's permit, shrimp permit or sea urchin processor's permit; and

B. Forty-three dollars for each supplemental license.

**Sec. 7. Rulemaking.** Rules adopted by the Commissioner of Marine Resources in accordance with the Maine Revised Statutes, Title 12, section 6804, subsection 4 and section 6851, subsection 2-D are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**Sec. 8. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

**MARINE RESOURCES,  
DEPARTMENT OF**

**Division of Administrative  
Services**

All Other	\$46,895
Allocates funds necessary for costs related to the management of the shrimp fishery.	

**Sec. 9. Effective dates.** Those sections of this Act that amend the Maine Revised Statutes, Title 12, section 6302-A and enact Title 12, section 6804 take

effect on January 1, 2000. Those sections of this Act that amend Title 12, sections 6301 and 6851 take effect on April 1, 2000.

See title page for effective date, unless otherwise indicated.

**CHAPTER 492**

**H.P. 381 - L.D. 512**

**An Act to Increase the Length of Probation for a Person Convicted of Domestic Violence**

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

**Sec. 1. 17-A MRSA §1202, sub-§1-B** is enacted to read:

**1-B.** Notwithstanding subsection 1, the period of probation for a person convicted of a Class D or Class E crime involving domestic violence must be 2 years, except that the term of probation must be terminated at the time the probationer completes a certified batterers' intervention program as defined in Title 19-A, section 4014.

See title page for effective date.

**CHAPTER 493**

**H.P. 978 - L.D. 1376**

**An Act to Expand the Uniform 1998 Special Retirement Plan to Include Baxter State Park Authority Rangers, Fire Marshals and Certain Additional Correctional Employees**

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

**Sec. 1. 5 MRSA §17851, sub-§11, ¶B,** as amended by PL 1991, c. 857, §2, is further amended to read:

B. Was employed in one of those capacities after August 31, 1984 and before January 1, 2000 and completed 25 years of creditable service in one or more of those capacities.

**Sec. 2. 5 MRSA §17851, sub-§12,** as enacted by PL 1995, c. 466, Pt. C, §2, is amended to read:

**12. Baxter State Park Authority rangers; option.** ~~A-~~ Except as provided in section 17851-A, a

law enforcement officer in the employment of the Baxter State Park Authority qualifies for a service retirement benefit upon reaching 55 years of age after completing at least 25 years of creditable service in that capacity if notice of election of the option and payment of employee contributions and actuarial costs are made as provided in section 17852, subsection 11.

**Sec. 3. 5 MRSA §17851, sub-§13**, as enacted by PL 1997, c. 401, §2, is amended to read:

**13. Fire marshals; option.** ~~A~~ Except as provided in section 17851-A, a state fire marshal, state fire marshal investigator or state fire marshal inspector qualifies for a service retirement benefit upon reaching 55 years of age after completing at least 25 years of creditable service in that capacity if notice of election of the option and payment of employee contributions and actuarial costs are made as provided in section 17852, subsection 13.

**Sec. 4. 5 MRSA §17851-A, sub-§1, ¶E**, as enacted by PL 1997, c. 769, §11, is amended to read:

E. Maine State Prison employees to whom section 17851, subsection 11, paragraph B applies and who were employed after August 31, 1984 and before January 1, 2000;

**Sec. 5. 5 MRSA §17851-A, sub-§1, ¶¶G and H**, as enacted by PL 1997, c. 769, §11, are amended to read:

G. Liquor inspectors, including the Chief Inspector, in the employment of the Department of Public Safety, Bureau of Liquor Enforcement on July 1, 1998, or hired thereafter; ~~and~~

H. Firefighters in the employment of the Department of Defense, Veterans and Emergency Management at Bangor International Airport on July 1, 1998, or hired thereafter, provided the Federal Government pays annually to the retirement system the full employer cost of the participation of these employees; ;

**Sec. 6. 5 MRSA §17851-A, sub-§1, ¶¶I, J and K** are enacted to read:

I. Employees of the Department of Corrections on January 1, 2000 or hired thereafter, other than those described in paragraph E, who are employed in a correctional facility, as defined in Title 34-A, section 1001; or those whose duties involve contact with prisoners, probationers, parolees or juvenile offenders or any person employed as the supervisor of those employees;

J. Law enforcement officers in the employment of the Baxter State Park Authority on January 1, 2000 or hired thereafter; and

K. The State Fire Marshal or a state fire marshal investigator or state fire marshal inspector in the employment of the Department of Public Safety on January 1, 2000 or hired thereafter.

**Sec. 7. 5 MRSA §17851-A, sub-§2**, as enacted by PL 1997, c. 769, §11, is amended to read:

**2. Qualification for benefits.** A member employed in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 for employees identified in subsection 1, paragraphs A to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, qualifies for a service retirement benefit if that member either:

A. Is at least 55 years of age and has completed at least 10 years of creditable service under the 1998 Special Plan in any one or a combination of the capacities; or

B. Has completed at least 25 years of creditable service in any one or a combination of the capacities specified in subsection 1, whether or not the creditable service included in determining that the 25-year requirement has been met was earned under the 1998 Special Plan or prior to its establishment.

**Sec. 8. 5 MRSA §17851-A, sub-§3, ¶A**, as enacted by PL 1997, c. 769, §11, is amended to read:

A. For the purpose of meeting the qualification requirement of subsection 2, paragraph A:

(1) Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included only to the extent that time to which the refund relates was served after June 30, 1998 for employees identified in subsection 1, paragraphs A to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, in any one or a combination of the capacities specified in subsection 1; and

(2) Service credit purchased other than as provided under subparagraph (1), including but not limited to service credit for military service, is not included.

**Sec. 9. 5 MRSA §17851-A, sub-§§4 and 5**, as enacted by PL 1997, c. 769, §11, are amended to read:

**4. Computation of benefits.** The amount of the service retirement benefit for members qualified under subsection 2 must be computed as follows:

A. If all of the member's creditable service in any one or a combination of the capacities

specified in subsection 1 was earned after June 30, 1998 for employees identified in subsection 1, paragraphs A to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K or if service credit was purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 for employees identified in subsection 1, paragraphs A to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, in any one or a combination of the capacities specified in subsection 1, or if service credit was purchased by other than the repayment of an earlier refund and eligibility to make the purchase of the service credit, including but not limited to service credit for military service, was achieved after June 30, 1998 for employees identified in subsection 1, paragraphs A to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, the benefit must be computed as provided in section 17852, subsection 1. If the member had 10 years of creditable service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 3, paragraphs A and B, and if the member had less fewer than 10 years of creditable service on July 1, 1993, the benefit must be reduced by 6% for each year that the member's age precedes age 55.

B. Except as provided in paragraphs C and D, if some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H and before January 1, 2000 for employees identified in subsection 1, paragraphs I to K and some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998, for employees identified in subsection 1, paragraphs A to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K then the member's service retirement benefit must be computed in segments and the amount of the member's service retirement benefit is the sum of the segments. The segments must be computed as follows:

(1) The segment or, if the member served in more than one of the capacities specified in subsection 1 and the benefits related to the capacities are not interchangeable under section 17856, segments that reflect creditable service earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H and before January 1, 2000 for employees identified in subsection 1, paragraphs I to K or purchased by repay-

ment of an earlier refund of accumulated contributions for service before July 1, 1998, for employees identified in subsection 1, paragraphs A to H and before January 1, 2000 for employees identified in subsection 1, paragraphs I to K in a capacity or capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved before July 1, 1998, for employees identified in subsection 1, paragraphs A to H and before January 1, 2000 for employees identified in subsection 1, paragraphs I to K must be computed under section 17852, subsection 1. If the member had 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3, paragraphs A and B and, if the member had less fewer than 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3-A; and

(2) The segment that reflects creditable service earned after June 30, 1998, for employees identified in subsection 1, paragraphs A to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K or purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998, for employees identified in subsection 1, paragraphs A to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K in any one or a combination of the capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998, for employees identified in subsection 1, paragraphs A to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K must be computed under section 17852, subsection 1. If the member had 10 years of creditable service on July 1, 1993, the segment amount must be reduced in the manner provided in section 17852, subsection 3, paragraphs A and B for each year that the member's age precedes age 55 and, if the member had less fewer than 10 years of creditable service on July 1, 1993, the segment amount must be reduced by 6% for

each year that the member's age precedes age 55.

C. The service retirement benefit of a member who is a state police officer to whom subsection 1, paragraph D applies and who qualifies for service retirement benefits under subsection 2, paragraph B must be computed under section 17852, subsection 1 on the basis of all of the member's creditable service in the capacity specified in subsection 1, paragraph D regardless of whether the creditable service was earned before, on or after July 1, 1998, except that if the member had 10 years of service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 4, paragraph C, subparagraphs (1) and (2) and, if the member had less fewer than 10 years of creditable service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 4, paragraph C-1.

D. The service retirement benefit of a member who is a Maine State Prison employee to whom subsection 1, paragraph E applies and who qualifies for service retirement benefits under subsection 2, paragraph B must be computed under section 17852, subsection 1 on the basis of all of the member's creditable service in the capacity specified in subsection 1, paragraph E regardless of whether the creditable service was earned before, on or after July 1, 1998, except that, if the member had 10 years of service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 10, paragraph C, subparagraphs (1) and (2) and, if the member had less fewer than 10 years of creditable service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 10, paragraph C-1.

**5. Contributions.** Notwithstanding any other provision of subchapter III, after June 30, 1998, for employees identified in subsection 1, paragraphs A to H, and after December 31, 1999, for employees identified in subsection 1, paragraphs I to K a member in the capacities specified in subsection 1 must contribute to the retirement system or have pick-up contributions made at the rate of 8.65% of earnable compensation until the member has completed 25 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

**Sec. 10. 5 MRSA §17851-A, sub-§6-A** is enacted to read:

**6-A. Consequences of participation in retirement plan under section 17851, subsection 12 or 13.** A member in the capacities specified in subsection 1, paragraphs J and K who, prior to January 1, 2000, elected the retirement option provided in section

17851, subsection 12 or 13 is treated as follows under the 1998 Special Plan.

A. A member who made the election at the time of first employment in a position covered under section 17851, subsection 12 or 13 is considered to be a member under the 1998 Special Plan as of the date of hire. Beginning January 1, 2000, a member covered by this paragraph shall contribute to the retirement system or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter.

B. A member who was serving in a position covered under section 17851, subsection 12 or 13 at the time of the election and who elected to participate in the retirement option prospectively from the time of election is considered to be a member under the 1998 Special Plan as of the effective date of the election. Beginning January 1, 2000, a member covered by this paragraph shall contribute to the retirement system or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter.

C. A member who was serving in a position covered under section 17851, subsection 12 or 13 at the time of the election and who elected to participate in the retirement option prospectively from the time of election and also elected to purchase credit for service earned while serving in the same capacity before exercising the election is considered to be a member under the 1998 Special Plan as of the beginning date of the service for which credit is purchased, provided that all of the payments required under section 17852, subsection 12 or 13 are made before retirement. If all the required payments are not made before retirement, that member is considered to be a member under the 1998 Special Plan as of the effective date of the election. Beginning January 1, 2000, for employees identified in subsection 1, paragraphs J and K, a member covered by this paragraph shall contribute to the retirement system or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter.

Employee contributions and actuarial and administrative costs paid to the retirement system by a member covered by this subsection may not be returned to that member, except that these employee contributions may be refunded to a member who terminates service and requests a refund under section 17705.

**Sec. 11. 5 MRSA §17852, sub-§11,** as amended by PL 1995, c. 624, §11, is further amended by amending the first paragraph to read:

**11. Baxter State Park Authority rangers; option.** ~~The~~ Except as provided in section 17851-A, the retirement benefit of a person who qualifies under section 17851, subsection 12 and who retires upon or after reaching 55 years of age is computed in accordance with subsection 1 if:

**Sec. 12. 5 MRSA §17852, sub-§12,** as enacted by PL 1995, c. 624, §12, is amended by amending the first paragraph to read:

**12. Baxter State Park Authority rangers exercising option; retirement before 55 years of age.** ~~For~~ Except as provided in section 17851-A, for a person exercising the option provided in section 17851, subsection 12, who makes the payments required in subsection 11, and who retires before reaching 55 years of age, the retirement benefit is determined as follows.

**Sec. 13. 5 MRSA §17852, sub-§13,** as amended by PL 1997, c. 683, Pt. C, §1 and affected by §2, is further amended by amending the first paragraph to read:

**13. Fire marshals; option.** ~~The~~ Except as provided in section 17851-A, the retirement benefit of a person who qualifies under section 17851, subsection 13 and who retires upon or after reaching 55 years of age is computed in accordance with subsection 1 if:

**Sec. 14. 5 MRSA §17852, sub-§14,** as enacted by PL 1997, c. 401, §3, is amended by amending the first paragraph to read:

**14. Fire marshals exercising option; retirement before 55 years of age.** ~~For~~ Except as provided in section 17851-A, for a person exercising the option provided in section 17851, subsection 13 who makes the payments required in subsection 13 and who retires before reaching 55 years of age, the retirement benefit is determined as follows.

**Sec. 15. Expenditures in excess of allocations.** Expenditures required by this Act of funds other than the General Fund and Highway Fund are authorized to exceed legislative allocations during the 2000-2001 biennium ending June 30, 2001. Appropriate adjustments to basic work programs facilitating these expenditures in excess of allocations must be recommended by the State Budget Officer and approved by the Governor.

**Sec. 16. Adjustment of rates.** The State Budget Officer after consultation with the Maine State Retirement System shall adjust the employer contri-

bution rates on the effective date of this Act to fully fund this Act on an actuarially sound basis.

**Sec. 17. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1999-00	2000-01
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>Salary Plan</b>		
Personal Services	\$98,635	\$200,200
Provides funds to be held in reserve in the event that costs associated with the increase in the normal cost component of the employer contribution rate for retirement costs related to including additional employee groups in the 1998 Special Retirement Plan exceed the amounts available for the Department of Corrections. Because the normal cost component of the employer contribution rate for state employees is actuarially established based on projected salaries as a rate that must be applied to actual salaries, the funds resulting from the application of the actuarially established rate constitute appropriated funds. The funds here specified constitute estimates and not appropriated funds.		

See title page for effective date.

---



---

**CHAPTER 494**

**H.P. 811 - L.D. 1134**

**An Act to Extend the Maine Residents Property Tax Program to Persons Living in Subsidized Housing Who Receive Certain Disability Payments**