

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

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

Sec. 1. 17-A MRSA §1251, as repealed and replaced by PL 1983, c. 673, §3, is amended by adding at the end a new paragraph to read:

In setting the length of imprisonment, if the victim is a child who had not in fact attained the age of 6 years at the time the crime was committed, a court shall assign special weight to this objective fact in determining the basic sentence in the first step of the sentencing process. The court shall assign special weight to any subjective victim impact in determining the final sentence in the 2nd and final step in the sentencing process. Nothing in this paragraph may be construed to restrict a court in setting the length of imprisonment from considering the age of the victim in other circumstances when relevant.

Sec. 2. 17-A MRSA §1252, sub-§5-B is enacted to read:

5-B. In using a sentencing alternative involving a term of imprisonment for a person convicted of the attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child who had not in fact attained the age of 6 years at the time the crime was committed, a court shall assign special weight to this objective fact in determining the basic term of imprisonment as the first step in the sentencing process. The court shall assign special weight to any subjective victim impact in determining the maximum period of incarceration in the 2nd step in the sentencing process. The court may not suspend that portion of the maximum term of imprisonment based on objective or subjective victim impact in arriving at the final sentence as the 3rd step in the sentencing process. Nothing in this subsection may be construed to restrict a court in setting a sentence from considering the age of the victim in other circumstances when relevant.

See title page for effective date.

CHAPTER 537

H.P. 768 - L.D. 1091

An Act to Amend Maine State Retirement System Rules to Allow Monthly Partial Direct Service Payments to Purchase Service Credit

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

Sec. 1. 5 MRSA §17701, sub-§4, as enacted by PL 1989, c. 710, §2, is repealed and the following enacted in its place:

4. Payment of contributions for back time; repayment of refunds; purchase of service credit.

Wherever under this chapter provision is made for payment of contributions for back time, repayment of refunds or purchase of service credit through annual direct payments, those payments may be made either by a single annual payment or by an increased rate of contribution through payroll deduction. For payments or repayments made by single annual payments, the board shall designate, by rule, a period of not less than 30 days during which annual direct payments or repayments may be made. Regardless of whether payment or repayment is made by a single annual payment or by payroll deduction, the payment or deduction must be sufficient to cover interest costs and effect some reduction in principal.

Sec. 2. 5 MRSA §18301, sub-§4, as enacted by PL 1989, c. 710, §4, is repealed and the following enacted in its place:

4. Payment of contributions for back time; repayment of refunds; purchase of service credit.

Wherever under this chapter provision is made for payment of contributions for back time, repayment of refunds or purchase of service credit through annual direct payments, those payments may be made either by a single annual payment or by an increased rate of contribution through payroll deduction. For payments or repayments made by single annual payments, the board shall designate, by rule, a period of not less than 30 days during which annual direct payments or repayments may be made. Regardless of whether payment or repayment is made by a single annual payment or by payroll deduction, the payment or deduction must be sufficient to cover interest costs and effect some reduction in principal.

Sec. 3. Effective date. This Act takes effect March 1, 2001.

Effective March 1, 2001.

CHAPTER 538

S.P. 866 - L.D. 2264

An Act Relating to Certain Commercial Insurance Contracts

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

Sec. 1. 24-A MRSA §2412-A, sub-§1, ¶B, as enacted by PL 1999, c. 328, §1, is amended by amending subparagraph (2), division (b), subdivision (iv) to read: