

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2000**

For purposes of this section, a person is presumed to be a resident of the State if that person has:

1. Enrolled child in public school. Enrolled a minor child of whom that person has sole or primary custody in a public school within the State; or

2. Declared or indicated primary residence in State. Declared, indicated or stated that that person's primary residence is in the State on any form, document or application used by public and private entities or persons.

An oral statement by a person stating a Maine address as that person's primary residence is prima facie evidence of primary residence under this section.

See title page for effective date.

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**CHAPTER 612**

**H.P. 1735 - L.D. 2441**

**An Act to Provide Flexibility in the Distribution of Funds by the Department of Economic and Community Development**

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

**Sec. 1. 5 MRSA §13081, sub-§§8 and 9,** as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, are repealed.

**Sec. 2. 5 MRSA §13082, sub-§1,** as amended by PL 1999, c. 127, Pt. A, §11, is further amended to read:

**1. Creation.** The Community Industrial Buildings Fund is created as a nonlapsing revolving fund to be used by the department only for the purposes of this article. ~~There is created within the fund separate accounts for rural and urban areas, called the "rural account" or "urban account", which shall be separately charged and credited, as provided under this section, according to the location of each community industrial building in a rural or urban area.~~

~~A. Money in the fund that is not obligated on October 1, 1987 must be distributed between the 2 accounts, with 2/3 allocated to the rural account and 1/3 allocated to the urban account.~~

**Sec. 3. 5 MRSA §13083, sub-§1, ¶B,** as amended by PL 1989, c. 182, §1, is repealed.

**Sec. 4. 5 MRSA §13083, sub-§4,** as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is repealed.

See title page for effective date.

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**CHAPTER 613**

**H.P. 1712 - L.D. 2418**

**An Act Concerning Offensive Names**

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

**Sec. 1. 1 MRSA §1101, sub-§1,** as enacted by PL 1977, c. 259, §1, is repealed and the following enacted in its place:

**1. Offensive name.** "Offensive name" means a name of a place that includes:

A. The designation "nigger" as a separate word or as part of a word; or

B. The designation "squaw" or "squa" as a separate word.

**Sec. 2. 1 MRSA §1104, sub-§§1 and 2,** as enacted by PL 1977, c. 259, §1, are amended to read:

**1. Reasonable actions.** They shall take whatever reasonable actions are required to complete a change in the offensive name. They may hold public hearings on selecting a new name; and

**2. Notification.** ~~They~~ Unless a court order is issued under Title 5, section 4632 specifying a different deadline, within 6 months of the determination that the place has an offensive name, they shall ~~notify~~ provide notice of the new name to the Commissioner of Conservation, the Secretary of the United States Department of the Interior and other public agencies, boards, committees or other groups responsible for changing names of places and for ensuring that such name changes appear on maps and other public documents.

See title page for effective date.

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**CHAPTER 614**

**H.P. 1704 - L.D. 2410**

**An Act to Amend Requirements for Maine Technical College System Employees Participating in a Defined Contribution Plan**

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

**Sec. 1. 20-A MRSA §12722, sub-§3**, as enacted by PL 1997, c. 763, §4 and affected by §7, is amended to read:

**3. Maine State Retirement System members.** An eligible person who becomes a participant in the defined contribution plan offered by the board of trustees and who is a member of the Maine State Retirement System at the time participation in the defined contribution plan begins may apply for a refund of accumulated contributions from the Maine State Retirement System pursuant to Title 5, section 17705, except that any such person who has less than ~~10 years of creditable service~~ the number of years of creditable service required to be eligible for a Maine State Retirement System benefit as of the date specified in the notification in subsection 2, paragraph A or the date of hire pursuant to subsection 2, paragraph B shall apply for a refund of accumulated contributions. Participation in the defined contribution plan offered by the board of trustees pursuant to this section is considered a termination of service for purposes of Title 5, section 17705 as of the date specified in the notification in subsection 2, paragraph A or the date of hire pursuant to subsection 2, paragraph B, except that, if an application is made for refund of accumulated contributions under an election pursuant to subsection 2, paragraph A, payment must be made no later than 90 days after receipt of the application by the Maine State Retirement System. Service rendered while a participant in the defined contribution plan offered by the board of trustees does not constitute service for a Maine State Retirement System member who does not withdraw contributions from the Maine State Retirement System nor is the member considered to be in service for purposes of Title 5, chapter 423, subchapter V, articles 3-A, 4 and 5 or, if the recipient of a service retirement benefit, restored to service for purposes of Title 5, section 17855.

See title page for effective date.

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**CHAPTER 615**

**H.P. 1728 - L.D. 2434**

**An Act to Improve the Lives of People with Disabilities**

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

**Sec. 1. 22 MRSA §5107-H** is enacted to read:

**§5107-H. Certain family members as personal care assistants**

An individual eligible for personal care assistance services under section 5107-C, including consumer-directed personal care assistance services, may hire certain family members as personal care assistants to the degree permitted by federal law. The department shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**Sec. 2. Rulemaking; retroactive.** Rules adopted by the Department of Human Services to implement the Maine Revised Statutes, Title 22, section 5107-H apply retroactively to the date that federal law authorizing the hiring of certain family members as personal care assistants was effective.

See title page for effective date.

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**CHAPTER 616**

**S.P. 897 - L.D. 2316**

**An Act to Prevent Gray Market Cigarette Sales**

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

**Sec. 1. 22 MRSA §1556-A, first ¶**, as enacted by PL 1995, c. 470, §9 and affected by §19, is amended to read:

The provisions of this chapter and Title 36, section 4366-C may be enforced by law enforcement officers as defined by Title 17-A or by individuals hired by contract with the department to enforce this law.

**Sec. 2. 22 MRSA §1556-A, sub-§1**, as enacted by PL 1995, c. 470, §9 and affected by §19, is amended to read:

**1. Contract officers.** The authority of contract officers hired under this chapter is limited to enforcement of this Act and Title 36, section 4366-C. Authorization to enforce this chapter is granted by the Commissioner of Public Safety, by terms mutually agreed upon between the department and the Department of Public Safety. Contract officers must have an appropriate background in law enforcement. Contract officers are exempt from ongoing training requirements except as otherwise determined by the Commissioner of Public Safety. These contract officers are not considered law enforcement officers for the purposes of enforcing the Maine Juvenile Code.