

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

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.

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.

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.