

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
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**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

E. Is owned by the dealer or holder of the transporter registration certificate and is operated by the owner or the owner's employee for the sole purpose of traveling to an inspection facility.

See title page for effective date.

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## CHAPTER 181

S.P. 576 - L.D. 1754

### An Act to Amend the Laws of the Maine State Retirement System

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

**Whereas,** this legislation establishes the Consumer Price Index for All Urban Consumers as the benchmark for the cost-of-living adjustment available under the Maine State Retirement System laws because that index is the most reflective of the purchasing power of the dollar for the broadest population of consumers, including retired consumers; and

**Whereas,** current law prescribes that the actuary of the Maine State Retirement System perform investigations of the experience of the retirement system with respect to the factors that affect the cost of the benefits provided by the retirement system as frequently as the actuary considers expedient but at least once in every 3-year period; and

**Whereas,** current law does not accord with recommendations of the actuary and causes significant undue expense and work; and

**Whereas,** immediate enactment of this legislation is necessary to avoid unnecessary expense and work in the year 2001; and

**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. 3 MRSA §731, sub-§4,** as corrected by RR 1997, c. 2, §5, is amended to read:

**4. Oath.** Each trustee shall, ~~within 10 days after September 19, 1985 and thereafter,~~ within ~~40~~ 30 days after that trustee's appointment ~~or election,~~ take an oath of office to faithfully discharge the duties of a

trustee, in the form prescribed by the Constitution of Maine. This oath must be subscribed to by the trustee making it, certified by the officer before whom it is taken and immediately filed in the office of the Secretary of State.

**Sec. 2. 4 MRSA §1231, sub-§4,** as amended by PL 1999, c. 127, Pt. A, §1, is further amended to read:

**4. Oath.** Each trustee shall, ~~within 10 days after December 1, 1984 or thereafter,~~ within ~~40~~ 30 days after that trustee's appointment ~~or election,~~ take an oath of office to faithfully discharge the duties of a trustee, in the form prescribed by the Constitution of Maine. The oath must be subscribed to by the trustee making it, certified by the officer before whom it is taken and immediately filed in the office of the Secretary of State.

**Sec. 3. 5 MRSA §17001, sub-§9, ¶¶A and B,** as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

A. The Consumer Price Index for ~~Urban Wage Earners and Clerical Workers: United States City Average, All items, 1967 = 100~~ All Urban Consumers, CPI-U, as compiled by the Bureau of Labor Statistics, United States Department of Labor; or

B. If the index described in paragraph A is revised or superseded, ~~the Consumer Price Index shall be the index represented by the Bureau of Labor Statistics as reflecting most accurately the board must employ the Consumer Price Index compiled by the Bureau of Labor Statistics, United States Department of Labor that the board finds to be most reflective of changes in the purchasing power of the dollar for the broadest population of consumers, including retired consumers.~~

**Sec. 4. 5 MRSA §17102, sub-§4,** as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

**4. Oath.** Each trustee shall, within ~~40~~ 30 days after ~~his the trustee's~~ appointment ~~or election,~~ take an oath of office to faithfully discharge the duties of a trustee, in the form prescribed by the Constitution of Maine.

A. The oath ~~shall~~ must be subscribed to by the trustee making it.

B. The oath ~~shall~~ must be certified by the officer before whom it was taken and immediately filed in the office of the Secretary of State.

**Sec. 5. 5 MRSA §17107, sub-§2, ¶E**, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

E. The actuary shall make whatever investigations ~~he deems~~ the actuary considers necessary of the experience of the retirement system with respect to the factors ~~which that~~ affect the cost of the benefits provided by the retirement system.

(1) The purpose of the investigations is to determine the actuarial assumptions to be recommended to the board for adoption in connection with actuarial determinations required under this Part.

~~(2) These investigations shall be made as frequently as the actuary deems expedient, but shall be made at least once in each 3-year period following January 1, 1976.~~

(2-A) These investigations must be made whenever the board, on recommendation of the actuary, determines an investigation to be necessary to the actuarial soundness or prudent administration of the plan or plans to which the investigation is related. The determination must take into account plan demographics and changes in plan demographics, employment patterns and projections, relevant economic measures and expectations and other factors that the board or actuary considers significant. With respect to the retirement system plan for state employees and teachers, if 6 fiscal years have elapsed without an investigation being conducted, the board must either conduct an investigation within the next fiscal year or must record in the official minutes of a meeting of the board, in each fiscal year until the year in which an investigation is conducted, its decision not to do so and the reason or reasons for its decision.

**Sec. 6. 5 MRSA §17655, sub-§1, ¶B**, as amended by PL 1991, c. 479, §1, is further amended to read:

B. Any employee who enlists in or is inducted or drafted into the service of the Armed Forces of the United States ~~in a federally recognized period of conflict, as defined in Title 37 B, section 504, subsection 4, paragraph A 1, subparagraph (3), including:~~

~~(1) During World War I between April 6, 1917, and March 3, 1921; and~~

**Sec. 7. 5 MRSA §17851, sub-§4, ¶B**, as amended by PL 1999, c. 731, Pt. CC, §3, is further amended to read:

B. Became a state police officer after September 15, 1984 or a special agent investigator before June 21, 1982 and completed 25 years of creditable service as a state police officer or special agent investigator, which may include creditable service under section 17760.

**Sec. 8. 5 MRSA §18254, first ¶**, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

The withdrawal of a participating local district from the retirement system has the following effects on an employee of the district and on the district itself.

**Sec. 9. 5 MRSA §18254, sub-§3**, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

**3. Former employee receiving or eligible for retirement benefits.** ~~For~~ Except as provided in subsection 5, for a former employee who is receiving retirement benefits or is eligible for retirement benefits, the district shall continue continues to be a participating local district and that person ~~shall be~~ is subject to this Part.

**Sec. 10. 5 MRSA §18254, sub-§5** is enacted to read:

**5. Conditions under which withdrawn participating local district is no longer participating local district.** A participating local district that has no former employees eligible for retirement benefits under subsection 3 and no former employees covered under subsection 4 is no longer a participating local district when:

A. The participating local district's status as a participating local district is based solely on the existence of a former employee or employees who are retirees receiving retirement benefits or on the existence of current or potential beneficiaries of such retirees who are receiving or potentially entitled to receive benefits; and

B. The district satisfies fully all liabilities as measured by the retirement system for those to whom paragraph A applies:

(1) In accordance with state and federal law; and

(2) According to standards and procedures approved by the board as determined by the board to protect the interests of current and potential benefit recipients and any other affected or potentially affected person or entity. Such procedures may include, but are not limited to, the establishment by purchase or otherwise of an annuity or annuities as a means of satisfying the district's liabilities.

Having satisfied its liabilities in compliance with this subsection, a district is no longer a participating local district, and the retirement system must return to it any assets in the district's retirement system account exceeding the amount necessary to comply. Satisfaction of district liabilities pursuant to this subsection bars any future claim by any person against the retirement system for liability to or responsibility for any retiree, beneficiary or the district, and a retiree, beneficiary or the district is not thereafter subject to this Part.

**Sec. 11. 5 MRSA §18258, sub-§1, ¶B**, as amended by PL 1991, c. 479, §4, is further amended to read:

B. Any employee who enlists in or is inducted or drafted into the service of the Armed Forces of the United States ~~in a federally recognized period of conflict, as defined in Title 37-B, section 504, subsection 4, paragraph A 1, subparagraph (3), including:~~

~~(1) During World War I between April 6, 1917, and March 3, 1921; and~~

**Sec. 12. Legislative findings.** In establishing the Consumer Price Index for All Urban Consumers as the benchmark for the cost-of-living adjustment available under the laws governing the Maine State Retirement System in the Maine Revised Statutes, Title 5, section 17001, subsection 9, paragraph A, the Legislature finds that that index is the most reflective of the purchasing power of the dollar for the broadest population of consumers, including retired consumers.

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

Effective May 16, 2001.

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**CHAPTER 182**

**H.P. 465 - L.D. 593**

**An Act to Establish the Office of Securities within the Department of Professional and Financial Regulation**

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

**Sec. 1. 2 MRSA §6, sub-§4**, as amended by PL 1997, c. 643, Pt. H, §2, is further amended to read:

**4. Range 88.** The salaries of the following state officials and employees are within salary range 88:

- Director, Bureau of Employee Relations;
- Director, Bureau of Air Quality;
- Director, Bureau of Land and Water Quality;
- Director, Bureau of Remediation and Waste Management;
- Deputy Commissioner, Environmental Protection;
- Director, Office of Consumer Credit Regulation; ~~and~~
- Director, Office of Licensing and Registration; ~~and~~
- Administrator, Office of Securities.

**Sec. 2. 5 MRSA §934, sub-§1, ¶¶C and D**, as enacted by PL 1983, c. 729, §4, are amended to read:

- C. Superintendent, Bureau of Insurance; ~~and~~
- D. Assistant to the Commissioner; ~~and~~

**Sec. 3. 5 MRSA §934, sub-§1, ¶E** is enacted to read:

E. Administrator, Office of Securities.

**Sec. 4. 9-B MRSA §212-A**, as amended by PL 1995, c. 502, Pt. H, §5, is repealed.

**Sec. 5. 10 MRSA §8001, sub-§3-A** is enacted to read:

**3-A. Office of Securities.** Office of Securities; ~~and~~

**Sec. 6. 19-A MRSA §2201, sub-§12**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**12. Reporting.** On or before April 1, 1994, or as soon as economically feasible and at least annually, all boards subject to this section and the Department of Professional and Financial Regulation, Division of Administrative Services shall provide to the department specified information, on magnetic tape or other machine-readable form, according to standards established by the department, about applicants for licensure and all current licensees. The Department of Professional and Financial Regulation, Office of Securities ~~Division~~ shall provide the specified information for only those current licensees that are residents of this State. The information to be provided must include all of the following information about the licensee:

- A. Name;