

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
SEPTEMBER 21, 2001

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
2001

2. Compensation from employment not covered by this article. If any person who is the recipient of a disability retirement benefit receives compensation in any year from engaging in any gainful activity or from employment with an employer whose employees are not covered by this article or chapter 423, subchapter V, article 3-A, which exceeds ~~\$10,000~~ \$20,000, increased or decreased by the same percentage adjustments as are granted under section 18407, subsection 4, or the difference between the person's disability retirement benefit for that year and the person's average final compensation at the time that the person became a recipient of a disability retirement benefit, increased or decreased by the same percentage adjustments as have been granted by section 18407, whichever is greater:

A. The excess ~~shall~~ must be deducted from the disability or service retirement benefits during the next calendar year; the deductions to be prorated on a monthly basis in an equitable manner prescribed by the board over the year or part of the year for which the benefits are received;

B. The person shall reimburse the retirement system for any excess payments not deducted under paragraph A. If the retirement benefit payments are eliminated by this subsection, the disability ~~shall be~~ is deemed to no longer exist, the payment of the disability retirement benefit ~~shall~~ must be discontinued and, except as provided in paragraph C, all of the person's rights to benefits under this article ~~shall~~ cease;

C. If, during the first 5 years of reemployment, the person again becomes disabled, terminates employment and is not covered by any other disability program, the retirement system shall resume paying the disability retirement benefit payable prior to the reemployment with all applicable cost-of-living adjustments and shall provide rehabilitation services under section 18527 if recommended by the medical board. If the benefit payable under the other disability program is not equal to or greater than the benefit under this article, the retirement system shall pay the difference between the amount of the benefit payable under the other disability program and the amount of the benefit payable under this article. The executive director shall require examinations or tests to determine whether the person is disabled as described in section 18521; and

D. At any time before the elimination of disability retirement benefit payments by this subsection, the person may request that benefit payments be terminated and the executive director shall terminate benefit payments at the end of the month in which the request is received.

Sec. 5. P&SL 1995, c. 38, §2, first ¶ is amended to read:

Sec. 2. Review for annual earnings. The Maine State Retirement System shall review the annual earnings of a person who is the recipient of disability retirement benefits who receives compensation in any year from engaging in a gainful activity. If the Maine State Retirement System finds that the compensation exceeds the greater of ~~\$10,000~~ \$20,000 in calendar year 2000 or in any subsequent year that amount as cumulatively increased or decreased by the same percentage adjustments granted under the Maine Revised Statutes, Title 5, section 17806, subsection 1, paragraphs A and B or section 18407, subsection 4 or the difference between the recipient's disability retirement benefit for that year and the recipient's average final compensation at the time that the person became a recipient of a disability retirement benefit that is cumulatively increased or decreased by the same percentage adjustments granted under Title 5, section 17806, subsection 1, paragraphs A and B or section 18407, subsection 4, then the retirement system must:

Sec. 6. Restoration of benefit reductions. The Maine State Retirement System shall suspend implementation of Private and Special Law 1995, chapter 38, section 1 until January 1, 2003 and shall reverse any permanent disability benefit reductions pursuant to that section that have occurred as a result of a benefit recipient's actual earnings in calendar years 1999 and 2000.

Sec. 7. Effective date. This Act applies retroactively to January 1, 2001.

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

Effective June 27, 2001, unless otherwise indicated.

CHAPTER 444

S.P. 14 - L.D. 31

An Act to Eliminate the Fee for Veterans Registration Plates

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

Sec. 1. 29-A MRS §523, sub-§3, as amended by PL 1999, c. 751, §1, is further amended to read:

3. Special veterans registration plates. The Secretary of State, on application and upon evidence

of payment of the excise tax required by Title 36, section 1482, and the registration fee required by section 501 and a one-time additional fee of \$5, shall issue a registration certificate and a set of special veterans registration plates to be used in lieu of regular registration plates to any person who has served in the United States Armed Forces and who has been honorably discharged. If a veteran is the primary driver of 2 vehicles, the Secretary of State may issue in accordance with this section a set of special veterans registration plates for each vehicle.

Each application must be accompanied by the applicant's Armed Forces Report of Transfer or Discharge, DD Form 214, or certification from the United States Veterans Administration or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge.

All surplus revenue collected for issuance of the special registration plates is retained by the Secretary of State to maintain and support this program.

A. Between June 30, 2000 and June 29, 2001, the Secretary of State may issue special commemorative decals to any person who served in the United States Armed Forces during the Korean Conflict, June 27, 1950 to January 31, 1955, when that person's application is accompanied by a fee not to exceed \$10 and appropriate military certification verifying the applicant's service during the Korean Conflict. This decal is to be affixed to the special veterans registration plate and may be displayed until the plate is retired.

See title page for effective date.

CHAPTER 445

H.P. 780 - L.D. 1024

An Act to Extend the Youth in Need of Services Oversight Committee

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

Whereas, under the current law, the Youth in Need of Services Oversight Committee is scheduled for repeal on June 30, 2001; and

Whereas, this legislation removes the repealer in order to ensure the continuation of the oversight committee; 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. 22 MRSA §4099, as enacted by PL 1999, c. 778, §2, is amended to read:

§4099. Repeal

This subchapter is repealed June 30, 2001 2002.

Sec. 2. Limitation. The Youth in Need of Services Pilot Program, established in the Maine Revised Statutes, Title 22, section 4096, is limited to 3 meetings between the effective date of this Act and June 30, 2002.

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

Effective June 27, 2001.

CHAPTER 446

H.P. 974 - L.D. 1298

An Act Providing for Enhancements to the Maine Seed Capital Tax Credit Program

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

Sec. 1. 10 MRSA §1100-T, sub-§2, ¶A, as amended by PL 1999, c. 752, §1, is further amended to read:

A. A tax credit certificate may be issued in an amount not more than ~~30%~~ 40% of the amount of cash actually invested in a Maine business in any calendar year. ~~For certificates issued prior to July 1, 2001 for investments made after July 1, 2000, the tax credit certificate may be issued in an amount not more than 40% of the amount of cash actually invested in a Maine business in any calendar year.~~

Sec. 2. 10 MRSA §1100-T, sub-§2-A, ¶¶A, C to E and H, as amended by PL 1997, c. 774, §1, are further amended to read:

A. A tax credit certificate may be issued to an individual who invests in a private venture capital fund in an amount that:

(1) Is not more than ~~30%~~ 40% of the amount of cash actually invested in or un-