

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**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**  
**2002**

C. Make available to the public information concerning services to remove mercury light switches in motor vehicles.

**7. Labeling.** Effective July 15, 2002, the labeling requirements of section 1662 apply to motor vehicle components. In approving an alternative compliance plan for labeling for motor vehicles under section 1662, the commissioner shall require a motor vehicle manufacturer to apply a doorpost label listing the mercury-added products that may be components in the motor vehicle. The commissioner may not require a manufacturer to affix a label to each mercury-added component.

**8. Rulemaking.** The board shall revise the universal waste rules adopted pursuant to section 1319-O, subsection 1, paragraph F as necessary to establish standards by which mercury switches in motor vehicles may be handled as universal waste.

**9. Reporting.** Before January 1, 2003 and annually thereafter, motor vehicle manufacturers doing business in the State shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on any fee or other charge collected on the sale of new motor vehicles for the purpose of paying the cost of carrying out the manufacturer responsibilities under subsection 5. The report must specify the amount of the fee or charge collected and how the amount of the fee or charge was determined. Before July 1, 2004 and annually thereafter, motor vehicle manufacturers shall report in writing to the department on the results of the source separation required under this section. The report must include, at a minimum, the number of mercury switches removed and recycled from motor vehicles during the previous calendar year; the estimated total amount of mercury contained in the components; and any recommendations to improve the future collection and recycling of motor vehicle components. Before January 1, 2005 and annually thereafter, the department shall report to the Mercury Products Advisory Committee on the effectiveness of the source separation required under this section, whether the partial reimbursement payment under subsection 5, paragraph B should be adjusted to increase the number of switches brought to consolidation facilities, whether other motor vehicle components should be added to the source separation efforts and whether the program should be terminated and, if so, when.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF  
Remediation and Waste Management

Initiative: Allocates funds for the costs of establishing and administering a program to remove mercury-added components from automobiles.

Other Special Revenue Funds	2001-02	2002-03
All Other	\$0	\$35,000

See title page for effective date.

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## CHAPTER 657

H.P. 1503 - L.D. 2006

### An Act to Protect Retirement Income

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

**Sec. 1. 3 MRSA §801, sub-§1,** as amended by PL 1989, c. 133, §7, is further amended to read:

**1. Membership mandatory.** Every Legislator serving in the Legislature on or after December 3, 1986, ~~shall be~~ is a member of the Maine Legislative Retirement System, except that any Legislator who is a member of the Maine State Retirement System on December 2, 1986, may continue to be a member of that system instead of becoming a member of the Maine Legislative Retirement System, and any Legislator who is a public school teacher or an employee of the ~~Vocational Technical Institute~~ Maine Technical College System on leave of absence ~~shall continue~~ shall for the purpose of serving in the Legislature ~~continues~~ continues to be a member of the Maine State Retirement System and to have contributions deducted from the member's legislative ~~salary~~ earnable compensation as provided by Title 5, section 17701. A Legislator who is the recipient of a retirement allowance from the Maine State Retirement System ~~shall become~~ becomes a member of the Maine Legislative Retirement System, but no creditable service granted under the Maine State Retirement System ~~shall~~ may be transferred to the Maine Legislative Retirement System. A member ~~shall cease~~ ceases to be a member when the member withdraws the member's contributions, becomes a beneficiary as a result of the member's own retirement or dies.

**Sec. 2. 3 MRSA §806** is enacted to read:

**§806. Additional member contributions by certain members**

**1. Application.** This section applies to a Legislator who is a public school teacher or an employee of the Maine Technical College System who is on a leave of absence for the purpose of serving in the Legislature on or after July 1, 2002.

**2. Additional member contributions on difference in earnable compensation.** A Legislator

subject to this section whose earnable compensation as a Legislator is less than the earnable compensation that would have been earned in the position from which the Legislator is on a leave of absence may make member contributions on the amount that represents the difference between the legislative earnable compensation received and the earnable compensation that would have been received in the position from which the Legislator is on a leave of absence.

**3. Maximum total earnable compensation; total member contributions.** The total earnable compensation on which a Legislator makes member contributions under this section may not be greater than the earnable compensation that the Legislator would have received had the Legislator remained in the position from which the Legislator is on a leave of absence. The Legislator's total member contributions under this section may not be greater than the member contributions that would have been paid on the earnable compensation that the Legislator would have received had the Legislator remained in that position from which the Legislator is on a leave of absence.

**4. Method of member contribution.** A Legislator may make member contributions under this section by either a single lump sum payment or by annual direct payments as provided by Title 5, section 17701, subsection 4.

**5. Interest.** If the Legislator makes member contributions under this section in the year in which the Legislator is on leave of absence, no interest accrues. If payment of member contributions under this section is made at any later time, interest accrues at a rate to be set by the board of trustees not to exceed regular interest by 5% or more, computed beginning at the end of the year in which the contributions would have been made to date of payment.

**6. Written agreement.** A Legislator who elects to make additional member contributions under this section must enter into a written agreement with the Maine State Retirement System for the making of the contributions. The agreement must be in a form specified by the Maine State Retirement System and according to terms and procedures specified by the Maine State Retirement System.

**7. Employer contribution.** Whenever a Legislator elects to make member contributions under this section, the State shall pay the employer share of contributions on the amount that represents the difference between the legislative earnable compensation received by the Legislator and the earnable compensation that would have been received by the Legislator in the position from which the Legislator is on a leave of absence.

**Sec. 3. 5 MRSA §17701, sub-§5** is enacted to read:

**5. Earnable compensation for certain members.** The earnable compensation of a public school teacher or employee of the Maine Technical College System who is on leave of absence for the purpose of serving as a Legislator is the total amount of earnable compensation upon which the teacher or employee makes member contributions as specified in and subject to the limitations of Title 3, section 801, subsection 1.

See title page for effective date.

**CHAPTER 658**

**S.P. 767 - L.D. 2102**

**An Act to Implement the Recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment**

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

**Sec. 1. 5 MRSA §12004-G, sub-§10-B** is enacted to read:

<b>10-B.</b>	<u>Maine</u>	<u>Legislative</u>	<u>20-A</u>
<u>Education</u>	<u>Higher</u>	<u>Per Diem</u>	<u>MRSA</u>
	<u>Educational</u>	<u>for</u>	<u>§10401</u>
	<u>Attainment</u>	<u>Legislators</u>	
	<u>Council</u>		

**Sec. 2. 20-A MRSA c. 406** is enacted to read:

**CHAPTER 406**

**MAINE HIGHER EDUCATIONAL ATTAINMENT COUNCIL**

**§10401. Maine Higher Educational Attainment Council established**

The Maine Higher Educational Attainment Council, referred to in this chapter as the "council," is established to provide a permanent voice in support of higher education, to create a statewide vision for higher educational attainment and to develop, maintain and evaluate implementation of a long-term plan for higher educational attainment in the State.

**1. Membership.** The council consists of 16 members. The Governor, the President of the Senate and the Speaker of the House of Representatives shall jointly appoint the following 16 members, 2 of whom must be designated to serve as cochairs of the council: