

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.

J.S. McCarthy Company
Augusta, Maine
2002

6. Ambulance operator course. By January 1, 2004 ~~2005~~, a person whose job description includes operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course, or a course that has been approved by the board as an equivalent, in order to operate an ambulance in an emergency mode or to transport a patient. This requirement applies to all paid and volunteer ambulance operators and transporters. This requirement is in addition to vehicle operator requirements of Title 29-A or other law. A person whose job description includes operating an ambulance in an emergency mode or transporting a patient who successfully completes a basic ambulance vehicle operator course or a course that has been approved by the board as an equivalent may apply to the board for reimbursement for the cost of the course.

Sec. C-2. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Bureau of Emergency Medical Services

Initiative: Allocates funds for one Public Health Educator III position to implement the training and certification of all ambulance operators by January 1, 2005, as required by law. All Other costs will be supplemented by pending approval of federal grant applications.

Other Special Revenue Funds	2001-02	2002-03
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	\$0	\$49,520
All Other	0	(49,520)
 Total	 \$0	 \$0

Sec. C-3. Report. The Department of Public Safety, Bureau of Emergency Medical Services shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the progress of the training and certification of ambulance operators by February 1, 2004.

See title page for effective date.

CHAPTER 698

S.P. 810 - L.D. 2175

**An Act to Amend the County Jail
Prisoner Support and Community
Corrections Fund**

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

Sec. 1. 4 MRSA §116, first ¶, as amended by PL 1999, c. 357, §1, is further amended to read:

All revenue received by the Supreme Judicial or Superior Court, whether directly or pursuant to an agreement entered into with the Department of Administrative and Financial Services, Bureau of ~~Taxation~~ Revenue Services, from fines, forfeitures, penalties, fees and costs accrues to the State, except as otherwise provided under sections 1057 and 1057-A; Title 12, sections 3055 and 4508; Title 23, section 1653 ~~and~~; Title 29-A, section 2602; and Title 34-A, section 1210-A, subsection 9.

Sec. 2. 4 MRSA §163, sub-§1, as amended by PL 1999, c. 357, §2, is further amended to read:

1. District Court funds. Except as otherwise provided by law, all fines, forfeitures, surcharges, assessments and fees collected in any division of the District Court or by the violations bureau must be paid to the clerk of that District Court, who shall deposit them in a special account in a timely manner. Once each month, the clerk shall remit the sums to the Treasurer of State, who shall credit them to the General Fund. At the same time, the clerk shall remit the sums that have been collected in accordance with sections 1057 and 1057-A; Title 5, chapter 316-A; ~~and~~ Title 29-A, section 2411, subsection 7; and Title 34-A, section 1210-A, subsection 9. Funds received by the clerk as bail in criminal cases must be deposited daily in a special account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost effective to do so. Interest accrued in the account is the property of and accrues to the State. The forfeiture and setoff of bail is governed as otherwise provided by law.

The court shall file a monthly report with the State Auditor itemizing the amount of fines, surcharges and assessments imposed and to whom each is payable.

Sec. 3. 4 MRSA §1057-A, sub-§2, as enacted by PL 1999, c. 357, §3, is amended to read:

2. Surcharge imposed. In addition to the 12% surcharge collected pursuant to section 1057 and the 1% surcharge collected pursuant to Title 34-A, section 1210-A, subsection 9, a 2% surcharge must be added to every fine, forfeiture or penalty imposed by any court in this State, which for the purposes of collection and collection procedures is considered a part of the fine, forfeiture or penalty. All funds collected pursuant to this section must be deposited monthly in the Maine Community Policing Institute Surcharge Fund. All funds collected pursuant to this section must be paid to the University of Maine System for the sole purpose of funding the Maine Community Policing Institute, except that the Judicial Department may incur reasonable expenses to implement the administration of the 2% surcharge, in an amount not to exceed \$11,000 annually, in fiscal years ending June 30, 2000 and June 30, 2002.

Sec. 4. 34-A MRS §1210-A, sub-§4, as enacted by PL 1997, c. 753, §2, is amended to read:

4. Change in state funding of county jails. If a county experiences at least a 10% increase in the total annual jail operating budget or if a county issues a bond for the construction of a new jail or renovation of an existing jail, the county may file with the department a request for an increase in the amount of state funds the county receives for the support of prisoners. A county must file a request for an increase in the amount of state funds the county receives for the support of prisoners by February 15th for an increase experienced in the prior fiscal year. The department shall review the request; and, if the county demonstrates to the department a need for the increase, the department shall forward the request to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters distribute the approved amount to the county from the surcharges collected under subsection 9. All funds distributed under this subsection must be used only for the purpose of funding counties' costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections. The department shall forward the request and supporting documents to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters of a county's requested increase and any distributions made to counties under this subsection.

Sec. 5. 34-A MRS §1210-A, sub-§§9 and 10 are enacted to read:

9. Surcharge imposed. In addition to the 12% surcharge collected pursuant to Title 4, section 1057 and the 2% surcharge collected pursuant to Title 4, section 1057-A, an additional 1% surcharge must be added to every fine, forfeiture or penalty imposed by any court in this State, which for the purposes of collection and collection procedures is considered a part of the fine, forfeiture or penalty. Except as provided in subsection 10, all funds collected pursuant to this subsection are nonlapsing and must be deposited monthly in the County Jail Prisoner Support and Community Corrections Fund that is administered by the department. Except as provided in subsection 10, all funds collected pursuant to this subsection must be distributed to counties that have experienced at least a 10% increase in their total annual jail operating budget or to counties that have issued bonds for the construction of a new jail or renovation of an existing jail and that meet all other requirements under subsection 4. Funds distributed to counties pursuant to this subsection must be used for the sole purpose of funding costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections.

10. Implementation. The first \$23,658 collected under subsection 9 after the effective date of this subsection must be transferred to the Judicial Department to cover the costs of implementing the collection of surcharges.

Sec. 6. County requests. Notwithstanding the February 15th reporting requirement in section 4 of this Act, requests for additional funding made by York County, Hancock County and Somerset County received by the Department of Corrections no later than February 28, 2002 do not have to be resubmitted.

Sec. 7. Effective date. This Act takes effect August 1, 2002.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

County Jail Prisoner Support and Community Corrections Fund

Initiative: Allocates funds to be distributed to certain counties who experience at least a 10% increase in their annual jail operating budgets. The dedicated revenue to support this allocation is derived from a 1% surcharge on all fines, forfeitures or penalties imposed by any court in the State.

Other Special Revenue Funds	2001-02	2002-03
All Other	\$0	\$110,757

CORRECTIONS, DEPARTMENT OF

DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS	\$0	\$110,757
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$110,757
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JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District

Initiative: Pursuant to the Maine Revised Statutes, Title 34-A, section 1210-A, subsection 10, provides one-time funds necessary to implement a new surcharge on all fines, forfeitures or penalties imposed by any court in the State.

Other Special Revenue Funds	2001-02	2002-03
Personal Services	\$0	\$1,772
All Other	0	21,886
Total	\$0	\$23,658

JUDICIAL DEPARTMENT

DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS	\$0	\$23,658
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$23,658
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SECTION TOTALS	2001-02	2002-03
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OTHER SPECIAL REVENUE FUNDS	\$0	\$134,415
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SECTION TOTAL - ALL FUNDS	\$0	\$134,415

Effective August 1, 2002.

CHAPTER 699

H.P. 1686 - L.D. 2185

An Act to Amend Maine State Retirement System Statutes

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

Sec. 1. 5 MRSA §17001, sub-§42, ¶A, as repealed and replaced by PL 1989, c. 878, Pt. D, §4, is amended to read:

A. Any employee of a public school who fills any position that the Department of Education requires be filled by a person who holds the appropriate certification or license required for that position and:

(1) Holds appropriate certification from the Department of Education, including an employee whose duties include, in addition to those for which certification is required, either the setup, maintenance or upgrading of a school computer system the use of which is to assist in the introduction of new learning to students or providing school faculty orientation and training related to use of the computer system for educational purposes; or

(2) Holds an appropriate license issued to a professional employee by a licensing agency of the State;

Sec. 2. 5 MRSA §17857, sub-§3, ¶B, as amended by PL 1999, c. 731, Pt. CC, §11, is repealed.

Sec. 3. 5 MRSA §18252, sub-§6, as enacted by PL 1989, c. 677, §§2 and 3, is amended to read:

6. Restoration to service. If any person who is the recipient of a service retirement benefit is covered by the United States Social Security Act upon being restored to service, continuation of that person's benefit is ~~not subject to section 18457, but~~ is governed by the following.

A. The person may elect to have the service retirement benefit continued during the period of time the person is restored to service and the per-

son may not accumulate any additional service credits.

B. The person may elect to have the service retirement benefit terminated, again become a member of the retirement system and begin contributing at the current rate.

(1) The person is entitled to accumulate additional service credits during the period of time the person is restored to service.

(2) When the person again retires, the person is entitled to receive benefits computed on the person's entire creditable service and in accordance with the law in effect at the time.

C. Upon being restored to service, the person shall elect to have benefits either continued or terminated. If written notification of the person's election is not received by the executive director within ~~30~~ 60 days of restoration to service, the person is deemed to have elected the provisions of paragraph ~~B~~ A. The election, regardless of how it is made, is irrevocable during the period of restoration to services.

Sec. 4. 5 MRSA §18457, as amended by PL 1987, c. 739, §§43 and 48, is repealed.

Sec. 5. 5 MRSA §18462, sub-§2, ¶B, as enacted by PL 1989, c. 79, §3, is repealed.

Sec. 6. 5 MRSA §18462, sub-§3, ¶B, as enacted by PL 1989, c. 79, §3, is repealed.

Sec. 7. PL 2001, c. 442, §5 is amended to read:

Sec. 5. Status of employees who have retired and returned to covered employment under the Maine State Retirement System. Notwithstanding the Maine Revised Statutes, Title 5, section 17651, ~~and, except as provided in Title 5, section 17857, subsection 2,~~ recipients of a service retirement benefit from the Maine State Retirement System who have returned to covered employment under the retirement system in a position that would otherwise be covered by the retirement plan for state employees and teachers may not contribute to the retirement system, do not earn creditable service for their employment after retirement and do not earn any additional retirement benefits as a result of that employment. They may participate in other retirement options available to similar employees, including the state program of tax-deferred arrangements under Title 5, chapter 67, at the discretion of their employer. For purposes of participation in the state employee health insurance program pursuant to the Maine Revised Statutes, Title 5, section 285 or in dental health