

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

OTHER SPECIAL REVENUE FUNDS	\$0	\$134,415
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Sec. 1. 5 MRSA §17001, sub-§42, ¶A, as repealed and replaced by PL 1989, c. 878, Pt.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 CC, §11, is repealed.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

insurance coverage offered by the State, recipients of a service retirement benefit under the Maine State Retirement System who are retired state employees and who are reemployed as state employees must be treated as retirees under section 285, subsection 1-A for purposes of eligibility for coverage under the group plan.

Sec. 8. Status of employees who have retired and returned to covered participating local district employment under Maine State Retirement System. Notwithstanding the Maine Revised Statutes, Title 5, section 18251, subsection 1, recipients of a service retirement benefit from the Maine State Retirement System for service in the employment of a participating local district who have returned to covered employment under the retirement system in a position that would otherwise be covered by the retirement plan for a participating local district 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.

See title page for effective date.

CHAPTER 700

H.P. 1655 - L.D. 2162

An Act to Supplement Maine's Academic Attainment and to Retain Talent

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

Sec. 1. 10 MRSA c. 110, sub-c. XI is enacted to read:

SUBCHAPTER XI

EDUCATIONAL ATTAINMENT AND RECRUITMENT TAX CREDITS

§1100-Y. Definitions

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Eligible student" means a student who:

- (1) Is a resident of the State;
- (2) Is a graduate of an approved secondary school or the equivalent, including, but not limited to, a student who received equivalent instruction through home instruction, a student who matriculated at an accredited

public or private institution of higher education in the State prior to high school graduation or a student who successfully completed a general educational development examination or its equivalent;

(3) Is or will be matriculated at an institution of higher education; and

(4) Signs a statement of intent to reside in the State upon graduation from that institution of higher education.

B. "Need-based scholarship" means a scholarship awarded by a qualified scholarship organization to an eligible student based on financial need as determined by eligibility requirements established by the qualified scholarship organization that awards the scholarship.

C. "Qualified scholarship organization" means an organization certified by the authority under subsection 2.

D. "Resident of the State" means a person who is either an independent student who has been domiciled in the State for at least one calendar year prior to the date of attendance at an accredited public or private educational institution or a dependent student whose parent or legal guardian has been domiciled in the State at least one calendar year prior to the date of attendance at an accredited public or private educational institution. A residence established in the State solely for the purpose of attending an accredited public or private institution of higher education in the State is not sufficient to establish domicile in the State.

2. Certification of qualified scholarship organizations. The authority shall provide initial and annual certification for qualified scholarship organizations in accordance with this subsection.

A. For initial certification, the organization must be a private, nonprofit organization that is qualified under Section 501(c)(3) of the Internal Revenue Code, that has as one of its purposes the provision of need-based scholarships to eligible students, that meets the standards adopted by the authority by rule under subsection 7, that files reports as required by this section and that:

(1) Is affiliated with and designated by an accredited institution of higher education in this State; or

(2) Has filed as a nonprofit corporation with the Secretary of State on or before April 1, 2002 and remains in good standing with the Secretary of State.