

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

2. Terms. Members of the advisory council serve for 3 years, except that initially the members appointed under subsection 1, paragraphs A, B and C shall draw lots for 2-year or 3-year terms. Members continue serving until a successor is duly appointed and qualified. A member may not serve more than 2 consecutive 3-year terms. When a vacancy occurs, the commissioner shall fill the vacancy by appointing a member from the same category as the member who vacated the advisory council and that member continues to serve for the remainder of the term. An employee of the department may not serve as a member of the advisory council prior to the expiration of one year from the employee's last day of employment with the department. A Legislator may not serve as a member of the advisory council.

3. Compensation. Advisory council members are entitled to reasonable expenses as provided in Title 5, chapter 379, as approved by the director.

4. Duties. The advisory council shall provide to the director advice and information on the management of the Snowmobile Trail Fund, including, but not limited to:

A. The annual establishment of reimbursement rates for snowmobile club trail grants, municipal snowmobile trail grants and capital equipment grants; and

B. Expenditures that are over \$30,000 for the snowmobile program pursuant to section 1893 and are not part of the regular grant program.

5. Chair; vice-chair. The advisory council shall, during its meeting in August, elect one of its appointed members as chair and one of its appointed members as vice-chair for one-year terms.

6. Meetings. The advisory council shall hold meetings in August and February. The advisory council may also meet at other times at the call of the chair or the director or the director's designee.

7. Public meetings; public comment. All meetings of the advisory council are open to the public and must be held in a location that is convenient for public access. Public comment must be accepted at meetings of the advisory council. Comments may be restricted to subjects before the advisory council at the meeting and consistent with any applicable requirements and limitations of the Maine Administrative Procedure Act.

8. Public notice. Public notice of all advisory council meetings must be in accordance with Title 1, section 406.

See title page for effective date.

CHAPTER 261

S.P. 236 - L.D. 672

An Act Relating to Employees Whose Membership in the Maine State Retirement System is Optional

Sec. 1. 5 MRSA §17652, sub-§2, ¶A, as amended by PL 1995, c. 180, §1, is repealed.

Sec. 2. 5 MRSA §17652, sub-§2, ¶A-1 is enacted to read:

A-1. A person who joins the retirement system under this subsection may purchase service credit for the period during which the person served as an elected official or official appointed for a fixed term but was not a member of the retirement system.

Sec. 3. 5 MRSA §17652, sub-§2-A is enacted to read:

2-A. Reentry. A person whose membership is optional and who becomes a member after having previously withdrawn from the retirement system may purchase service credit for the time served in eligible service as follows. If qualified under both paragraphs A and B, the person may purchase time under both paragraphs.

A. If the person withdrew accumulated contributions at the time of withdrawal, the person may repurchase that prior service credit by repaying those contributions pursuant to section 17703.

B. For the purchase of time for which the person was not a member, the person must pay the amount set forth in section 17704-A.

Sec. 4. 5 MRSA §17652, sub-§4 is enacted to read:

4. Limitation on election to join or rejoin retirement system. Notwithstanding any other law, confidential employees of the Maine Community College System who are not represented in a collective bargaining unit may join or rejoin the system under this section only upon the written authorization of the Board of Trustees of the Maine Community College System. The board of trustees shall authorize the person to join or rejoin the retirement system when the Maine Community College System Office or other Maine Community College System entity that employs the individual seeking to join or rejoin has identified and designated the funds necessary to pay for the cost of that person's joining or rejoining the retirement system.

Sec. 5. 5 MRSA §17703, sub-§1-A, as enacted by PL 1991, c. 325, is amended to read:

1-A. Exception. In the case of an employee who has been laid off or an employee reentering the retirement system pursuant to section 17652, subsection 2-A, the repayment may be made immediately upon the date of restoration to membership and must be made before the date any retirement benefit becomes effective for the member.

Sec. 6. 5 MRSA §17704-A, first ¶, as enacted by PL 1995, c. 180, §3, is amended to read:

~~Notwithstanding section 17652, subsection 2, paragraph A and section 17704, an~~ An elected official or an official appointed for a fixed term who began membership after December 31, 1985 may purchase service credit for the period during which that person elected not to be a member of the retirement system if the following requirements are met.

Sec. 7. 5 MRSA §17704-A, sub-§1, as enacted by PL 1995, c. 180, §3, is repealed.

See title page for effective date.

CHAPTER 262

H.P. 685 - L.D. 928

An Act Regarding the Sale and Protection of Ferrets

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

Sec. 1. 7 MRSA c. 730-A is enacted to read:

CHAPTER 730-A

FERRETS

§3970-A. Sale and importation of juvenile ferrets

1. Prohibition on sale. A person, firm, corporation or other business entity may not sell or offer for sale or resale in the State any ferret that is less than 8 weeks of age as determined by examination for adult canine dentition.

2. Prohibition on importation. A person, firm, corporation or other business entity may not ship or bring into the State any ferret that is less than 8 weeks of age as determined by examination for adult canine dentition unless that ferret is transported with its mother.

3. Penalty. A person who violates this section commits a civil violation for which a fine not to exceed \$100 per violation may be adjudged.

See title page for effective date.

CHAPTER 263

S.P. 223 - L.D. 614

An Act To Provide Parity in Lending by State-chartered Financial Institutions

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

Sec. 1. 9-A MRSA §2-509, as enacted by PL 1973, c. 762, §1, is amended to read:

§2-509. Right to prepay

Subject to the provisions on rebate upon prepayment, section 2-510, the consumer may prepay in full the unpaid balance of a consumer credit transaction at any time without penalty, except for minimum charges as permitted by law. Notwithstanding any other provision of this Title, a reasonable charge may be assessed upon a consumer related to prepayment of a consumer loan made by a supervised financial organization and secured by an interest in land, other than a high-rate, high-fee mortgage, as defined in section 8-103, subsection 1, paragraph F-1, if the charge is reasonably calculated to offset the cost of origination of the loan. The administrator shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 9-B MRSA §429, sub-§§2 and 3, as repealed and replaced by PL 1983, c. 679, §2, are amended to read:

2. Payment of interest or dividends. Each mortgagee holding funds of a mortgagor in ~~an~~ a required escrow account on behalf of itself or another mortgagee for the payment of taxes or insurance premiums with respect to mortgaged property located in this State shall pay the mortgagor, at least quarterly, dividends or interest on the account at a rate of not less than 3% per year 50% of the 1-year Treasury Note rate or rate of a comparable instrument if the 1-year Treasury Note is not offered, as published in a financial newspaper of national circulation, as of the first business day of the year in which the quarterly interest or dividend is paid. The dividends or interest paid under this subsection may not be reduced by any charge for service or maintenance of the account.