

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

violation of this chapter, unless otherwise authorized by law, is guilty of a Class C crime.

§7252. Rulemaking

The office may adopt rules necessary to implement the provisions of this chapter. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

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

BEHAVIORAL AND DEVELOPMENTAL SERVICES, DEPARTMENT OF

Controlled Substances Prescription Monitoring Program Fund

Initiative: Provides a base allocation in the event funds are received to establish and operate the Controlled Substances Prescription Monitoring Program.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$500	\$500
Other Special Revenue Funds Total	\$500	\$500

See title page for effective date.

CHAPTER 484

H.P. 477 - L.D. 647

An Act To Prohibit Personal Watercraft on Lake St. George in the Town of Liberty

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

Whereas, this legislation prohibits the operation of personal watercraft on Lake St. George; and

Whereas, passage of this legislation prior to the upcoming boating season is of critical importance; 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. 12 MRSA §7801, sub-§35, ¶¶EE and FF, as enacted by PL 2001, c. 638, §5, are amended to read:

EE. Middle Branch Pond in the Town of Waterboro in York County; ~~or~~

FF. Highland Lake or Woods Pond in the Town of Bridgton in Cumberland County if the personal watercraft is rented and does not display a decal identifying the rental agency that owns the personal watercraft; or

Sec. 2. 12 MRSA §7801, sub-§35, ¶GG is enacted to read:

GG. Lake St. George in the Town of Liberty.

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

Effective June 23, 2003.

CHAPTER 485

H.P. 810 - L.D. 1107

An Act To Clarify Eligibility in the Maine State Retirement System Life Insurance Program

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

Sec. 1. 5 MRSA §18055, sub-§1, as amended by PL 2001, c. 12, §4, is further amended to read:

1. Availability. Except as provided in subsection 2 ~~or~~ 4, insurance purchased under section 18051 ~~shall~~ **must** be made available to the following persons:

A. Elective and appointive officers and employees of the State eligible for membership in the retirement system or the Maine Legislative Retirement System;

B. Teachers eligible for membership in the retirement system;

C. Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court and the Administrative Court; and

D. Workers' compensation commissioners.

Sec. 2. 5 MRSA §18055, sub-§§3 and 4 are enacted to read:

3. Employment with 2 employers. Except as provided in section 18056, subsection 3, paragraph D and section 18656, subsection 3, paragraph D, a participant to whom coverage is available under subsection 1 or section 18655, subsection 1 may participate through employment with 2 or more employers.

4. Retirees who return to service. A retiree who is insured pursuant to section 18061, subsection 2 or 18661, subsection 2 and who returns to employment in a position in which the person would be eligible for coverage under subsection 1 is eligible for coverage under subsection 1 only if that person pays the cost of the coverage. This limitation applies regardless of whether similarly employed persons who are not retirees would be required to pay the cost. The board shall establish a method by which such persons may pay the costs of insurance coverage elected under this subsection, which may include basic and supplemental insurance.

See title page for effective date.

CHAPTER 486

H.P. 730 - L.D. 1009

An Act Concerning Retirement Benefits for State Employees

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

Sec. 1. 4 MRSA §1201, sub-§3, as repealed and replaced by PL 1989, c. 133, §15, is amended to read:

3. Average final compensation. "Average final compensation" means:

A. The average annual rate of earnable compensation of a member during the 3 years of creditable service as a judge, not necessarily consecutive, in which the member's annual rate of earnable compensation is highest; or

B. The average annualized rate of earnable compensation of a member during the entire period of creditable service if that period is less than 3 years.

If a member took one or more days off without pay during the fiscal year beginning July 1, 2002, as authorized by the State Court Administrator, and the member elects to make the contribution provided for in section 1306, the average final compensation must be determined as if the member had not taken those days off without pay.

Sec. 2. 4 MRSA §1306 is enacted to read:

§1306. Back contribution for certain days off without pay

1. Election. If the Maine Judicial Retirement System determines at the time a member retires that the member's benefit would be increased as a result of the inclusion of compensation that would have been paid for fiscal year 2002-03 days off without pay as described in section 1201, subsection 3, the retirement system shall advise the member of that result and shall allow the member to elect to have that compensation included in the calculation of the member's benefit and to make payments as set forth in subsection 2.

2. Payment. The amount that a member who makes the election permitted in subsection 1 must pay is the amount equal to the employee contribution that person would have made on wages that would have been paid to that person on the days off without pay during the 2002-03 fiscal year as described in section 1201, subsection 3, plus interest at the same rate as that required for payment of back contributions pursuant to Title 5, section 17704, subsection 3. If the member elects to make the payment, the Maine Judicial Retirement System shall withhold the required amount from the member's first retirement benefit check.

3. Benefit calculation. If the member fails to make the election within 31 days of the notification provided under subsection 1, the Maine Judicial Retirement System shall calculate the member's retirement benefit without inclusion of the days off without pay during the 2002-03 fiscal year.

Sec. 3. 5 MRSA §17001, sub-§4, ¶A, as amended by PL 1993, c. 410, Pt. RR, §1, is further amended to read:

A. The average annual rate of earnable compensation of a member during the 3 years of creditable service as an employee in Maine, not necessarily consecutive, in which the member's annual rate of earnable compensation is highest. However, if a member is subject to a temporary layoff or other time off without pay as a result of a Governor's Executive Order, time off without pay or loss of pay pursuant to the agreements of February 15, 1991, October 23, 1991 and June 11, 1993 between the Executive Department and the American Federation of State, County and Municipal Employees, Council 93, time off without pay pursuant to the agreement of June 11, 1993 between the Executive Department and the Maine State Employees Association, days off without pay as authorized by legislative action or days off without pay resulting from any executive order declaring or continuing a state of