

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

report required under section 1059, subsection 2, paragraph A is \$5,000.

PART B

Sec. B-1. 21-A MRSA §1017, sub-§2, ¶D, as amended by PL 1991, c. 839, §14 and affected by §34, is further amended to read:

D. Contributions aggregating \$1,000 or more from any one contributor or single expenditures of \$1,000 or more, made after the 12th day before the election, and more than ~~48~~ 24 hours before 5 p.m. on the day of the election, must be reported within ~~48~~ 24 hours of those contributions or expenditures or by noon of the first business day after the contributions or expenditures, whichever is later.

Sec. B-2. 21-A MRSA §1017, sub-§3-A, ¶C, as amended by PL 1991, c. 839, §15, is further amended to read:

C. Contributions aggregating \$1,000 or more from any one contributor or single expenditures of \$1,000 or more, made after the 12th day before any election and more than ~~48~~ 24 hours before 5 p.m. on the day of any election must be reported within ~~48~~ 24 hours of those contributions or expenditures, or by noon of the first business day after the contributions or expenditures, whichever is later.

Sec. B-3. 21-A MRSA §1017, sub-§3-B, ¶C, as enacted by PL 2001, c. 589, §2, is amended to read:

C. A candidate who is required to file a report under paragraph A must file with the commission an updated report that reports single expenditures in the following amounts that are made after the 14th day before an election and more than ~~48~~ 24 hours before 5:00 p.m. on the date of that election:

- (1) For a candidate for Governor, a single expenditure of \$1,000;
- (2) For a candidate for the state Senate, a single expenditure of \$750; and
- (3) For a candidate for the state House of Representatives, a single expenditure of \$500.

A report filed pursuant to this paragraph must be filed within ~~48~~ 24 hours of the expenditure.

Sec. B-4. 21-A MRSA §1017-A, sub-§4-A, ¶E, as enacted by PL 2003, c. 302, §3, is amended to read:

E. A state party committee shall report any expenditure of \$500 or more, made after the 12th day before the election and more than ~~48~~ 24 hours before 5:00 p.m. on the day of the election, within ~~48~~ 24 hours of that expenditure or by noon of the first business day after the expenditure, whichever is later.

Sec. B-5. 21-A MRSA §1059, sub-§2, ¶E, as repealed and replaced by PL 1989, c. 833, §20, is amended to read:

E. A committee shall report any expenditure of \$500 or more, made after the 12th day before the election and more than ~~48~~ 24 hours before 5 p.m. on the day of the election, within ~~48~~ 24 hours of that expenditure or by noon of the first business day after the expenditure, whichever is later.

See title page for effective date.

CHAPTER 629

H.P. 1312 - L.D. 1790

An Act To Reduce Contamination of Breast Milk and the Environment from the Release of Brominated Chemicals in Consumer Products

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

Sec. 1. 38 MRSA §1609 is enacted to read:

§1609. Restrictions on sale and distribution of brominated flame retardants

1. "Penta" mixture and "octa" mixture of polybrominated diphenyl ethers. Effective January 1, 2006, a person may not sell or offer to sell, or distribute for promotional purposes, a product containing more than 1% of the "penta" or "octa" mixtures of polybrominated diphenyl ethers.

2. Review; report. The department, with the Department of Human Services, Bureau of Health, shall review relevant risk assessments in connection with brominated flame retardants and relevant findings and rulings by the United States Environmental Protection Agency and the European Union. The department shall annually, no later than January 5th, submit a report regarding the regulation of brominated flame retardants to the joint standing committee of the Legislature having jurisdiction over natural resources matters. For purposes of this subsection, "brominated flame retardant" means any chemical containing the element bromine that may be added to a plastic, foam or textile to inhibit flame formation.

3. Application. This section does not apply to the sale of used products.

Sec. 2. "Deca" mixture of polybrominated diphenyl ethers; legislative intent. It is the intent of the Legislature to reduce the risk of the "deca" mixture of polybrominated diphenyl ethers by implementing risk management measures or by prohibiting the sale of products containing more than 1% of the "deca" mixture beginning January 1, 2008 if a safer, nationally available alternative is identified. As part of its annual report pursuant to the Maine Revised Statutes, Title 38, section 1609, subsection 2, the Department of Environmental Protection shall submit a report regarding the nationwide availability of safer alternatives to the "deca" mixture of polybrominated diphenyl ethers to the joint standing committee of the Legislature having jurisdiction over natural resources matters. If, after reviewing the recommendations of the department, the joint standing committee determines that a safer alternative to the "deca" mixture is nationally available, the joint standing committee may report out to any session of any Legislature legislation to implement risk management measures or to enact a prohibition on the sale and distribution of products containing the "deca" mixture.

See title page for effective date.

CHAPTER 630

H.P. 1332 - L.D. 1810

An Act To Amend the Laws Concerning Optional Membership for Participating Local Districts in the Maine State Retirement System

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

PART A

Sec. A-1. 5 MRSA §18251, sub-§1, as amended by PL 1997, c. 709, §2, is further amended to read:

1. Compulsory membership. Membership is compulsory for all ~~employees~~ persons entering the service of a participating local district after the date of establishment for the participating local district, except as otherwise provided by subsection ~~2~~ 3; section 18201, subsection 3; ~~section 18252; section 18252-A; or section 18256; or section 18801, subsection 1, paragraph D.~~

Sec. A-2. 5 MRSA §18251, sub-§2, as amended by PL 1987, c. 739, §§28 and 48, is repealed.

Sec. A-3. 5 MRSA §18251, sub-§§3, 4 and 5 are enacted to read:

3. Optional membership. Membership in the retirement system is optional for the following employees of a participating local district:

A. A person in the service of a participating local district on the date of establishment for that participating local district. Once such a person joins the retirement system, membership ceases to be optional for that person under this paragraph;

B. An elected official or an official appointed for a fixed term. Special provisions apply to certain officials as follows:

(1) Membership of trustees of a water district is governed by Title 35-A, section 6410, subsection 8;

(2) Membership of trustees of a sanitary district is governed by Title 38, section 1104; and

(3) Membership of trustees of a sewer district is governed by Title 38, section 1252;

C. A chief administrative officer of a participating local district, whether appointed for a fixed term or appointed with tenure; and

D. A person whose membership is optional under section 18252, 18252-A or 18801.

4. Delayed election of membership. A person whose membership is optional and who elects not to join the retirement system when first eligible to do so may at any time apply for and be admitted to membership, except as provided in section 18252.

A. For an optional member described in subsection 3, paragraph B or C who began membership before January 1, 1986, purchase of service credit for the period during which the person was eligible for membership but was not a member of the retirement system is governed by section 18305.

B. For other optional members, purchase of service credit for the period during which the person was eligible for membership but was not a member of the retirement system is governed by section 18305-A.

5. Reentry. A person whose membership is optional may reenter the retirement system at any time, subject to sections 18252 and 18252-A, if applicable. A person who reenters the system may purchase service credit for the time served in eligible service as follows.