

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

roads that have not been accepted by the county as public roads or do not meet Department of Transportation standards. Beginning with fiscal year 2009-10, the commissioner may not reimburse parents for the transportation of a student.

Sec. C-3. Review and recommendation.

The Department of Education shall review whether the Unorganized Territory Education and Services Fund under Title 36, chapter 115 should be entitled to receive aid from the General Fund in the same manner as if the Unorganized Territory Tax District were a school administrative district under the essential programs and services program. The department shall submit a report by January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over taxation matters indicating the results of its review, including the fiscal impacts of making that change in entitlement and any statutory changes that would be necessary to accomplish the change. The joint standing committee of the Legislature having jurisdiction over taxation matters may submit legislation considered necessary as a result of the report to the First Regular Session of the 124th Legislature.

PART D

Sec. D-1. 36 MRSA §1605, sub-§4 is enacted to read:

4. Fund accounting. The State Controller shall establish an Unorganized Territory Education and Services Fund that reflects all of the activity of that fund within the state accounting system chart of accounts in accordance with the standards of a governmental accounting standards board as they apply to financial statements of the fund.

PART E

Sec. E-1. 36 MRSA §1487, sub-§2, as amended by PL 1995, c. 29, §1, is further amended to read:

2. State Tax Assessor. In the unorganized territory, the State Tax Assessor shall appoint agents to collect the excise tax. Agents, including municipalities designated as agents, are allowed a fee of \$4 ~~6~~ for each tax receipt issued. Agents shall deposit the remainder on or before the 20th day of each month following receipt with the Treasurer of State. The Treasurer of State shall make quarterly payments to each county in an amount that is equal to the receipts for that period from each county. Those payments must be made at the same time as payments under section 1606. County receipts under this section must be deposited in the county's unorganized territory fund.

PART F

Sec. F-1. 30-A MRSA §7501, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104,

Pt. C, §§8 and 10, is repealed and the following enacted in its place:

2. Solid waste. Solid waste management;

Sec. F-2. 30-A MRSA §7502, sub-§1, as amended by PL 2003, c. 414, Pt. B, §47 and as affected by c. 614, §9, is further amended to read:

1. Fund established. There is established in each county one unorganized territory fund to which must be credited all receipts under Title 12, section 10203 and Title 36, sections ~~1489~~ 1487, 1505 and 1606 and all other receipts that are allocated for municipal services in the unorganized territory, and from which all disbursements for municipal services in the unorganized territory are made.

Sec. F-3. 36 MRSA §1602, sub-§4, ¶B, as amended by PL 1985, c. 458, §1, is further amended to read:

B. The State Tax Assessor shall establish a district-wide mill rate calculated to raise the cost of all other portions of the municipal cost component certified by the Legislature. ~~For fiscal years 1985-86, 1986-87, 1987-88, 1988-89 and 1989-90, in figuring the district wide mill rate, the State Tax Assessor shall subtract \$100,000 from the amount certified by the Legislature.~~

PART G

Sec. G-1. 30-A MRSA §7501, sub-§3, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Roads and bridges. Construction, repair and maintenance of roads and bridges, including snow removal, except that the county commissioners may not expend money for improvements, maintenance or snow removal on any privately owned road within the unorganized territory in which the county has not acquired any property interest. The county commissioners may enact an ordinance to establish road standards for the purpose of preserving, protecting and maintaining roads in which the county has acquired a property interest;

See title page for effective date, unless otherwise indicated.

CHAPTER 542

S.P. 837 - L.D. 2177

**An Act To Correct the Law
Regarding Portability of
Pension Benefits for Law
Enforcement Officers and
Firefighters**

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

Sec. 1. 5 MRSA §17656, sub-§1, ¶C, as amended by PL 2007, c. 491, §97, is further amended to read:

C. If the new employer makes the election provided under paragraph B, or the member makes the election provided under paragraph D, all funds in the applicable retirement program contributed by the member's former employer on account of the member's previous employment must be transferred to the account of the new employer and must be used to liquidate the liability incurred by reason of the previous employment.

Sec. 2. 5 MRSA §17656, sub-§1, ¶D, as enacted by PL 2005, c. 636, Pt. B, §1, is amended to read:

D. ~~If the plan from which the member is transferring and the plan to which the member is transferring are both plans described in section 286-M, subsection 3, paragraph A, subparagraph (3), the member~~ Notwithstanding paragraph A, a member of the Maine Public Employees Retirement System who is a law enforcement officer as defined in Title 25, section 2801-A, subsection 5, or a state firefighter, whose previous membership was based upon employment as a municipal firefighter as defined in section 286-M, a law enforcement officer or a state firefighter may elect to make the contribution necessary to include all or part of the member's creditable service and earnable compensation from the prior plan in the new plan. The retirement system shall establish procedures for determining the contribution necessary for such a member to carry forward all or part of the creditable service and earnable compensation from a prior plan or plans. For purposes of this paragraph, "state firefighter" means a person employed by the State with the primary responsibility of aiding in the extinguishment of fires and includes a member of emergency medical services line personnel as defined in section 286-M, subsection 2, paragraph H.

Sec. 3. 5 MRSA §18253, sub-§1, ¶C, as amended by PL 2007, c. 491, §201, is further amended to read:

C. If the new employer makes the election provided under paragraph B, or the member makes the election provided under paragraph E, all funds in the applicable retirement program contributed by the member's former employer on account of the member's previous employment must be transferred to the account of the new employer and must be used to liquidate the liability incurred by reason of the previous employment.

Sec. 4. 5 MRSA §18253, sub-§1, ¶E, as enacted by PL 2005, c. 636, Pt. B, §2, is amended to read:

~~E. If the plan from which the member is transferring and the plan to which the member is transferring are both plans described in section 286-M, subsection 3, paragraph A, subparagraph (3), the member~~ Notwithstanding paragraph A, a member of the Maine Public Employees Retirement System who is a law enforcement officer as defined in Title 25, section 2801-A, subsection 5, or a municipal firefighter as defined in section 286-M, whose previous membership was based upon employment as a law enforcement officer, a state firefighter or a municipal firefighter, and whose service retirement benefits are not otherwise governed by section 18801, subsection 1, paragraph A, subparagraph 2 may elect to make the contribution necessary to include all or part of the member's creditable service and earnable compensation from the prior plan in the new plan. The retirement system shall establish procedures for determining the contribution necessary for such a member to carry forward all or part of the creditable service and earnable compensation from a prior plan or plans. For purposes of this paragraph, "state firefighter" means a person employed by the State with the primary responsibility of aiding in the extinguishment of fires and includes a member of emergency medical services line personnel as defined in section 286-M, subsection 2, paragraph H.

See title page for effective date.

CHAPTER 543

H.P. 1477 - L.D. 2091

An Act To Protect Life Insurance Consumers

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

Sec. 1. 24-A MRSA §6802-A, sub-§6, ¶A, as enacted by PL 2003, c. 636, §5, is amended to read:

A. Acts or omissions committed by any person who, knowingly or with intent to defraud, for the purpose of depriving another of property or for pecuniary gain, commits, or permits its employees or its agents to engage in, acts including:

- (1) Presenting, causing to be presented or preparing with knowledge or belief that it will be presented to or by a settlement provider, settlement producer, financing entity, insurer, insurance producer or any other person false material information, or concealing material