

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

See title page for effective date.

**CHAPTER 472
S.P. 603 - L.D. 1596**

An Act Regarding Mobile Service Bars at Municipal Golf Courses

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

Whereas, municipal golf courses serve as a popular recreation destination for residents of Maine and tourists alike; and

Whereas, the opportunity to visit golf courses in Maine can begin as early as April; 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. 28-A MRSA §1075-A, sub-§2, ¶A, as enacted by PL 2003, c. 579, §4, is amended to read:

A. All individuals selling, serving or dispensing malt liquor from a mobile service bar are employees of the golf course, except as provided in subsection 2-A;

Sec. 2. 28-A MRSA §1075-A, sub-§2, ¶K, as enacted by PL 2003, c. 579, §4, is amended to read:

K. The operator of a mobile service bar has the ability and necessary tools to immediately contact a golf course employee working at the part of the golf course licensed as an on-premises establishment or an employee of a Class A restaurant or Class A restaurant/lounge operating under a contract with a municipal golf course for assistance in enforcing the provisions of this section.

Sec. 3. 28-A MRSA §1075-A, sub-§2-A is enacted to read:

2-A. Municipal golf course. Notwithstanding subsection 2, paragraph A, employees of a Class A restaurant or Class A restaurant/lounge operating under a contract with a municipal golf course that does not have a license to serve alcoholic beverages may sell, serve or dispense malt liquor from a mobile service bar under the same conditions prescribed by subsection 2.

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

Effective February 23, 2010.

**CHAPTER 473
S.P. 602 - L.D. 1595**

An Act To Provide Continued Protection of Benefits for Retirees of the Maine Public Employees Retirement System

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

Sec. 1. 4 MRSA §1358, sub-§1, ¶A, as amended by PL 2009, c. 433, §1, is further amended to read:

A. Except as provided in paragraph A-1, the board shall automatically adjust allowances, beginning in September 1985, and each September thereafter, by any percentage ~~change~~ increase in the Consumer Price Index from July 1st to June 30th, but only to a maximum annual increase ~~or decrease~~ of 4%. The board shall determine the cost of these adjustments and shall include them in its budget requests, if necessary.

Sec. 2. 4 MRSA §1358, sub-§1, ¶A-1, as enacted by PL 2009, c. 433, §2, is amended to read:

A-1. If there is a percentage decrease in the Consumer Price Index from July 1st to June 30th, the board ~~as provided in paragraph A~~ shall set the percentage change at 0% for that September. The adjustment for the following year must be set based on the actuarially compounded Consumer Price Index for both years in a cost-neutral manner. If the Consumer Price Index in the subsequent year or years is not sufficient to allow for the adjustment to be cost-neutral for the 2 years, then the adjustment needed for cost-neutrality must continue to be applied to following years until such time as the cost-neutrality requirement is met.

Sec. 3. 5 MRSA §17806, sub-§1, ¶A, as amended by PL 2009, c. 433, §3, is further amended to read:

A. Except as provided in paragraph A-1, whenever there is a percentage ~~change~~ increase in the Consumer Price Index from July 1st to June 30th, the board shall automatically make an equal percentage increase ~~or decrease~~ in retirement benefits, beginning in September, up to a maximum annual increase ~~or decrease~~ of 4%.

Sec. 4. 5 MRSA §17806, sub-§1, ¶A-1, as enacted by PL 2009, c. 433, §4, is amended to read:

A-1. If there is a percentage decrease in the Consumer Price Index from July 1st to June 30th, the board ~~as provided in paragraph A~~ shall set the percentage change at 0% for that September. The adjustment for the following year must be set based on the actuarially compounded Consumer Price Index for both years in a cost-neutral manner. If the Consumer Price Index in the subsequent year or years is not sufficient to allow for the adjustment to be cost-neutral for the 2 years, then the adjustment needed for cost-neutrality must continue to be applied to following years until such time as the cost-neutrality requirement is met.

Sec. 5. 5 MRSA §18407, sub-§4, ¶A, as amended by PL 2009, c. 433, §5, is further amended to read:

A. Except as provided in paragraph A-1, whenever there is a percentage ~~change~~ increase in the Consumer Price Index from July 1st to June 30th, the board shall automatically make an equal percentage increase ~~or decrease~~ in retirement benefits, beginning in September, up to a maximum annual increase ~~or decrease~~ of 4%.

Sec. 6. 5 MRSA §18407, sub-§4, ¶A-1, as enacted by PL 2009, c. 433, §6, is amended to read:

A-1. If there is a percentage decrease in the Consumer Price Index from July 1st to June 30th, the board ~~as provided in paragraph A~~ shall set the percentage change at 0% for that September. The adjustment for the following year must be set based on the actuarially compounded Consumer Price Index for both years in a cost-neutral manner. If the Consumer Price Index in the subsequent year or years is not sufficient to allow for the adjustment to be cost-neutral for the 2 years, then the adjustment needed for cost-neutrality must continue to be applied to following years until such time as the cost-neutrality requirement is met.

See title page for effective date.

**CHAPTER 474
H.P. 1120 - L.D. 1582**

An Act To Bring the Laws of the Maine Public Employees Retirement System into Compliance with the Federal Internal Revenue Code

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

Sec. 1. 3 MRSA §701, sub-§10-A is enacted to read:

10-A. Internal Revenue Code. "Internal Revenue Code" or "Code" means the United States Internal Revenue Code of 1986, as amended.

Sec. 2. 3 MRSA §702, first ¶, as amended by PL 2007, c. 491, §5, is further amended to read:

There is established the Legislative Retirement Program as a governmental qualified defined benefit plan pursuant to Sections 401(a) and 414(d) of the Internal Revenue Code and such other provisions of the Internal Revenue Code and United States Treasury regulations and other guidance as are applicable, which has the powers and privileges of a corporation.

Sec. 3. 3 MRSA §705 is enacted to read:

§705. Internal Revenue Code compliance

The Legislative Retirement Program established in this chapter is subject to the following requirements.

1. Vesting. In compliance with the Code, Section 401(a)(7), a member is 100% vested in the member's contribution account at all times.

2. Use of forfeitures of benefits. In compliance with the Code, Section 401(a)(8), any forfeitures of benefits by members or former members may not be used to pay benefit increases, but must be used to reduce unfunded liabilities.

3. Benefits. In compliance with the Code, Section 401(a)(9), benefits must be paid in accordance with a good faith interpretation of the requirements of the Code, Section 401(a)(9) and the regulations in effect under that section as applicable to a governmental plan within the meaning of the Code, Section 414(d).

4. Application of annual compensation limits. In compliance with the Code, Section 401(a)(17), applicable annual compensation limits must be applied for purposes of determining benefits or contributions due to the Maine Public Employees Retirement System.

5. Rollovers. In compliance with the Code, Section 401(a)(31), a member may elect, at the time and in the manner prescribed by the board of trustees, to have any portion of an eligible rollover distribution