

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 29, 2013**

**SECOND REGULAR SESSION**  
**January 8, 2014 to May 2, 2014**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**EMERGENCY LAW IS**  
**SEPTEMBER 6, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2014**

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

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**Augusta, Maine**  
**2014**

1-A. Purchase of elvers. A person who holds a valid elver dealer's license under section 6864 or a person who, pursuant to section 6864, subsection 9, is an authorized representative of a person holding a license issued under section 6864 shall post at the point of sale the price that that buyer will pay.

**2. Violation.** A person who violates this section commits a Class D crime for which a fine of \$2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**Sec. 9. 12 MRSA §6575-K** is enacted to read:  
**§6575-K. Elver individual fishing quota**

1. Prohibition on possession or sale of elvers in excess of elver individual fishing quota. A person may not possess or sell a weight of elvers that exceeds the elver individual fishing quota that person has been allocated for the fishing season pursuant to section 6505-A, subsection 3-A.

2. Prohibition on fishing after elver individual fishing quota has been reached. A person who has sold a weight of elvers that meets or exceeds that person's elver individual fishing quota may not fish for or possess elvers for the remainder of the season, except that such a person who has been issued a license to fish for elvers may in accordance with section 6575-D assist another person who has been issued a license to fish for elvers who has not met or exceeded that person's elver individual fishing quota as provided in section 6505-A, subsection 3-A. All gear tagged by a license holder who has met or exceeded that person's elver individual fishing quota must be removed. A marine patrol officer may seize the elver transaction card of a license holder who has met or exceeded that person's elver individual fishing quota.

3. Violation. An individual who in fact violates this section commits a crime in accordance with section 6204 for which a fine of \$2,000 must be imposed, none of which may be suspended.

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

Effective March 18, 2014.

**CHAPTER 486  
H.P. 34 - L.D. 39**

**An Act To Expand the Number  
of Qualified Educators**

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

**PART A**

**Sec. A-1. 5 MRSA §17859, sub-§1-A** is enacted to read:

1-A. Restoration to work of classroom-based employees. Effective August 1, 2014, a classroom-based employee who has reached normal retirement age and who retires after September 1, 2011 may be restored to service as a classroom-based employee with a school administrative unit as defined in Title 20-A, section 1, subsection 26:

A. In one-year contracts, which may be nonconsecutive. The maximum time that a classroom-based employee may be restored to service with an individual school administrative unit pursuant to this paragraph is 5 years;

B. Subject to the 5-year restriction specified in subsection 1 and the 75% compensation limitation for retired state employees and retired teachers specified in subsection 2, paragraph A; or

C. In any combination of paragraphs A and B, as long as the total time the classroom-based employee is restored to service does not exceed 10 years with an individual school administrative unit.

The retired classroom-based employee must have had a bona fide termination of employment in accordance with state and federal laws and rules, may not return to employment after retirement with the same employer for at least 30 calendar days after the termination of employment and may not return to employment before the effective date of the person's retirement.

For purposes of this section, "classroom-based employee" means a teacher whose principal function is to introduce new learning to students in the classroom or to provide support in the classroom during the introduction of new learning to students.

**Sec. A-2. 5 MRSA §17859, sub-§2, ¶A,** as enacted by PL 2011, c. 380, Pt. MMM, §1, is amended to read:

A. The compensation of the retired state employee or retired teacher who returns to service must be set at 75% of the compensation established for the position to be filled, at a step determined by the appointing authority. The compensation of the retired classroom-based employee who returns to service as a classroom-based employee pursuant to subsection 1-A, paragraph A must be set at 100% of the compensation established for the position to be filled, at a step determined by the school administrative unit, for up to the maximum 5-year period that a classroom-based employee may contract with an individual school administrative unit.

**PART B**

**Sec. B-1. Working group.** The Commissioner of Administrative and Financial Services or the commissioner’s designee shall convene a working group to review the impact that the Maine Revised Statutes, Title 20-A, section 17859 as originally enacted by Public Law 2011, chapter 380, Part MMM, section 1 has had on the State as an employer, local school administrative units and the Maine Community College System and invite interested parties including the Maine Community College System, statewide associations representing teachers, school boards, principals, superintendents and state employees to participate in the review. The working group shall identify the number of state employees and teachers who have retired and returned to work pursuant to Title 20-A, section 17859 as originally enacted; the financial impact of that provision including any savings to the State and local school administrative units; and any unintended or unforeseen consequences that have occurred as a result of that provision.

**Sec. B-2. Report.** No later than January 8, 2015, the Commissioner of Administrative and Financial Services shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs the working group’s findings and recommendations, as required by this Part, including any implementing legislation. The joint standing committees are each authorized to report out a bill related to the subject matter of the report to the First Regular Session of the 127th Legislature following receipt of the report.

See title page for effective date.

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**CHAPTER 487**

**H.P. 1298 - L.D. 1807**

**An Act To Restore Funding in the Maine Budget Stabilization Fund through Alternative Sources**

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

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately in order to achieve savings authorized in this Act; 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:**

**PART A**

**Sec. A-1. PL 2013, c. 451, §2** is repealed.

**Sec. A-2. PL 2013, c. 451, §5** is repealed.

**PART B**

**Sec. B-1. Appropriations and allocations.**

The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Departments and Independent Agencies - Statewide 0016**

Initiative: Reduces funding as the result of a new actuarial projection of the cost of retiree health insurance.

GENERAL FUND	2013-14	2014-15
Personal Services	(\$2,452,212)	(\$8,954,764)
<b>GENERAL FUND TOTAL</b>	<b>(\$2,452,212)</b>	<b>(\$8,954,764)</b>

**Sec. B-2. Calculation and transfer.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the State Budget Officer shall calculate the amount of savings in section 1 of this Part that apply against each account for departments and agencies statewide that have occurred as a result of a new actuarial projection. The State Budget Officer shall transfer the savings by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations and allocations in fiscal years 2013-14 and 2014-15.

**PART C**

**Sec. C-1. Department of Education; general purpose aid for local schools; lapsed balances.** Notwithstanding any provisions of law to the contrary, \$10,169,276 of unencumbered balance forward from the Department of Education, General Purpose Aid for Local Schools program, General Fund carrying account, All Other line category lapses to the General Fund unappropriated surplus no later than June 30, 2014.