

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.

Augusta, Maine
2014

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shall convene a working group to review the impact that the Maine Revised Statutes, Title 20-A, section 17859 as originally enacted by Public Law 2011, chapter 380, Part MMM, section 1 has had on the State as an employer, local school administrative units and the Maine Community College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number of state employees and teachers who have retired and returned to work pursuant to Title 20-A, section 17859 as originally enacted; the financial impact of that provision including any savings to the State and local school administrative units; and any unintended or unforeseen consequences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.

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)
GENERAL FUND TOTAL	(\$2,452,212)	(\$8,954,764)

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.

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

Effective March 21, 2014.

CHAPTER 488

H.P. 1267 - L.D. 1768

An Act To Allow All Current Members and Veterans of the United States Armed Forces To Be Eligible for In-state Tuition Rates

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

Whereas, this legislation provides greater affordability to veterans for attendance at Maine's post-secondary educational institutions; and

Whereas, veterans may need to make their decisions about which postsecondary educational institution to attend prior to the end of the 90-day period; 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. 20-A MRSA §10010, as amended by PL 2013, c. 311, §2, is repealed and the following enacted in its place:

§10010. Current members and veterans of the United States Armed Forces

If a current member of the United States Armed Forces or a veteran of the United States Armed Forces who has been honorably discharged is enrolled in a program of education at any campus of the University of Maine System, the Maine Community College System or the Maine Maritime Academy, that member or veteran is eligible for in-state tuition rates, regardless of the member's or veteran's state of residence.

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

Effective March 22, 2014.

CHAPTER 489

S.P. 694 - L.D. 1755

An Act To Amend the Mandatory Shoreland Zoning Laws To Exclude Subsurface Waste Water Disposal Systems, Geothermal Heat Exchange Wells and Wells or Water Wells from the Definition of "Structure"

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

Sec. 1. 38 MRSA §436-A, sub-§12, as amended by PL 2013, c. 320, §6, is further amended to read:

12. Structure. "Structure" means anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind and anything constructed or erected on or in the ground, ~~exclusive of fences and poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors.~~ "Structure" ~~includes a structure temporarily or permanently located~~ does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8. As used in this subsection, "service drop" has the same meaning as in section 952.

See title page for effective date.

CHAPTER 490

H.P. 1203 - L.D. 1680

An Act To Protect the Integrity of Funding for Harness Racing Purses

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to provide protection for funds used to pay purses in harness horse racing as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of