

# 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**

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

Effective April 7, 2014.

## CHAPTER 28

S.P. 753 - L.D. 1855

### An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes of the Town of Old Orchard Beach

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

**Whereas,** under current law a municipality is authorized to issue general obligation securities to fund public schools and libraries; and

**Whereas,** at the annual town election held on November 8, 2011, the voters of the Town of Old Orchard Beach voted to approve Referendum Question No. 5, which authorized the issuance of general obligation securities of the Town of Old Orchard Beach in an amount not to exceed \$2,000,000 to construct and equip an addition to the Edith Belle Libby Memorial Library, and Referendum Questions No. 1 to No. 4, which concern modifications to the Charter of the Town of Old Orchard Beach; and

**Whereas,** an architect has been retained to prepare plans and a construction contract has been entered into to construct the proposed addition to the Edith Belle Libby Memorial Library; and

**Whereas,** the Town of Old Orchard Beach plans to issue up to \$2,000,000 in general obligation securities to finance the addition to the Edith Belle Libby Memorial Library; and

**Whereas,** specimen ballots rather than warrants or notices of election were posted in public and conspicuous places in the Town of Old Orchard Beach prior to the referendum on November 8, 2011; and

**Whereas,** the posting of specimen ballots rather than warrants or notices of election prior to the November 8, 2011 referendum has created a legal technicality that could affect the marketability of the town's general obligation securities for the addition to the Edith Belle Libby Memorial Library and could jeopardize the approval of the other referendum questions of the November 8, 2011 election; and

**Whereas,** it is imperative that any ambiguity regarding the legitimacy of the referendum be resolved as quickly as possible; 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. Validation and authorization.** Notwithstanding any other provision of law to the contrary, the Town of Old Orchard Beach referendum votes conducted on November 8, 2011 and any proceedings related to those referendum votes are validated and made effective. The Chair of the Town Council and Treasurer of the Town of Old Orchard Beach are authorized to enter into contracts and to issue bonds or notes in the name of the Town of Old Orchard Beach in an amount not to exceed \$2,000,000 to construct and equip an addition to the Edith Belle Libby Memorial Library in the Town of Old Orchard Beach.

**Sec. 2. Retroactivity.** This Act applies retroactively to November 8, 2011 with respect to any proceedings relating to the contracts and bonds or notes to construct and equip the addition to the Edith Belle Libby Memorial Library and the other referendum questions approved at the referendum conducted on November 8, 2011 in the Town of Old Orchard Beach.

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

Effective April 26, 2014.

## CHAPTER 29

H.P. 265 - L.D. 390

### An Act To Restore MaineCare Coverage for Ambulatory Surgical Center Services

**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 elimination of MaineCare coverage for ambulatory surgical center services in Public Law 2011, chapter 657 has resulted in a shift of services to more expensive settings; and

**Whereas,** the elimination of MaineCare coverage for ambulatory surgical center services in Public Law 2011, chapter 657 has resulted in access problems for MaineCare beneficiaries, particularly in the medical specialties of orthopedics, ophthalmology and gastroenterology; and

**Whereas**, an immediate restoration of MaineCare coverage for ambulatory surgical center services will address the access problems and will reduce costs in the MaineCare program; 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. Rulemaking.** The Department of Health and Human Services shall adopt rules for the reimbursement of ambulatory surgical centers under the MaineCare program that are identical in substance to the rules that were in effect on January 1, 2012. Rules adopted pursuant to this section must take effect by July 1, 2014 and are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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

Effective April 30, 2014.

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## CHAPTER 30

### S.P. 412 - L.D. 1175

#### **An Act To Review the Laws Governing Retirement Benefits for Certain State Employees**

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

**Sec. 1. Production of analysis.** By January 2, 2015, the Executive Director of the Maine Public Employees Retirement System, referred to in this Act as "the executive director," shall:

1. Determine the number of active members of the Maine Public Employees Retirement System who, after having earned creditable service in the regular retirement program of the Maine Public Employees Retirement System in a capacity included in the Maine Revised Statutes, Title 5, section 17851-A, subsection 1, have earned creditable service under the 1998 Special Plan;

2. Identify changes to the current law governing qualification for retirement benefits under the Maine Public Employees Retirement System that are needed to allow all the creditable service benefits of an active member identified pursuant to subsection 1 earned in a capacity included in Title 5, section 17851-A, subsection 1 to be calculated as if earned under the 1998

Special Plan, regardless of when the creditable service was earned; and

3. Determine the cost to the State of implementing the changes identified in subsection 2.

**Sec. 2. Report.** The executive director shall report the results of the analysis, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over retirement matters by January 15, 2015. The joint standing committee of the Legislature having jurisdiction over retirement matters may submit a bill related to the report to the First Regular Session of the 127th Legislature.

See title page for effective date.

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