

# MAINE STATE LEGISLATURE

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ERRORS BILL §: SUPP-15

LAW AMENDED: 38 MRSA §420, sub-§2, ¶I

Prepared by: MJR

Date: 5/12/03

File name: G:\COMMITTEES\JUD\ERRORS 2003\Supp - 15.DOC (5/12/03 7:42 PM)

Has the error already been fixed in another bill? NO

Has section been amended/repealed in another bill? NO

General Subject: Dioxin monitoring

Type of correction (conflict, reference, other): reference

Category: (technical, substantive) ?

Is a further amendment needed? DO NOT INCLUDE  
(If so, explain below)

EXPLANATION

A correction was proposed to 38 MRSA §420, sub-§2, ¶I to include a definition of dioxin because the section that defined dioxin, section 420-A, was scheduled to be repealed on December 31, 2002. But that repeal date was extended to 2007 by PL 2001, c.626. So, the definition of Dioxin in §420 is still alive, so this Section should NOT be included.

ERRORS BILL §: SUPP-16-20

LAW AMENDED: 5 MRSA §17851-A, sub-§2

Sub-§3, ¶A

Sub-§4, ¶A

Sub-§4, ¶B

Sub-§5

Prepared by: MJR

Date: 5/19/03

File name: G:\COMMITTEES\JUD\ERRORS 2003\Supp-16-20.DOC (5/19/03 9:38 AM)

Has the error already been fixed in another bill? NO

Has section been amended/repealed in another bill? NO

General Subject: Retirement benefits for certain law enforcement officers

Type of correction (conflict, reference, other): conflict

Category: (technical, substantive) T

Is a further amendment needed?

(If so, explain below)

EXPLANATION

These are the sections needed to finish the correction of the conflict in the bill in Sec. 66 & 67.

5 MRSA §17851-A "1998 Special Plan" covers:

sub-§1:

A. DMR

B. IFW

C. Forest reangers

D. (rp 1999)

E. Maine State Prison employees

F. State airplane pilots

G. Liquor inspectors

H. Firefighters of DVA at BIA

I. Dept. of Corrections employees

J. at Baxter State Park

K. State Fire Marshal, inspectors and investigators

L. DEP Oil & HazMat response employees

M. Capital Security

PL 2001, c. 439, Part GGGG

repealed §17851-A, sub-§1, ¶¶A & B

PL 2001, c. 409

added §17851-A, sub-§1, ¶L

PL 2001, c. 559

amended §17851-A, sub-§1, ¶¶A & B

repealed c. 439, Part GGGG

PL 2001, c. 646

added §17851-A, sub-§1, ¶M (included c. 409 changes)

RR 16  
MSRS says  
okay to  
fix -  
won't affect

ERRORS BILL §: Part A, Sec. 66 & 67

LAW AMENDED: PL 2001, c. 646, §§4, 6, 8, 10 & 12

Prepared by: MJR

Date: ~~5/9/03~~ 5/16/03

File name: G:\COMMITTEES\JUD\ERRORS 2003\Sec. A-66&67.DOC (5/9/03 9:29 PM)

*and Supp 16-20*

Has the error already been fixed in another bill? NO

Has section been amended/repealed in another bill? NO

General Subject: Retirement equity

Type of correction (conflict, reference, other): repeal/repeal/contingency

Category: (technical, substantive) T?

Is a further amendment needed? ?  
(If so, explain below)

EXPLANATION

LD 855, Supplemental Budget for FY02 & FY03, enacted in 2001 as PL 2001, c. 439, included Part GGGG that related to retirement service credits for various law enforcement officers. The effective date of Part GGGG was contingent on the Legislature taking additional action to direct payment of full actuarial costs of the provisions.

LD 2080, Supplemental Budget for FY02 & FY03, enacted in 2002 as PL 2001, c. 559 amended several sections that were amended in Part GGGG and also repealed all of Part GGGG of PL 2001, c. 439, effective March 25, 2002.

LD 2028 was also enacted in 2002, as PL 2001, c. 646. It amended four sections that had been amended by PL 439 - Sec. 4, 6, 8, 10 and 12. PL 2001, c. 646 took effect July 1, 2002. Those four sections are therefore in conflict because c. 559 repealed the Part GGGG amendments to them at the same time that c. 646 was amending the statutes as amended by Part GGGG.

Section 66 of the Errors Bill repeals the four sections of PL 2001, c. 646 that were also amended by PL 2001, c. 439, Part GGGG. Section 67 makes section 66 take effect retroactively to March 25, 2002, the effective date of PL 2001, c. 559, which repealed Part GGGG.

Five additional sections need to be added to the Errors Bill to incorporate the changes made by both c. 559 and c. 646.

ERRORS BILL §: Part A, Sec. 66 & 67

LAW AMENDED: PL 2001, c. 646, §§4, 6, 8, 10 & 12

Prepared by: MJR

Date: 5/9/03

File name: G:\COMMITTEES\JUD\ERRORS 2003\Sec. A-66&67.DOC (5/9/03 9:29 PM)

Has the error already been fixed in another bill? NO

Has section been amended/repealed in another bill? NO

General Subject: Retirement equity

Type of correction (conflict, reference, other): repeal/repeal/contingency

Category: (technical, substantive) T?

Is a further amendment needed? ?  
(If so, explain below)

EXPLANATION

LD 855, Supplemental Budget for FY02 & FY03, enacted in 2001 as PL 2001, c. 439, included Part GGGG that related to retirement service credits for various law enforcement officers. The effective date of Part GGGG was contingent on the Legislature taking additional action to direct payment of full actuarial costs of the provisions.

LD 2080, Supplemental Budget for FY02 & FY03, enacted in 2002 as PL 2001, c. 559 repealed all of Part GGGG of PL 2001, c. 439, effective March 25, 2002.

LD 2028 was also enacted in 2002, as PL 2001, c. 646. It amended four sections that had been amended by PL 439 - Sec. 4, 6, 8, 10 and 12. PL 2001, c. 646 took effect July 1, 2002. Those four sections are therefore in conflict because c. 559 repealed the Part GGGG amendments to them at the same time that c. 646 was amending the statutes as amended by Part GGGG.

Section 66 of the Errors Bill repeals the four sections of PL 2001, c. 646 that were also amended by PL 2001, c. 439, Part GGGG. Section 67 makes section 66 take effect retroactively to March 25, 2002, the effective date of PL 2001, c. 559, which repealed Part GGGG.

COPY

2           Sec. 1. 5 MRSA §17851-A, sub-§2, as amended by PL 2001, c.  
559, Pt. RR, §6 and affected by §17 and amended by c. 646, §§3  
4 and 4, is repealed and the following enacted in its place:

6           2. Qualification for benefits. A member employed in any  
one or a combination of the capacities specified in subsection 1  
8 after June 30, 1998 and before September 1, 2002 for employees  
identified in subsection 1, paragraphs A and B; after June 30,  
10 1998 for employees identified in subsection 1, paragraphs C to H;  
after December 31, 1999 for employees identified in subsection 1,  
12 paragraphs I to K; after June 30, 2002 for employees identified  
in subsection 1, paragraph M; and any employee identified in  
14 subsection 1, paragraph L, qualifies for a service retirement  
benefit if that member either:

16           A. Is at least 55 years of age and has completed at least  
18 10 years of creditable service under the 1998 Special Plan  
in any one or a combination of the capacities; or

20           B. Has completed at least 25 years of creditable service in  
22 any one or a combination of the capacities specified in  
subsection 1, whether or not the creditable service included  
24 in determining that the 25-year requirement has been met was  
earned under the 1998 Special Plan or prior to its  
26 establishment.

28           Sec. 2. 5 MRSA §17851-A, sub-§3, ¶A, as amended by PL 2001, c.  
559, Pt. RR, §7 and affected by §17 and amended by c. 646, §§5  
30 and 6, is repealed and the following enacted in its place:

32           A. For the purpose of meeting the qualification requirement  
of subsection 2, paragraph A:

34           (1) Service credit purchased by repayment of an  
36 earlier refund of accumulated contributions following  
termination of service is included only to the extent  
38 that time to which the refund relates was served after  
June 30, 1998 and before September 1, 2002 for  
40 employees identified in subsection 1, paragraphs A and  
B; after June 30, 1998 for employees identified in  
42 subsection 1, paragraphs C to H; after December 31,  
1999 for employees identified in subsection 1,  
44 paragraphs I to K; and after June 30, 2002 for  
employees identified in subsection 1, paragraph M, in  
46 any one or a combination of the capacities specified in  
subsection 1. Service credit may be purchased for  
48 service by an employee identified in subsection 1,  
paragraph L regardless of when performed; and

2           (2) Service credit purchased other than as provided  
3           under subparagraph (1), including but not limited to  
4           service credit for military service, is not included.

5           Sec. 3. 5 MRSA §17851-A, sub-§4, ¶A, as amended by PL 2001, c.  
6           559, Pt. RR, §8 and affected by §17 and amended by c. 646, §§7  
7           and 8, is repealed and the following enacted in its place:

8           A. If all of the member's creditable service in any one or  
9           a combination of the capacities specified in subsection 1  
10           was earned after June 30, 1998 and before September 1, 2002  
11           for employees identified in subsection 1, paragraphs A and  
12           B; after June 30, 1998 for employees identified in  
13           subsection 1, paragraphs C to H; after December 31, 1999 for  
14           employees identified in subsection 1, paragraphs I to K;  
15           after December 31, 2001 for employees identified in  
16           subsection 1, paragraph L; and after June 30, 2002 for  
17           employees identified in subsection 1, paragraph M; if  
18           service credit was purchased by repayment of an earlier  
19           refund of accumulated contributions for service in any one  
20           or a combination of the capacities specified in subsection 1  
21           after June 30, 1998 and before September 1, 2002 for  
22           employees identified in subsection 1, paragraphs A and B;  
23           after June 30, 1998 for employees identified in subsection  
24           1, paragraphs C to H; after December 31, 1999 for employees  
25           identified in subsection 1, paragraphs I to K; after  
26           December 31, 2001 for employees identified in subsection 1,  
27           paragraph L; and after June 30, 2002 for employees  
28           identified in subsection 1, paragraph M; or if service  
29           credit was purchased by other than the repayment of an  
30           earlier refund and eligibility to make the purchase of the  
31           service credit, including, but not limited to, service  
32           credit for military service, was achieved after June 30,  
33           1998 and before September 1, 2002 for employees identified  
34           in subsection 1, paragraphs A and B; after June 30, 1998 for  
35           employees identified in subsection 1, paragraphs C to H;  
36           after December 31, 1999 for employees identified in  
37           subsection 1, paragraphs I to K; after December 31, 2001 for  
38           employees identified in subsection 1, paragraph L; and after  
39           June 30, 2002 for employees identified in subsection 1,  
40           paragraph M, the benefit must be computed as provided in  
41           section 17852, subsection 1, paragraph A.

42           (1) If the member had 10 years of creditable service  
43           on July 1, 1993, the benefit under subsection 2,  
44           paragraph B must be reduced as provided in section  
45           17852, subsection 3, paragraphs A and B.

46           (2) If the member had fewer than 10 years of  
47           creditable service on July 1, 1993, the benefit under  
48           section 17852, subsection 3, paragraphs A and B.



subsection 2, paragraph B must be reduced by 6% for each year that the member's age precedes 55 years of age.

Sec. 4. 5 MRSA §17851-A, sub-§4, ¶B; as amended by PL 2001, c. 559, Pt. RR, §8 and affected by §17 and amended by c. 646, §§9 and 10, is repealed and the following enacted in its place:

B. Except as provided in paragraphs D and E, if some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M and some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M, then the member's service retirement benefit must be computed in segments and the amount of the member's service retirement benefit is the sum of the segments. The segments must be computed as follows:

(1) The segment or, if the member served in more than one of the capacities specified in subsection 1 and the benefits related to the capacities are not interchangeable under section 17856, segments that reflect creditable service earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M or purchased by repayment of an earlier refund of accumulated contributions for service before July 1, 1998, for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in

subsection 1, paragraph M in a capacity or capacities specified in subsection 1 or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M, must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

(a) Had 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3, paragraphs A and B; or

(b) Had fewer than 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3-A; and

(2) The segment that reflects creditable service earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M or purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M in any one or a combination of the capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998

2 and before September 1, 2002 for employees identified  
3 in subsection 1, paragraphs A and B; after June 30,  
4 1998 for employees identified in subsection 1,  
5 paragraphs C to H; after December 31, 1999 for  
6 employees identified in subsection 1, paragraphs I to  
7 K; after December 31, 2001 for employees identified in  
8 subsection 1, paragraph L; and after June 30, 2002 for  
9 employees identified in subsection 1, paragraph M must  
10 be computed under section 17852, subsection 1,  
11 paragraph A. If the member is qualified under  
12 subsection 2, paragraph B and:

13 (a) Had 10 years of creditable service on July 1,  
14 1993, the segment amount must be reduced in the  
15 manner provided in section 17852, subsection 3,  
16 paragraphs A and B for each year that the member's  
17 age precedes 55 years of age; or

18 (b) Had fewer than 10 years of creditable service  
19 on July 1, 1993, the segment amount must be  
20 reduced by 6% for each year that the member's age  
21 precedes 55 years of age.

22  
23 **Sec. 5. 5 MRSA §17851-A, sub-§5,** as amended by PL 2001, c.  
24 559, Pt. RR, §9 and affected by §17 and amended by c. 646, §§11  
25 and 12, is repealed and the following enacted in its place:

26  
27 **5. Contributions.** Notwithstanding any other provision of  
28 subchapter 3, after June 30, 1998 and before September 1, 2002  
29 for employees identified in subsection 1, paragraphs A and B;  
30 after June 30, 1998 for employees identified in subsection 1,  
31 paragraphs C to H; after December 31, 1999 for employees  
32 identified in subsection 1, paragraphs I to K; after December 31,  
33 2001 for employees identified in subsection 1, paragraph L; and  
34 after June 30, 2002 for employees identified in subsection 1,  
35 paragraph M, a member in the capacities specified in subsection 1  
36 must contribute to the retirement system or have pick-up  
37 contributions made at the rate of 8.65% of earnable compensation  
38 until the member has completed 25 years of creditable service as  
39 provided in this section and at the rate of 7.65% thereafter.  
40

paragraphs C, D and E, other than those referred to in section 4 of this Part, and who must be given similar and equitable treatment on a pro rata basis similar to that treatment given employees covered by the collective bargaining agreements.

**Sec. B-6. Costs to General Fund.** Costs to the General Fund must be provided in the Salary Plan program, referred to in Part C, section 1 of this Act, in the amount of \$430,412 for the fiscal year ending June 30, 2002 and in the amount of \$925,565 for the fiscal year ending June 30, 2003 to implement the economic terms of the collective bargaining agreements made between the Judicial Department and the Maine State Employees Association for the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit and, notwithstanding the Maine Revised Statutes, Title 26, section 1285, subsection 1, paragraph E, for the costs of those Judicial Department employees excluded from collective bargaining pursuant to Title 26, section 1282, subsection 5, paragraphs C, D, E, F and G.

## PART C

**Sec. C-1. Transfer from Salary Plan and special account funding.** The Salary Plan program in the Department of Administrative and Financial Services may be made available as needed in allotment by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used for the implementation of collective bargaining agreements for state employees and for other economic items contained in this Act in fiscal year 2001-02 and fiscal year 2002-03. Positions supported from sources of funding other than the General Fund and the Highway Fund must be funded whenever possible from those other sources.

**Sec. C-2. Authorization for reimbursement of costs associated with contract resolution.** The Department of Administrative and Financial Services may be reimbursed from the Salary Plan program for the costs of contract resolution, administration, implementation and other costs required by the process of collective bargaining and negotiation procedures.

## PART D

**Sec. D-1. 5 MRSA §8, as amended by PL 1999, c. 454, Pt. E, §1, is further amended to read:**

### §8. Mileage allowance

The State shall pay for the use of privately owned automobiles for travel by employees of the State in the business of the State such reimbursement as agreed to between the State and their certified or recognized bargaining agent. For employees and state

officers and officials not subject to any such agreement, the State shall pay ~~24¢ per mile effective July 1, 1998, 26¢ per mile effective January 1, 2000 and 28¢ per mile effective January 1, 2001~~ 30¢ per mile effective July 1, 2001 and 32¢ per mile effective July 1, 2002 for miles actually traveled on state business. The Governor may suspend the operation of this section and require state officials and employees to travel in automobiles owned or controlled by the State, if such automobiles are available.

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

Effective June 20, 2001.

## CHAPTER 439

H.R. 655 - L.D. 855

### An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for Fiscal Years Ending June 30, 2002 and June 30, 2003

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

## PART A

**Sec. A-1. Supplemental appropriations and allocations.** There are appropriated and allocated from various funds for the fiscal years ending June 30, 2002 and June 30, 2003, to the departments listed, the following amounts.

### ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

#### Central Motor Pool

New Initiative: Provides funding for 2 positions in Central Fleet Management. An Auto Mechanic II position and a Fleet Support Specialist position are required to prepare vehicles, manage maintenance and process new, used and surplus vehicles.

Central Motor Pool Fund	2001-02	2002-03
Positions - Legislative Count	(2,000)	(2,000)
Personal Services	\$62,158	\$64,992
All Other	8,966	8,357
Total	71,124	73,349

#### Central Services - Purchases

C. The total surcharge;D. The month and year for which surcharge is remitted;E. The legal name of company and telephone number and, if applicable, the parent company name, address and telephone number; andF. The preparer's name and telephone number.

**Sec. EEEE-8. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Part.

	2001-02	2002-03
<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
<b>Emergency Services Communication Bureau</b>		
All Other	\$1,744,740	\$2,326,320
Allocates additional funds for the costs of implementing the Enhanced 9-1-1 Emergency System.		

**Sec. EEEE-9. Construction.** This Part may not be interpreted to prohibit the State Police from providing facilities or other assistance for the operation of public safety answering points.

**PART FFFF**

**Sec. FFFF-1. Reimbursement for podiatrists.** The Department of Human Services shall adopt rules to include podiatrists in the group of health care providers who are exempt from reimbursement reductions imposed by the department with respect to its liability for Medicare Part B deductible and coinsurance charges. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

**Sec. FFFF-2. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	2001-02	2002-03
<b>HUMAN SERVICES, DEPARTMENT OF</b>		
<b>Medical Care - Payments to Providers</b>		
All Other	\$41,154	\$44,294
Provides funds to include podiatrists in the group of health care providers who		

are exempt from  
reimbursement reductions  
with respect to its liability  
for Medicare Part B  
deductible and  
coinsurance charges.

**Sec. FFFF-3. Allocation.** The following funds are allocated from the Federal Expenditures Fund to carry out the purposes of this Part.

	2001-02	2002-03
<b>HUMAN SERVICES, DEPARTMENT OF</b>		
<b>Medical Care - Payments to Providers</b>		
All Other	\$81,566	\$88,243
Provides funds for the federal match to include podiatrists in the group of health care providers who are exempt from reimbursement reductions with respect to its liability for Medicare Part B deductible and coinsurance charges.		

**PART GGGG**

**Sec. GGGG-1. 5 MRSA §17709, sub-§2,** as repealed and replaced by PL 1995, c. 466, Pt. A, §1, is amended to read:

**2. After August 31, 1984.** A law enforcement officer in the Department of Inland Fisheries and Wildlife who was first employed in that capacity after August 31, 1984 and who elects the retirement option provided in section 17851, subsection 5-A shall contribute to the retirement system or have pick-up contributions made by the employer as provided in section 17852, subsection 5-A at a rate of 7.5% of earnable compensation until the law enforcement officer has completed 25 years of creditable service and at a rate of 6.5% thereafter.

**Sec. GGGG-2. 5 MRSA §17710, sub-§1-A,** as enacted by PL 1995, c. 466, Pt. B, §2, is amended to read:

**1-A. After August 31, 1984.** A law enforcement officer in the Department of Marine Resources who was first employed in that capacity after August 31, 1984 and who elects the retirement option provided in section 17851, subsection 6-A shall contribute to the retirement system or have pick-up contributions made by the employer as provided in section 17852, subsection 6-A at a rate of 7.5% of earnable compensation until the law enforcement



officer has completed 25 years of creditable service and at a rate of 6.5% thereafter.

**Sec. GGGG-3. 5 MRSA §17851, sub-§5-A,** as amended by PL 1997, c. 769, §4, is further amended to read:

**5-A. Inland Fisheries and Wildlife officers after August 31, 1984.** ~~Except as provided in section 17851-A, a~~ A law enforcement officer in the Department of Inland Fisheries and Wildlife who was first employed in that capacity after August 31, 1984 or who, if employed in that capacity before August 31, 1984, ceased to be employed in that capacity on or before that date and who subsequently became reemployed in that capacity after that date qualifies for a service retirement benefit ~~upon reaching 55 years of age after completing at least 25 years of creditable service in that capacity if notice of election of the option and payment of employee contributions and actuarial costs are made as provided in section 17852, subsection 5-A.~~

**Sec. GGGG-4. 5 MRSA §17851, sub-§6-A,** as amended by PL 1997, c. 769, §6, is further amended to read:

**6-A. Marine resources officers after August 31, 1984.** ~~Except as provided in section 17851-A, a~~ A law enforcement officer in the Department of Marine Resources who was first employed in that capacity after August 31, 1984 or who, if employed in that capacity before August 31, 1984, ceased to be employed in that capacity on or before that date and who subsequently became reemployed in that capacity after that date qualifies for a service retirement benefit ~~upon reaching 55 years of age after completing at least 25 years of creditable service in that capacity if notice of election of the option and payment of employee contributions and actuarial costs are made as provided in section 17852, subsection 6-A.~~

**Sec. GGGG-5. 5 MRSA §17851-A, sub-§1, ¶¶A and B,** as enacted by PL 1997, c. 769, §11, are repealed.

**Sec. GGGG-6. 5 MRSA §17851-A, sub-§2,** as amended by PL 2001, c. 409, §3, is further amended to read:

**2. Qualification for benefits.** A member employed in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 for employees identified in subsection 1, paragraphs A-C to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, and any employee identified in subsection 1, paragraph L, qualifies for a service retirement benefit if that member either:

A. Is at least 55 years of age and has completed at least 10 years of creditable service under the 1998 Special Plan in any one or a combination of the capacities; or

B. Has completed at least 25 years of creditable service in any one or a combination of the capacities specified in subsection 1, whether or not the creditable service included in determining that the 25-year requirement has been met was earned under the 1998 Special Plan or prior to its establishment.

**Sec. GGGG-7. 5 MRSA §17851-A, sub-§3, ¶A,** as amended by PL 2001, c. 409, §4, is further amended to read:

A. For the purpose of meeting the qualification requirement of subsection 2, paragraph A:

(1) Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included only to the extent that time to which the refund relates was served after June 30, 1998 for employees identified in subsection 1, paragraphs A-C to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, in any one or a combination of the capacities specified in subsection 1. Service credit may be purchased for service by an employee identified in subsection 1, paragraph L regardless of when performed; and

(2) Service credit purchased other than as provided under subparagraph (1), including but not limited to service credit for military service, is not included.

**Sec. GGGG-8. 5 MRSA §17851-A, sub-§4, ¶A,** as repealed and replaced by PL 1999, c. 489, §14 and amended by PL 1999, c. 493, §9, is repealed and the following enacted in its place:

A. If all of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 for employees identified in subsection 1, paragraphs C to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K or if service credit was purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 for employees identified in subsection 1, paragraphs C to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, in any one or a combination of the capacities specified in subsection 1, or if service credit was purchased by other than the repayment of an earlier refund and eligibility to make the purchase of

the service credit, including but not limited to service credit for military service, was achieved after June 30, 1998 for employees identified in subsection 1, paragraphs C to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, the benefit must be computed as provided in section 17852, subsection 1. If the member had 10 years of creditable service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 3, paragraphs A and B, and if the member had fewer than 10 years of creditable service on July 1, 1993, the benefit must be reduced by 6% for each year that the member's age precedes age 55.

**Sec. GGGG-9. 5 MRSA §17851-A, sub-§4, ¶B,** as repealed and replaced by PL 1999, c. 731, Pt. CC, §5, is amended to read:

B. Except as provided in paragraph D, if some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs ~~A- C~~ to H and before January 1, 2000 for employees identified in subsection 1, paragraphs I to K and some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 for employees identified in subsection 1, paragraphs ~~A- C~~ to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, then the member's service retirement benefit must be computed in segments and the amount of the member's service retirement benefit is the sum of the segments. The segments must be computed as follows:

(1) The segment or, if the member served in more than one of the capacities specified in subsection 1 and the benefits related to the capacities are not interchangeable under section 17856, segments that reflect creditable service earned before July 1, 1998 for employees identified in subsection 1, paragraphs ~~A- C~~ to H and before January 1, 2000 for employees identified in subsection 1, paragraphs I to K or purchased by repayment of an earlier refund of accumulated contributions for service before July 1, 1998 for employees identified in subsection 1, paragraphs ~~A- C~~ to H and before January 1, 2000 for employees identified in subsection 1, paragraphs I to K in a capacity or capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was

achieved before July 1, 1998 for employees identified in subsection 1, paragraphs ~~A- C~~ to H and before January 1, 2000 for employees identified in subsection 1, paragraphs I to K, must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

(a) Had 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3, paragraphs A and B; or

(b) Had fewer than 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3-A; and

(2) The segment that reflects creditable service earned after June 30, 1998 for employees identified in subsection 1, paragraphs ~~A- C~~ to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K or purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 for employees identified in subsection 1, paragraphs ~~A- C~~ to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K in any one or a combination of the capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 for employees identified in subsection 1, paragraphs ~~A- C~~ to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

(a) Had 10 years of creditable service on July 1, 1993, the segment amount must be reduced in the manner provided in section 17852, subsection 3, paragraphs A and B for each year that the member's age precedes 55 years of age; or

(b) Had fewer than 10 years of creditable service on July 1, 1993, the segment amount must be reduced by 6%

for each year that the member's age precedes 55 years of age.

**Sec. GGGG-10. 5 MRSA §17851-A, sub-§5,** as amended by PL 2001, c. 409, §6, is further amended to read:

**5. Contributions.** Notwithstanding any other provision of subchapter III, after June 30, 1998 for employees identified in subsection 1, paragraphs ~~A-C~~ to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and after December 31, 2001 for employees identified in subsection 1, paragraph L, a member in the capacities specified in subsection 1 must contribute to the retirement system or have pick-up contributions made at the rate of 8.65% of earnable compensation until the member has completed 25 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

**Sec. GGGG-11. 5 MRSA §17851-A, sub-§6,** as enacted by PL 1997, c. 769, §11, is amended to read:

**6. Consequences of participation in retirement plan under section 17851, subsection 8-A.** Notwithstanding any other provision of law, a member in the capacities specified in subsection 1 who, prior to July 1, 1998, elected the retirement option provided in section 17851, subsection ~~5-A, 6-A or~~ 8-A is treated as follows under the 1998 Special Plan.

A. A member who made the election at the time of first employment in a position covered under section 17851, subsection ~~5-A, 6-A and~~ 8-A is considered to be a member under the 1998 Special Plan as of the date of hire. Beginning July 1, 1998, a member covered by this paragraph shall contribute to the retirement system or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter.

B. A member who was serving in a position covered under section 17851, subsection ~~5-A, 6-A or~~ 8-A at the time of the election and who elected to participate in the retirement option prospectively from the time of election is considered to be a member under the 1998 Special Plan as of the effective date of the election. Beginning July 1, 1998, a member covered by this paragraph shall contribute to the retirement system or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter.

C. A member who was serving in a position covered under section 17851, subsection ~~5-A,~~

~~6-A or~~ 8-A at the time of the election and who elected to participate in the retirement option prospectively from the time of election and also elected to purchase credit for service earned while serving in the same capacity before exercising the election is considered to be a member under the 1998 Special Plan as of the beginning date of the service for which credit is purchased, provided that all of the payments required under section 17852, subsection 5-A, 6-A or 7-A are made before retirement. If all the required payments are not made before retirement, that member is considered to be a member under the 1998 Special Plan as of the effective date of the election. Beginning July 1, 1998, a member covered by this paragraph shall contribute to the retirement system or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter.

Employee contributions and actuarial and administrative costs paid to the retirement system by a member covered by this subsection may not be returned to that member, except that these employee contributions may be refunded to a member who terminates service and requests a refund under section 17705.

**Sec. GGGG-12. 5 MRSA §17852, sub-§5-A,** as amended by PL 1997, c. 769, §12, is further amended to read:

**5-A. Inland Fisheries and Wildlife officers after August 31, 1984.** ~~Except as provided in section 17851-A, the~~ The retirement benefit of a person who qualifies under section 17851, subsection 5-A and who retires upon or after reaching 55 years of age completing 25 years of creditable service is computed in accordance with subsection 1 ~~if:~~

A. ~~The person was first employed as a law enforcement officer in the Department of Inland Fisheries and Wildlife on or after November 1, 1995, elects the option provided in section 17851, subsection 5-A and pays to the retirement system an increased employee payroll contribution in an amount that equals the full actuarial cost of electing that option; or~~

B. ~~The person was first employed as a law enforcement officer in the Department of Inland Fisheries and Wildlife before November 1, 1995, elects the option provided in section 17851, subsection 5-A and pays to the retirement system single or periodic payment of a lump sum or by a combination of single and periodic payments of the amount that equals the full actuarial cost of electing that option for service before that date. A person who requests calculation of the full actuarial cost, regardless of whether the person~~



elects the option, must pay to the retirement system by single lump sum payment the reasonable administrative costs of determining the full actuarial costs. Payment of the full actuarial cost related to service on or after November 1, 1995 is made as part of the employee payroll contribution.

For the purposes of this subsection, "full actuarial cost" means that the person's payment or payments must fully offset any unfunded liability that would or does result from retirement under the option provided in section 17851, subsection 5 A and must fully fund the cost of the person's retirement prior to normal retirement age so that an additional employer contribution is not required.

A person who makes the election provided in section 17851, subsection 5 A at any time after the date on which the person is first employed as a law enforcement officer in the Department of Inland Fisheries and Wildlife must include interest at a rate to be set by the board not to exceed regular interest by 5 or more percentage points, applied as of the date on which the person was first employed in that capacity to the contributions the person would have paid or had picked up by the employer had the person elected that option at the date of first employment.

This subsection is effective November 1, 1995. Election to retire under this subsection is a one time irrevocable election. A person who was first employed as a law enforcement officer in the Department of Inland Fisheries and Wildlife on or after November 1, 1995 must make the election no later than 90 days after the date of first employment. A person who was first employed in that capacity before November 1, 1995 must make the election no later than January 1, 1997.

**Sec. GGGG-13. 5 MRSA §17852, sub-§5-B,** as amended by PL 1997, c. 769, §13, is repealed.

**Sec. GGGG-14. 5 MRSA §17852, sub-§6-A,** as amended by PL 1997, c. 769, §14, is further amended to read:

**6-A. Marine resources officers after August 31, 1984.** Except as provided in section 17851 A, the The retirement benefit of a person qualifying under section 17851, subsection 6-A who retires upon or after reaching 55 years of age completing 25 years of service is computed in accordance with subsection 1 if:

A. The person was first employed as a law enforcement officer in the Department of Marine Resources on or after November 1, 1995, elects the option provided in section 17851, subsection 6 of this Part A and pays to the retirement system

an increased employee payroll contribution in an amount that equals the full actuarial cost of electing that option; or

B. The person was first employed in that capacity before November 1, 1995, elects the option provided in section 17851, subsection 6 of this Part A and pays to the retirement system by single or periodic payment of a lump sum or by a combination of single and periodic payments the amount that equals the full actuarial cost of electing that option for service before that date. A person who requests calculation of the full actuarial cost, regardless of whether the person elects the option, must pay to the retirement system by single lump sum payment the reasonable administrative costs of determining the full actuarial costs. Payment of the full actuarial cost related to service on or after November 1, 1995 is made as part of the employee payroll contribution.

For the purpose of this subsection, "full actuarial cost" means that the person's payment or payments must fully offset any unfunded liability that would or does result from retirement under the option provided in section 17851, subsection 6 of this Part A and must fully fund the cost of the person's retirement prior to normal retirement age so that an additional employer contribution is not required.

A person who makes the election provided in section 17851, subsection 6 of this Part A at any time after the date on which the person is first employed as a law enforcement officer in the Department of Marine Resources must include interest at a rate to be set by the board not to exceed regular interest by 5 or more percentage points, applied as of the date on which the person was first employed in that capacity to the contributions the person would have paid or had picked up by the employer had the person elected that option at the date of first employment.

This subsection is effective November 1, 1995. Election to retire under this subsection is a one time irrevocable election. A person who was first employed as a law enforcement officer in the Department of Marine Resources on or after November 1, 1995 must make the election no later than 90 days after the date of first employment. A person who was first employed in that capacity before November 1, 1995 must make the election no later than January 1, 1997.

**Sec. GGGG-15. 5 MRSA §17852, sub-§6-B,** as amended by PL 1997, c. 769, §15, is repealed.

**Sec. GGGG-16. Effect on game wardens and marine patrol officers who previously elected to self-fund an early retirement option.**

The Maine State Retirement System shall refund the additional amount paid above the normal employee contribution rate plus interest on that amount from the date of payment to a person who is employed as a game warden or marine patrol officer on the effective date of this Act and who elected to exercise the option of retirement at 55 years of age or after 55 years of age and before 60 years of age under the Maine Revised Statutes, Title 5, section 17852, subsection 5-A or 6-A before it was amended by this Act or elected to exercise the option of retirement before 55 years of age under Title 5, section 17852, subsection 5-B or 6-B before it was repealed by this Act by paying the full actuarial cost of either of those options through an increased employee contribution to the Maine State Retirement System. The employee contribution rate from the effective date of this Act for a member who previously made one of the elections specified in this section is as provided in Title 5, section 17709-B for game wardens and section 17710-B for marine patrol officers.

**Sec. GGGG-17. Funding of retirement benefits under this Part.** Notwithstanding the provisions of the Maine Revised Statutes, Title 5, section 1517, the following provisions control the transfer of funds that would otherwise qualify for transfer to the Retirement Allowance Fund from the unappropriated surplus of the General Fund. At the close of fiscal year 2000-01 and, if necessary, fiscal year 2001-02, the State Controller shall transfer from the unappropriated surplus of the General Fund money Service Retirement Benefit Reserve established by Public Law 1997, chapter 740, section 4 an amount certified by the Maine State Retirement System as the full actuarial cost, including the increase in the unfunded liability of the Maine State Retirement System and the increase in the normal cost component of the employer rate for the fiscal year 2002-2003 biennium, of implementing sections 1 to 14 of this Part. Any remaining funds not needed to meet the requirements described in this section must be transferred to the Retirement Allowance Fund for the purposes described in Title 5, section 1517.

**Sec. GGGG-18. Contingent effective date; actuarial cost.** The provisions of sections 1 to 14 of this Part do not take effect until the Legislature takes additional action to direct payment of the full actuarial costs of those provisions as provided in section 15 to the Maine State Retirement System. The full actuarial costs of those provisions are currently estimated to be \$3,613,050, if paid by July 1, 2001, but may be adjusted upward if paid after that date. Sections 1 to 14 may not be construed to create any contractual claim or any other claim for any state employee.

## PART HHHH

**Sec. HHHH-1. 20-A MRSA c. 432-A** is enacted to read:

### CHAPTER 432-A

#### HEALTH CARE TRAINING

##### §12741. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. President of the system.** "President of the system" means the President of the Maine Technical College System.

**2. System.** "System" means the Maine Technical College System.

##### §12742. Health Workforce Retraining Program

The president of the system shall establish the Health Workforce Retraining Program for the purpose of making these education and training programs available to eligible businesses and organizations, including, but not limited to, hospitals, long-term care facilities and other health care facilities, to support the training and retraining of health care employees to address changes in the health care workforce. The education and training programs must be established on the basis of need for workers in a particular area of health care.

**1. Rules established.** The president of the system shall adopt rules to establish:

A. Criteria for eligible health care businesses and organizations;

B. Guidelines for the establishment of education and training programs through a request-for-proposal procedure; and

C. Procedures for establishing a matching grant program allowing state funds to match contributions from the private sector.

**2. Program lapses.** The Health Workforce Retraining Program under subsection 1 is based on a 50-50 partnership between the State and the private sector. If, by June 30, 2003, there are no funds from the private sector to be matched by state funds, the program expires and all state funds lapse to the General Fund.

##### §12743. Health Care Training Fund

**1. Establishment.** The Health Care Training Fund, referred to in this section as the "program fund,"

**Maine Dental Education Loan Program**

All Other	\$60,000	\$120,000
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Provides additional funds from the Fund for a Healthy Maine for loans to Maine residents enrolled in a school of dental education or to repay loan agreements for practicing doctors of dental medicine who practice in underserved population areas.

See title page for effective date, unless otherwise indicated.

**CHAPTER 440**

S.P. 388 - L.D. 1285

**An Act to Make Supplemental Highway Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2001, June 30, 2002 and June 30, 2003**

**Emergency preamble.** Whereas, Acts 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 after July 1, 2001; 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. Allocations.** In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 2002 and June 30, 2003, the following sums as designated in the

following tabulations are allocated out of any money not otherwise allocated.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

New Initiative: Provides funds for the Salary Plan to cover prospective salary cost increases associated with the collective bargaining process.

<b>Highway Fund</b>	<b>2001-02</b>	<b>2002-03</b>
Personal Services		\$2,346,927
<b>Total</b>		<b>2,346,927</b>

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

<b>Department totals</b>	<b>2001-02</b>	<b>2002-03</b>
Department Summary - All Funds		2,346,927
Department Summary - Highway Fund		2,346,927

**PUBLIC SAFETY, DEPARTMENT OF****State Police**

New Initiative: Minimum shift coverage.

<b>Highway Fund</b>	<b>2001-02</b>	<b>2002-03</b>
Personal Services	608,929	621,471
All Other	54,071	56,529
<b>Total</b>	<b>663,000</b>	<b>678,000</b>

New Initiative: Transfer one Secretary position from the Bureau of Liquor Enforcement.

<b>Highway Fund</b>	<b>2001-02</b>	<b>2002-03</b>
Personal Services	25,128	25,835
All Other	268	276
<b>Total</b>	<b>25,396</b>	<b>26,111</b>

New Initiative: Transfer one Clerk Typist III position to the Bureau of Liquor Enforcement.

<b>Highway Fund</b>	<b>2001-02</b>	<b>2002-03</b>
Personal Services	(22,733)	(23,409)
All Other	(243)	(250)
<b>Total</b>	<b>(22,976)</b>	<b>(23,659)</b>

**PUBLIC SAFETY, DEPARTMENT OF**

<b>Department totals</b>	<b>2001-02</b>	<b>2002-03</b>
Department Summary - All Funds	665,420	680,452
Department Summary - Highway Fund	665,420	680,452

**SECRETARY OF STATE, DEPARTMENT OF THE****Administration - Motor Vehicles**

New Initiative: Provides funds for 10 limited-period Motor Vehicle Service Representative positions through June 7, 2003.

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**



disease. The department shall adopt rules regarding the health of staff as required to protect the health and safety of the children. The rules must include a requirement that every 2 years each licensee, administrator or other staff member of the nursery school who provides care for children be declared free from communicable disease by a licensed physician, except that this requirement may be waived for a person who objects on the grounds of sincerely held religious or philosophical belief. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

B. Drinking water which that is taken from sources other than a public water system shall must pass a test for bacteria, nitrates and nitrites every year and shall must pass a partial chemical test every 4 years.

C. The nursery school shall carry carries minimum liability insurance of \$100,000 per person and \$300,000 per occurrence.

D. During any nursery school session there shall be at least one adult present for every 12 children. When only one adult is present, another responsible adult shall be on call and available in case of any emergency.

E. The nursery school shall meet meets, annually, the fire safety requirements specified in section 8403, subsection 2.

F. The nursery school shall comply with rules and regulations for the administration of medication as established by the department.

Sec. 11. 22 MRSA §8402, sub-§6, as enacted by PL 1975, c. 709, §2, is amended to read:

6. Relationship to licensing of child care facilities. No facility licensed as a A nursery school shall be required to must be licensed as a day child care facility; but any facility licensed as a nursery school may also be licensed as a day care facility, if the nursery school complies with the law and rules applicable to day care facilities under chapter 1673.

See title page for effective date.

## CHAPTER 646

H.P. 1524 - L.D. 2028

### An Act to Provide Retirement Equity for Capital Security Officers

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

**Whereas,** the 1998 Special Plan was enacted to provide appropriate retirement benefits to state employees engaged in public safety and law enforcement activities; and

**Whereas,** as a matter of equity capital security officers should be eligible for the same retirement benefits under the 1998 Special Plan as other state employees engaged in public safety and law enforcement activities; and

**Whereas,** eligibility to participate in the 1998 Special Plan will assist in the recruitment and retention of capital security officers in this period of heightened awareness of the need for qualified security employees; 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. 5 MRSA §17851-A, sub-§1, ¶L,** as enacted by PL 2001, c. 409, §2, is amended to read:

L. Oil and hazardous materials emergency response workers in the employment of the Department of Environmental Protection, Division of Response Services who participate in a standby rotation on January 1, 2002 or are hired thereafter; and

**Sec. 2. 5 MRSA §17851-A, sub-§1, ¶M** is enacted to read:

M. Capital security officers in the employment of the Department of Public Safety, Bureau of Capital Security on July 1, 2002 or hired thereafter.

**Sec. 3. 5 MRSA §17851-A, sub-§2,** as amended by PL 2001, c. 409, §3, is further amended by amending the first paragraph to read:

**2. Qualification for benefits.** A member employed in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 for employees identified in subsection 1, paragraphs A to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after June 30, 2002 for employees identified in paragraph M; and any employee identified in subsection 1, paragraph L,

qualifies for a service retirement benefit if that member either:

**Sec. 4. 5 MRSA §17851-A, sub-§2**, as amended by PL 2001, c. 439, Pt. GGGG, §6 and affected by §18, is further amended by amending the first paragraph to read:

**2. Qualification for benefits.** A member employed in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after June 30, 2002 for employees identified in paragraph M; and any employee identified in subsection 1, paragraph L, qualifies for a service retirement benefit if that member either:

**Sec. 5. 5 MRSA §17851-A, sub-§3, ¶A**, as amended by PL 2001, c. 409, §4, is further amended to read:

A. For the purpose of meeting the qualification requirement of subsection 2, paragraph A:

(1) Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included only to the extent that time to which the refund relates was served after June 30, 1998 for employees identified in subsection 1, paragraphs A to H ~~and~~; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after June 30, 2002 for employees identified in subsection 1, paragraph M, in any one or a combination of the capacities specified in subsection 1. Service credit may be purchased for service by an employee identified in subsection 1, paragraph L regardless of when performed; and

(2) Service credit purchased other than as provided under subparagraph (1), including but not limited to service credit for military service, is not included.

**Sec. 6. 5 MRSA §17851-A, sub-§3, ¶A**, as amended by PL 2001, c. 439, Pt. GGGG, §7 and affected by §18, is further amended to read:

A. For the purpose of meeting the qualification requirement of subsection 2, paragraph A:

(1) Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included only to the extent that time to which the refund relates was served after June 30, 1998 for employees identified in

subsection 1, paragraphs C to H ~~and~~; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after June 30, 2002 for employees identified in subsection 1, paragraph M, in any one or a combination of the capacities specified in subsection 1. Service credit may be purchased for service by an employee identified in subsection 1, paragraph L regardless of when performed; and

(2) Service credit purchased other than as provided under subparagraph (1), including but not limited to service credit for military service, is not included.

**Sec. 7. 5 MRSA §17851-A, sub-§4, ¶A**, as repealed and replaced by PL 2001, c. 409, §5, is amended to read:

A. If all of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 for employees identified in subsection 1, paragraphs A to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; ~~and~~ after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M; if service credit was purchased by repayment of an earlier refund of accumulated contributions for service in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 for employees identified in subsection 1, paragraphs A to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; ~~and~~ after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M; or if service credit was purchased by other than the repayment of an earlier refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 for employees identified in subsection 1, paragraphs A to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M, the benefit must be computed as provided in section 17852, subsection 1, paragraph A.

(1) If the member had 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced as provided in section 17852, subsection 3, paragraphs A and B.

(2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced by 6% for each year that the member's age precedes 55 years of age.

**Sec. 8. 5 MRSA §17851-A, sub-§4, ¶A,** as repealed and replaced by PL 2001, c. 439, Pt. GGGG, §8 and affected by §18, is amended to read:

A. If all of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 for employees identified in subsection 1, paragraphs C to H ~~and~~; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M or if service credit was purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 for employees identified in subsection 1, paragraphs C to H ~~and~~; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M, in any one or a combination of the capacities specified in subsection 1, or if service credit was purchased by other than the repayment of an earlier refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 for employees identified in subsection 1, paragraphs C to H ~~and~~; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M, the benefit must be computed as provided in section 17852, subsection 1. If the member had 10 years of creditable service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 3, paragraphs A and B, and if the member had fewer than 10 years of creditable service on July 1, 1993, the benefit must be reduced by 6% for each year that the member's age precedes age 55.

**Sec. 9. 5 MRSA §17851-A, sub-§4, ¶B,** as repealed and replaced by PL 2001, c. 409, §5, is amended to read:

B. Except as provided in paragraphs D and E, if some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned before July 1,

1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K ~~and~~; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M and some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 for employees identified in subsection 1, paragraphs A to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K ~~and~~; after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M, then the member's service retirement benefit must be computed in segments and the amount of the member's service retirement benefit is the sum of the segments. The segments must be computed as follows:

(1) The segment or, if the member served in more than one of the capacities specified in subsection 1 and the benefits related to the capacities are not interchangeable under section 17856, segments that reflect creditable service earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K ~~and~~; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M or purchased by repayment of an earlier refund of accumulated contributions for service before July 1, 1998, for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K ~~and~~; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M in a capacity or capacities specified in subsection 1 or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K ~~and~~; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M, must be computed under section

17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

(a) Had 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3, paragraphs A and B; or

(b) Had fewer than 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3-A; and

(2) The segment that reflects creditable service earned after June 30, 1998 for employees identified in subsection 1, paragraphs A to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and; after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M or purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 for employees identified in subsection 1, paragraphs A to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and; after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M in any one or a combination of the capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 for employees identified in subsection 1, paragraphs A to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and; after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

(a) Had 10 years of creditable service on July 1, 1993, the segment amount must be reduced in the manner provided in section 17852, subsection 3, paragraphs A and B for each year that

the member's age precedes 55 years of age; or

(b) Had fewer than 10 years of creditable service on July 1, 1993, the segment amount must be reduced by 6% for each year that the member's age precedes 55 years of age.

**Sec. 10. 5 MRSA §17851-A, sub-§4, ¶B,** as amended by PL 2001, c. 439, Pt. GGGG, §9 and affected by §18, is further amended to read:

B. Except as provided in ~~paragraph paragraphs D and E~~, if some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs C to H and before January 1, 2000 for employees identified in subsection 1, paragraphs I to K and some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 for employees identified in subsection 1, paragraphs C to H and; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M, then the member's service retirement benefit must be computed in segments and the amount of the member's service retirement benefit is the sum of the segments. The segments must be computed as follows:

(1) The segment or, if the member served in more than one of the capacities specified in subsection 1 and the benefits related to the capacities are not interchangeable under section 17856, segments that reflect creditable service earned before July 1, 1998 for employees identified in subsection 1, paragraphs C to H and; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees specified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M or purchased by repayment of an earlier refund of accumulated contributions for service before July 1, 1998 for employees identified in subsection 1, paragraphs C to H and; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees specified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M in a capacity or capacities



specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved before July 1, 1998 for employees identified in subsection 1, paragraphs C to H ~~and~~; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M, must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

(a) Had 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3, paragraphs A and B; or

(b) Had fewer than 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3-A; and

(2) The segment that reflects creditable service earned after June 30, 1998 for employees identified in subsection 1, paragraphs C to H ~~and~~; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M or purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 for employees identified in subsection 1, paragraphs C to H ~~and~~; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M in any one or a combination of the capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 for employees identified in subsection 1, paragraphs C to H ~~and~~; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M

paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M, must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

(a) Had 10 years of creditable service on July 1, 1993, the segment amount must be reduced in the manner provided in section 17852, subsection 3, paragraphs A and B for each year that the member's age precedes 55 years of age; or

(b) Had fewer than 10 years of creditable service on July 1, 1993, the segment amount must be reduced by 6% for each year that the member's age precedes 55 years of age.

**Sec. 11. 5 MRSA §17851-A, sub-§5,** as amended by PL 2001, c. 409, §6, is further amended to read:

**5. Contributions.** Notwithstanding any other provision of subchapter III, after June 30, 1998 for employees identified in subsection 1, paragraphs A to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K ~~and~~; after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M, a member in the capacities specified in subsection 1 must contribute to the retirement system or have pick-up contributions made at the rate of 8.65% of earnable compensation until the member has completed 25 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

**Sec. 12. 5 MRSA §17851-A, sub-§5,** as amended by PL 2001, c. 439, Pt. GGGG, §10 and affected by §18, is further amended to read:

**5. Contributions.** Notwithstanding any other provision of subchapter III, after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K ~~and~~; after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M, a member in the capacities specified in subsection 1 must contribute to the retirement system or have pick-up contributions made at the rate of 8.65% of earnable compensation until the member has completed 25 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

**Sec. 13. Appropriations and allocations.**

The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF****Capitol Security - Bureau of**

Initiative: Provides funds for the additional cost of increasing the normal cost component associated with providing retirement coverage to capitol security officers under the 1998 Special Plan effective July 1, 2002.

<b>General Fund</b>	<b>2001-02</b>	<b>2002-03</b>
Personal Services	\$0	\$1,379

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect July 1, 2002.

Effective July 1, 2002.

**CHAPTER 647**

H.P. 1651 - L.D. 2157

**An Act Regarding the Requirements  
for Documenting Pretest and Post-  
test Counseling for HIV Tests**

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

**Sec. 1. 5 MRSA §19204-A, sub-§1, ¶B**, as amended by PL 1995, c. 404, §15, is further amended to read:

B. ~~A written memorandum~~ An entry in the medical record of the person being counseled summarizing the contents of the discussion concerning at least the topics listed in paragraph A, subparagraphs (1) to (5) given to the person being counseled. A written informed consent form may be used to satisfy the requirement ~~for a written memorandum~~ in this paragraph if it contains all the required information. A written consent form does not satisfy the requirement for personal counseling in paragraph A.

**Sec. 2. 5 MRSA §19204-A, sub-§2, ¶B**, as amended by PL 1995, c. 404, §15, is further amended to read:

B. ~~A written memorandum~~ An entry in the medical record of the person being counseled summarizing the contents of the discussion given to the person being counseled; and

**Sec. 3. 5 MRSA §19204-A, sub-§5** is enacted to read:

**5. Written information to person being counseled.** To comply with the requirements of this section regarding pretest counseling, in addition to meeting the requirements of subsection 1, the provider of an HIV test shall give to the person being counseled a written document containing information on the subjects described in subsection 1, paragraph A. To comply with the requirements of this section regarding post-test counseling, in addition to meeting the requirements of subsection 2, the provider of an HIV test shall give to the person being counseled a written document containing information on the subjects described in subsection 2, paragraph A. A written consent form or other document may be used to meet one or both of the requirements for information pursuant to this subsection if the form or document contains all the information required for the type of counseling being offered.

See title page for effective date.

**CHAPTER 648**

H.P. 1565 - L.D. 2070

**An Act to Establish the Community  
Preservation Advisory Committee**

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

**Sec. 1. 5 MRSA §12004-I, sub-§24-F** is enacted to read:

<b>24-F.</b>	<u>Community</u>	<u>Legislative</u>	<u>30-A</u>
<u>Environment:</u>	<u>Preservation</u>	<u>Per Diem</u>	<u>MRSA</u>
<u>Natural</u>	<u>Advisory</u>	<u>and</u>	<u>§4350</u>
<u>Resources</u>	<u>Committee</u>	<u>Expenses</u>	
		<u>for</u>	
		<u>Legislators</u>	
		<u>and</u>	
		<u>Expenses</u>	
		<u>Only for</u>	
		<u>Certain</u>	
		<u>Members</u>	

**Sec. 2. 30-A MRSA c. 187, sub-c. II, art. 3-B** is enacted to read:

**Article 3-B**

**COMMUNITY PRESERVATION ADVISORY  
COMMITTEE**

**§4350. Community Preservation Advisory Committee**

**1. Establishment; purpose.** The Community Preservation Advisory Committee, established by Title 5, section 12004-I, subsection 24-F and referred to in

rollee's complaint, related history, examination results, initial diagnosis and recommendations for treatment. If the eye care provider does not send a report to the primary care provider within 3 working days, the carrier is not obligated to provide benefits for the self-referred visits under this paragraph and the enrollee is not liable to the eye care provider for any unpaid fees.

B. A carrier shall ensure that all eye care providers participating in the carrier's health plans are included on any publicly accessible list of participating providers for the carrier.

C. A carrier shall allow each eye care provider participating in the carrier's health plans to furnish covered eye care services to enrollees without discrimination between classes of eye care providers and to provide the eye care services permitted by the eye care provider's license.

**3. Prohibitions.** A carrier may not:

A. Impose a deductible or coinsurance for eye care services that is greater than the deductible or coinsurance imposed for other health care services under a health plan; or

B. Require an eye care provider to hold hospital privileges as a condition of participation as a provider under a health plan.

**4. Construction.** This section may not be construed as:

A. Requiring coverage for routine eye examinations;

B. Creating coverage for any health care service that is not otherwise covered under the terms of a health plan;

C. Requiring a carrier to include as a participating provider every willing provider or health care professional who meets the terms and conditions of a health plan;

D. Preventing an enrollee from seeking eye care services from the enrollee's primary care provider in accordance with the terms of the enrollee's health plan;

E. Increasing or decreasing the scope of practice of optometry or ophthalmology as defined in Title 32;

F. Requiring eye care services to be provided in a hospital or similar health care facility; or

G. Notwithstanding the definition of eye care services in subsection 1, paragraph B, prohibiting a carrier from requiring an enrollee to receive

prior approval or authorization from a primary care provider for any subsequent surgical procedures.

**Sec. 2. Application.** The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State by a health insurance carrier that provides coverage for eye care services on or after January 1, 2002. For purposes of this Act, all policies, contracts and certificates are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

## CHAPTER 409

H.P. 1166 - L.D. 1566

### An Act to Improve Pension Benefits for Employees in the Department of Environmental Protection

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

**Sec. 1. 5 MRSA §17851-A, sub-§1, ¶¶J and K,** as enacted by PL 1999, c. 493, §6, are amended to read:

J. Law enforcement officers in the employment of the Baxter State Park Authority on January 1, 2000 or hired thereafter; and

K. The State Fire Marshal or a state fire marshal investigator or state fire marshal inspector in the employment of the Department of Public Safety on January 1, 2000 or hired thereafter; and

**Sec. 2. 5 MRSA §17851-A, sub-§1, ¶L** is enacted to read:

L. Oil and hazardous materials emergency response workers in the employment of the Department of Environmental Protection, Division of Response Services who participate in a standby rotation on January 1, 2002 or are hired thereafter.

**Sec. 3. 5 MRSA §17851-A, sub-§2,** as amended by PL 1999, c. 493, §7, is further amended to read:

**2. Qualification for benefits.** A member employed in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 for employees identified in subsection 1, paragraphs A to H and, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, and any

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employee identified in subsection 1, paragraph L, qualifies for a service retirement benefit if that member either:

A. Is at least 55 years of age and has completed at least 10 years of creditable service under the 1998 Special Plan in any one or a combination of the capacities; or

B. Has completed at least 25 years of creditable service in any one or a combination of the capacities specified in subsection 1, whether or not the creditable service included in determining that the 25-year requirement has been met was earned under the 1998 Special Plan or prior to its establishment.

**Sec. 4. 5 MRSA §17851-A, sub-§3, ¶A,** as amended by PL 1999, c. 493, §8, is further amended to read:

A. For the purpose of meeting the qualification requirement of subsection 2, paragraph A:

(1) Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included only to the extent that time to which the refund relates was served after June 30, 1998 for employees identified in subsection 1, paragraphs A to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, in any one or a combination of the capacities specified in subsection 1. Service credit may be purchased for service by an employee identified in subsection 1, paragraph L regardless of when performed; and

(2) Service credit purchased other than as provided under subparagraph (1), including but not limited to service credit for military service, is not included.

**Sec. 5. 5 MRSA §17851-A, sub-§4,** as amended by PL 1999, c. 489, §14; c. 493, §9; and c. 731, Pt. CC, §§5 and 6, is repealed and the following enacted in its place:

**4. Computation of benefits.** The amount of the service retirement benefit for members qualified under subsection 2 must be computed as follows.

A. If all of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 for employees identified in subsection 1, paragraphs A to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after December 31, 2001 for employees identified in subsection 1, paragraph L; if

service credit was purchased by repayment of an earlier refund of accumulated contributions for service in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 for employees identified in subsection 1, paragraphs A to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after December 31, 2001 for employees identified in subsection 1, paragraph L; or if service credit was purchased by other than the repayment of an earlier refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 for employees identified in subsection 1, paragraphs A to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after December 31, 2001 for employees identified in subsection 1, paragraph L, the benefit must be computed as provided in section 17852, subsection 1, paragraph A.

(1) If the member had 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced as provided in section 17852, subsection 3, paragraphs A and B.

(2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced by 6% for each year that the member's age precedes 55 years of age.

B. Except as provided in paragraphs D and E, if some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H, before January 1, 2000 for employees identified in subsection 1, paragraphs I to K and before January 1, 2002 for employees identified in subsection 1, paragraph L and some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 for employees identified in subsection 1, paragraphs A to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and after December 31, 2001 for employees identified in subsection 1, paragraph L then the member's service retirement benefit must be computed in segments and the amount of the member's service retirement benefit is the sum of the segments. The segments must be computed as follows:

(1) The segment or, if the member served in more than one of the capacities specified in subsection 1 and the benefits related to



the capacities are not interchangeable under section 17856, segments that reflect creditable service earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H, before January 1, 2000 for employees identified in subsection 1, paragraphs I to K and before January 1, 2002 for employees identified in subsection 1, paragraph L or purchased by repayment of an earlier refund of accumulated contributions for service before July 1, 1998, for employees identified in subsection 1, paragraphs A to H, before January 1, 2000 for employees identified in subsection 1, paragraphs I to K and before January 1, 2002 for employees identified in subsection 1, paragraph L in a capacity or capacities specified in subsection 1 or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved before July 1, 1998 for employees identified in subsection 1, paragraphs A to H, before January 1, 2000 for employees identified in subsection 1, paragraphs I to K and before January 1, 2002 for employees identified in subsection 1, paragraph L must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

(a) Had 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3, paragraphs A and B; or

(b) Had fewer than 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3-A; and

(2) The segment that reflects creditable service earned after June 30, 1998 for employees identified in subsection 1, paragraphs A to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and after December 31, 2001 for employees identified in subsection 1, paragraph L or purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 for employees identified in subsection 1, paragraphs A to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and after December 31, 2001 for employees identified in subsection 1, paragraph L in any one or a combination of

the capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 for employees identified in subsection 1, paragraphs A to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and after December 31, 2001 for employees identified in subsection 1, paragraph L must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

(a) Had 10 years of creditable service on July 1, 1993, the segment amount must be reduced in the manner provided in section 17852, subsection 3, paragraphs A and B for each year that the member's age precedes 55 years of age; or

(b) Had fewer than 10 years of creditable service on July 1, 1993, the segment amount must be reduced by 6% for each year that the member's age precedes 55 years of age.

D. The service retirement benefit of a member who is a Maine State Prison employee to whom subsection 1, paragraph E applies, and who qualifies for service retirement benefits under subsection 2, paragraph B, must be computed under section 17852, subsection 1, paragraph A on the basis of all of the member's creditable service in the capacity specified in subsection 1, paragraph E regardless of whether the creditable service was earned before, on or after July 1, 1998, except that:

(1) If the member had 10 years of service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 10, paragraph C, subparagraphs (1) and (2); or

(2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 10, paragraph C-1.

E. The service retirement benefit of a member to whom subsection 1, paragraph L applies and who qualifies for service retirement benefits under subsection 2 must be computed under section 17852, subsection 1, paragraph A on the basis of all of the member's creditable service in the capacity specified in subsection 1, paragraph L,

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regardless of when that creditable service was earned, except that for a member qualifying under subsection 2, paragraph B:

(1) If the member had 10 years of service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 3, paragraphs A and B for each year the member's age precedes 55 years of age; or

(2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit must be reduced by 6% for each year that the member's age precedes 55 years of age.

**Sec. 6. 5 MRSA §17851-A, sub-§5,** as amended by PL 1999, c. 493, §9, is further amended to read:

**5. Contributions.** Notwithstanding any other provision of subchapter III, after June 30, 1998; for employees identified in subsection 1, paragraphs A to H, and after December 31, 1999; for employees identified in subsection 1, paragraphs I to K and after December 31, 2001 for employees identified in subsection 1, paragraph L, a member in the capacities specified in subsection 1 must contribute to the retirement system or have pick-up contributions made at the rate of 8.65% of earnable compensation until the member has completed 25 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

**Sec. 7. 38 MRSA §551, sub-§5, ¶H,** as amended by PL 1991, c. 698, §11, is further amended to read:

H. Sums, up to \$50,000 each year, that have been allocated by the Legislature on a contingency basis in accordance with section 555 for payment of costs for damage assessment for specific spills and site-specific studies of the environmental impacts of a particular discharge prohibited by section 543 that may have adverse economic effects and occur subsequent to such an allocation, when those studies are determined necessary by the commissioner; and

**Sec. 8. 38 MRSA §551, sub-§5, ¶I,** as enacted by PL 1989, c. 868, §8, is amended to read:

I. Payment of costs for the collection of overdue reimbursements; and

**Sec. 9. 38 MRSA §551, sub-§5, ¶J** is enacted to read:

J. Payment of 0.25¢ per barrel of the 3¢ per barrel received pursuant to subsection 4 to fund the

purposes of Title 5, section 17851-A, subsection 1, paragraph L.

**Sec. 10. Allocation.** The following funds are allocated from the Federal Expenditures Fund to carry out the purposes of this Act.

	2001-02	2002-03
<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</b>		
<b>Remediation and Waste Management</b>		
Personal Services	\$1,821	\$1,844
Provides an allocation for the 1.65% increase to the normal retirement rate for certain oil and hazardous materials emergency response workers due to a plan change.		

**Sec. 11. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</b>		
<b>Remediation and Waste Management</b>		
Personal Services	\$497,901	\$14,870
Provides an allocation in the first year for the unfunded liability and in both years for the 1.65% increase to the normal retirement rate for certain oil and hazardous materials emergency response workers due to a plan change.		

See title page for effective date.

## CHAPTER 410

S.P. 573 - L.D. 1745

### An Act to Address Issues in the Maine Health Insurance Market

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

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REGULAR SESSION - 2001

Sec. PP-2. Resolve 1999, c. 121, §3 is amended to read:

Sec. 3. Funding cap. Resolved: That grants may not be made after ~~June 30, 2001~~ June 30, 2003 or after the funds allocated in this resolve are exhausted, whichever is later; and be it further

## PART QQ

Sec. QQ-1. 20-A MRSA §13451, sub-§2-A, as amended by PL 1997, c. 652, §3 and affected by §4, is further amended to read:

2-A. Access to group plan; retired teachers who serve as Legislators or are employed by the Legislature. Any retired teacher eligible for group accident and sickness or health insurance under subsection 2, or terminated teacher who does not retire but who elects group accident and sickness or health insurance under subsection 2-B, who becomes a member of the Legislature or who becomes employed by the Legislature must be permitted to reenroll in the teachers' group plan within 90 days of the date the retired teacher ceases to be a Legislator or terminates employment with the Legislature. The retired or terminated teacher seeking to reenroll must show that continuous insurance coverage was maintained from at least one year immediately prior to retirement from the school district to within 90 days of the date of reenrollment.

## PART RR

Sec. RR-1. 5 MRSA §17709, sub-§3 is enacted to read:

3. After August 31, 1984. Beginning September 1, 2002, a law enforcement officer in the Department of Inland Fisheries and Wildlife who was first employed in that capacity after August 31, 1984 shall contribute to the retirement system or have pick-up contributions made by the employer at a rate of 7.5% of earnable compensation until the law enforcement officer has completed 25 years of creditable service and at a rate of 6.5% thereafter.

Sec. RR-2. 5 MRSA §17710, sub-§1-B is enacted to read:

1-B. After August 31, 1984. Beginning September 1, 2002, a law enforcement officer in the Department of Marine Resources who was first employed in that capacity after August 31, 1984 shall contribute to the retirement system or have pick-up contributions made by the employer at a rate of 7.5% of earnable compensation until the law enforcement officer has completed 25 years of creditable service and at a rate of 6.5% thereafter.



**Sec. RR-3. 5 MRSA §17851, sub-§§5-B and 5-C** are enacted to read:

**5-B. Inland fisheries and wildlife officers after August 31, 1984.** Beginning September 1, 2002 and subject to subsection 5-C, a law enforcement officer in the Department of Inland Fisheries and Wildlife who was first employed in that capacity after August 31, 1984 or who, if employed in that capacity before August 31, 1984, ceased to be employed in that capacity on or before that date and who subsequently became reemployed in that capacity after that date qualifies for a service retirement benefit after completing at least 25 years of creditable service in that capacity.

**5-C. Inland fisheries and wildlife officers; contingent qualification for benefits.** Notwithstanding subsection 5-A and section 17851-A, subsection 1, paragraph B, the qualification for a service retirement benefit for a law enforcement officer in the Department of Inland Fisheries and Wildlife who was first employed after August 31, 1984 is governed by the provisions of subsection 5-B for all service earned in a covered capacity upon certification by the Executive Director of the Maine State Retirement System to the Governor and the Commissioner of Inland Fisheries and Wildlife that all liabilities associated with that service have been paid in full by the State to the system.

**Sec. RR-4. 5 MRSA §17851, sub-§§6-B and 6-C** are enacted to read:

**6-B. Marine resources officers after August 31, 1984.** Beginning September 1, 2002 and subject to subsection 6-C, a law enforcement officer in the Department of Marine Resources who was first employed in that capacity after August 31, 1984 or who, if employed in that capacity before August 31, 1984, ceased to be employed in that capacity on or before that date and who subsequently became reemployed in that capacity after that date qualifies for a service retirement benefit after completing at least 25 years of creditable service in that capacity.

**6-C. Marine resources officers; contingent qualification for benefits.** Notwithstanding subsection 6-A and section 17851-A, subsection 1, paragraph A, the qualification for a service retirement benefit for a law enforcement officer in the Department of Marine Resources who was first employed after August 31, 1984 is governed by the provisions of subsection 6-B for all service earned in a covered capacity upon certification by the Executive Director of the Maine State Retirement System to the Governor and the Commissioner of Marine Resources that all liabilities associated with that service have been paid in full by the State to the system.

**Sec. RR-5. 5 MRSA §17851-A, sub-§1, ¶¶A and B,** as enacted by PL 1997, c. 769, §11, are amended to read:

A. Law Until September 1, 2002, law enforcement officers in the employment of the Department of Marine Resources on July 1, 1998, or hired thereafter;

B. Law Until September 1, 2002, law enforcement officers in the employment of the Department of Inland Fisheries and Wildlife on July 1, 1998, or hired thereafter;

**Sec. RR-6. 5 MRSA §17851-A, sub-§2,** as amended by PL 2001, c. 409, §3, is further amended to read:

2. **Qualification for benefits.** A member employed in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B, after June 30, 1998 for employees identified in subsection 1, paragraphs C to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, and any employee identified in subsection 1, paragraph L, qualifies for a service retirement benefit if that member either:

A. Is at least 55 years of age and has completed at least 10 years of creditable service under the 1998 Special Plan in any one or a combination of the capacities; or

B. Has completed at least 25 years of creditable service in any one or a combination of the capacities specified in subsection 1, whether or not the creditable service included in determining that the 25-year requirement has been met was earned under the 1998 Special Plan or prior to its establishment.

**Sec. RR-7. 5 MRSA §17851-A, sub-§3, ¶A,** as amended by PL 2001, c. 409, §4, is further amended to read:

A. For the purpose of meeting the qualification requirement of subsection 2, paragraph A:

(1) Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included only to the extent that time to which the refund relates was served after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B, after June 30, 1998 for employees identified in subsection 1, paragraphs C to H and after December 31, 1999 for employees identified in subsection



1, paragraphs I to K, in any one or a combination of the capacities specified in subsection 1. Service credit may be purchased for service by an employee identified in subsection 1, paragraph L regardless of when performed; and

(2) Service credit purchased other than as provided under subparagraph (1), including but not limited to service credit for military service, is not included.

**Sec. RR-8. 5 MRSA §17851-A, sub-§4, A and B,** as repealed and replaced by PL 2001, c. 409, §5, are amended to read:

A. If all of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after December 31, 2001 for employees identified in subsection 1, paragraph L; if service credit was purchased by repayment of an earlier refund of accumulated contributions for service in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after December 31, 2001 for employees identified in subsection 1, paragraph L; or if service credit was purchased by other than the repayment of an earlier refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after December 31, 2001 for employees identified in subsection 1, paragraph L, the benefit must be computed as provided in section 17852, subsection 1, paragraph A.

(1) If the member had 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced as provided in section 17852, subsection 3, paragraphs A and B.

(2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced by 6% for each year that the member's age precedes 55 years of age.

B. Except as provided in paragraphs D and E, if some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H, before January 1, 2000 for employees identified in subsection 1, paragraphs I to K and before January 1, 2002 for employees identified in subsection 1, paragraph L and some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B, after June 30, 1998 for employees identified in subsection 1, paragraphs C to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and after December 31, 2001 for employees identified in subsection 1, paragraph L then the member's service retirement benefit must be computed in segments and the amount of the member's service retirement benefit is the sum of the segments. The segments must be computed as follows:

(1) The segment or, if the member served in more than one of the capacities specified in subsection 1 and the benefits related to the capacities are not interchangeable under section 17856, segments that reflect creditable service earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H, before January 1, 2000 for employees identified in subsection 1, paragraphs I to K and before January 1, 2002 for employees identified in subsection 1, paragraph L or purchased by repayment of an earlier refund of accumulated contributions for service before July 1, 1998, for employees identified in subsection 1, paragraphs A to H, before January 1, 2000 for employees identified in subsection 1, paragraphs I to K and before January 1, 2002 for employees identified in subsection 1, paragraph L in a capacity or capacities specified in subsection 1 or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved before July 1, 1998 for employees identified in subsection 1, paragraphs A to H, before January 1, 2000 for employees identified in subsection 1, paragraphs I to K

and before January 1, 2002 for employees identified in subsection 1, paragraph L must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

(a) Had 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3, paragraphs A and B; or

(b) Had fewer than 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3-A; and

(2) The segment that reflects creditable service earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B, after June 30, 1998 for employees identified in subsection 1, paragraphs C to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and after December 31, 2001 for employees identified in subsection 1, paragraph L or purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B, after June 30, 1998 for employees identified in subsection 1, paragraphs C to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and after December 31, 2001 for employees identified in subsection 1, paragraph L in any one or a combination of the capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B, after June 30, 1998 for employees identified in subsection 1, paragraphs C to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and after December 31, 2001 for employees identified in subsection 1, paragraph L must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

(a) Had 10 years of creditable service on July 1, 1993, the segment amount

must be reduced in the manner provided in section 17852, subsection 3, paragraphs A and B for each year that the member's age precedes 55 years of age; or

(b) Had fewer than 10 years of creditable service on July 1, 1993, the segment amount must be reduced by 6% for each year that the member's age precedes 55 years of age.

**Sec. RR-9. 5 MRSA §17851-A, sub-§5,** as amended by PL 2001, c. 409, §6, is further amended to read:

**5. Contributions.** Notwithstanding any other provision of subchapter III, after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B, after June 30, 1998 for employees identified in subsection 1, paragraphs C to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and after December 31, 2001 for employees identified in subsection 1, paragraph L, a member in the capacities specified in subsection 1 must contribute to the retirement system or have pick-up contributions made at the rate of 8.65% of earnable compensation until the member has completed 25 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

**Sec. RR-10. 5 MRSA §17852, sub-§§5-C and 5-D** are enacted to read:

**5-C. Inland fisheries and wildlife officers: benefit computation after September 1, 2002.** On and after September 1, 2002, the retirement benefit of a law enforcement officer in the Department of Inland Fisheries and Wildlife who is qualified under section 17851, subsection 5-B is calculated as follows:

A. The portion of the retirement benefit that is based on service earned in the covered capacity prior to September 1, 2002 is computed in accordance with section 17851-A, subsection 4; and

B. The portion of the retirement benefit that is based on service earned in the covered capacity on and after September 1, 2002 is computed in accordance with subsection 1.

**5-D. Inland fisheries and wildlife officers: contingent benefit computation.** Notwithstanding subsection 5-C, paragraph A, the retirement benefit of a law enforcement officer in the Department of Inland Fisheries and Wildlife who is qualified under section 17851, subsection 5-C is computed in accordance with subsection 5-C, paragraph B for all service in the covered capacity.

**Sec. RR-11. 5 MRSA §17852, sub-§6-B**, as repealed by PL 2001, c. 439, Pt. GGGG, §15, is reenacted to read:

**6-B. Marine resources officers exercising option; retirement before 55 years of age.** Except as provided in section 17851-A, for a person exercising the option provided in section 17851, subsection 6-A, who makes the payments required in subsection 6-A and who retires before reaching 55 years of age, the retirement benefit is determined as follows:

A. For members with 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that:

(1) The amount arrived at under subsection 1 is reduced by applying to that amount the percentage that a life annuity due at 55 years of age bears to the life annuity due at the age of retirement; and

(2) For the purpose of making the computation under subparagraph (1), the board-approved tables of annuities in effect at the date of the member's retirement are used.

For the purpose of calculating creditable service under this subsection only, "creditable service" includes time during which a member participated in the voluntary cost-savings plan or the voluntary employee incentive program, authorized by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV; or 10 years of combined creditable service under this Part and Title 3, chapter 29; or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board.

B. For members who do not have 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that the benefit is reduced by 6% for each year that the person's age precedes 55 years of age.

**Sec. RR-12. 5 MRSA §17852, sub-§§6-C and 6-D** are enacted to read:

**6-C. Marine resources officers; benefit computation after September 1, 2002.** On and after September 1, 2002, the retirement benefit of a law enforcement officer in the Department of Marine Resources who is qualified under section 17851, subsection 6-B, is calculated as follows:

A. The portion of the retirement benefit that is based on service earned in the covered capacity prior to September 1, 2002 is computed in accordance with section 17851-A, subsection 4; and

B. The portion of the retirement benefit that is based on service earned in the covered capacity on and after September 1, 2002 is computed in accordance with subsection 1.

**6-D. Marine resources officers; contingent benefit computation.** Notwithstanding subsection 6-C, paragraph A, the retirement benefit of a law enforcement officer in the Department of Marine Resources who is qualified under section 17851, subsection 6-C is computed in accordance with subsection 6-C, paragraph B for all service in the covered capacity.

**Sec. RR-13. PL 2001, c. 439, Pt. GGGG** is repealed.

**Sec. RR-14. Transfer of funds in Service Benefit Reserve Account.** As of the effective date of this Part, funds in the Service Benefit Reserve Account are appropriated to the Maine State Retirement System and must be transferred not later than August 1, 2002 to the system, to be held as assets of the system. These assets must be held apart from other assets attributable to the state employee and teacher retirement plan of the system and must be held for the sole purpose of funding the liabilities arising from the benefit changes made in this Part. These assets must be accounted for by the system in the manner it determines to reflect the requirements of this Part. The funds transferred under this section, together with any other funds subsequently provided to the system for the same purpose, and together with any investment earnings attributed to any of these funds, comprise the Wardens Benefit Reserve Account on the system's books.

**Sec. RR-15. Funding of benefit changes that are effective prospectively after the effective date of this chapter and payment of the related normal cost increase in the current biennium.** With respect to an employee's service after September 1, 2002 in a position to which this Part applies, the increase in employer normal cost contributions resulting from the increased normal cost rate that is necessary to support the changed benefits as they are earned must be estimated by the Maine State Retirement System based on the total payroll for the positions to which this Part applies as of the pay date closest to August 1, 2002. The amount of the increased normal cost contributions must be paid from the funds transferred under section 14 of this Part. The system shall pay these increased contributions not later than September 1, 2002 as a single lump sum,



reducing the funds held in the Wardens Benefit Reserve Account by the amount required to fully pay the estimated amount of the increased contributions for the remainder of the current biennium and transferring that amount on the books of the system to the general assets of the state employee and teacher retirement plan. After the last payroll of the current biennium is paid, the system shall reconcile the estimated with the required actual amount of the increased contributions, adjusting the reduction of the Wardens Benefit Reserve Account accordingly. Effective July 1, 2003, the normal cost rate for the positions to which this Part applies must be adjusted to the normal cost rate determined by the system and its actuary to thereafter support the changed benefits as they are earned, to be paid to the system in the normal course of payment of retirement contributions.

**Sec. RR-16. Funding of the liability for the increased values of service rendered between August 31, 1984 and September 1, 2002.** No retirement service credit related to the increased value of service rendered between August 31, 1984 and September 1, 2002 in positions to which this Part applies is due to or may be given to any employee ~~until the full actuarial cost of the total liability for the increased value of all of that service for all employees to whom this Part applies has been paid.~~ The amount required to pay the full actuarial cost must be accumulated by the Maine State Retirement System through funds provided to it for that purpose. Funds so provided must be held by the system in the Wardens Benefit Reserve Account until the full actuarial cost is accumulated in that account. Funds to be held in the Wardens Benefit Reserve Account to pay this cost consist of the funds transferred under section 14 in this Part, funds provided thereafter for the same purpose and any investment earnings on the funds, reduced by amounts required to pay the increased normal cost contributions in the current biennium as provided in section 15 of this Part and by any investment losses. Funds in the Wardens Benefit Reserve Account must be invested by the system with the general assets of the state employee and teacher retirement plan and those funds' share of investment earnings and losses must be attributed to the Wardens Benefit Reserve Account.

The full actuarial cost of the liability for the increased value of service rendered between August 31, 1984 and September 1, 2002 in positions to which this Part applies is the amount of the liability for the increased value, as calculated by the Maine State Retirement System's actuary, increased by the interest cost that arises because the full cost of the now-increased value of the service already rendered was not paid to the system at the time the service was rendered. Interest costs continue to accrue until the full actuarial cost of the increased value has been accumulated in the Wardens Benefit Reserve Account

and is thereafter transferred on the books of the system from the Wardens Benefit Reserve Account to the general assets of the state employee and teacher retirement plan. If an actuarially significant change in the amount of the liability for the increased value, as determined by the system and its actuary, occurs before the full actuarial cost has been accumulated, the full actuarial cost must be increased or decreased accordingly.

**Sec. RR-17. Credit for service rendered between August 31, 1984 and September 1, 2002; contingency.** No retirement service credit related to the increased value of service rendered between August 31, 1984 and September 1, 2002 in positions to which this Part applies is due to or may be given to any employee until the Executive Director of the Maine State Retirement System certifies to the Governor, the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources that the amount of the full actuarial cost has been accumulated in the Wardens Benefit Reserve Account and has been transferred on the books of the Maine State Retirement System to the general assets of the state employee and teacher retirement plan, thereby funding the full actuarial costs of the liability for the increased value of that service.

**Sec. RR-18. Previous election to self-fund an early retirement option; refund; timing.** After the contingency set out in section 17 of this Part is satisfied by the required certification, the Maine State Retirement System must refund the additional amount paid above the normal employee contribution rate plus interest on that amount from the date of payment to a member who is then employed in a position to which this Part applies and who elected to exercise the option of retirement at 55 years of age or after 55 years of age and before 60 years of age under the Maine Revised Statutes, Title 5, section 17852, subsection 5-A, as enacted by Public Law 1995, chapter 466, Part A, section 3, or Title 5, section 17852, subsection 6-A, as enacted by Public Law 1995, chapter 466, Part B, section 4, or elected to exercise the option of retirement before 55 years of age under Title 5, section 17852, subsection 5-B, as enacted by Public Law 1995, chapter 624, section 6, or Title 5, section 17852, subsection 6-B, as enacted by Public Law 1995, chapter 624, section 8, by paying the full actuarial cost of either of those options through an increased employee contribution to the Maine State Retirement System. Until the contingency is satisfied, there may not be a change in the member's current participation under the option.

**Sec. RR-19. Deposit to Wardens Benefit Reserve.** Amounts transferred to the Maine State Retirement System pursuant to the Maine Revised Statutes, Title 5, section 1517 must be deposited into the Wardens Benefit Reserve Account until the

Executive Director of the Maine State Retirement System certifies to the Governor, the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources that the amount of the full actuarial cost of the increased value of that service has been accumulated in the Wardens Benefit Reserve Account.

## PART SS

**Sec. SS-1. Home-based care program.** To the extent that budgeted resources permit and to the extent that there is no waiting list in the home-based care program, the Department of Human Services shall provide a limited-respite benefit for persons eligible for the Medicaid Private Duty Nursing and Personal Care Services program.

**Sec. SS-2. Rules.** The Department of Human Services shall amend the rules for the Medicaid Private Duty Nursing and Personal Care Services program to create an additional level of care to accommodate consumers whose care needs exceed the current per person monthly expenditure cap.

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

Effective March 25, 2002.

## CHAPTER 560

H.P. 1576 - L.D. 2082

### An Act to Amend the Subdivision Review Criteria for Traffic

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

**Sec. 1. 30-A MRSA §4404, sub-§5,** as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

**5. Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

See title page for effective date.

## CHAPTER 561

S.P. 657 - L.D. 1849

### An Act Regarding the Deferment of Loan Repayments for Remediation of Waste Oil Sites

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

**Sec. 1. 10 MRSA §1023-M, sub-§2,** as amended by PL 2001, c. 356, §7, is further amended to read:

#### 2. Eligibility to participate in loan program.

The authority may use money in the fund to carry out any power of the authority under this section or under section 1026-S, including, but not limited to, the pledge or transfer and deposit of money in the fund as security for and the application of money in the fund in payment of principal, interest and other amounts due on insured loans. Money in the fund may be used for direct loans or deferred loans for all or part of the costs of the Plymouth waste oil site remedial study, past cost settlement and time-critical removal action costs when the authority determines that:

A-1. The applicant has been identified by the United States Environmental Protection Agency as a potentially responsible party with respect to the waste oil disposal site and the applicant is alleged by the United States Environmental Protection Agency to have generated waste oil from an address or location within the State;

B. The applicant has signed the Administrative Order by Consent pursuant to United States Environmental Protection Agency Docket No. CERCLA 1-2000-0004;

B-1. The applicant has signed the West Site/Hows Corner RI/FS Group Agreement;

B-2. The applicant has entered into a consent decree with the United States and the State regarding past cost settlement at the Plymouth waste oil disposal site and the applicant is a participant in that consent decree or the applicant has entered into an inability-to-pay settlement with the United States Environmental Protection Agency;

C. The applicant is not a state or federal agency; and

D. There is a reasonable likelihood that the applicant will be able to repay the loan.

Money in the fund may not be used for attorney's fees associated with costs of the Plymouth waste oil site

## CHAPTER 559

H.P. 1574 - L.D. 2080

**An Act to Make Supplemental  
Appropriations and Allocations for  
the Expenditures of State  
Government and to Change Certain  
Provisions of the Law Necessary to  
the Proper Operations of State  
Government for the Fiscal Years  
Ending June 30, 2002 and June 30,  
2003**

**Emergency preamble.** Whereas, Acts 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 prior to June 30, 2002; 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. Supplemental appropriations and allocations.** There are appropriated and allocated from various funds for the fiscal years ending June 30, 2002 and June 30, 2003, to the departments listed, the following sums.

ADMINISTRATIVE AND FINANCIAL SERVICES,  
DEPARTMENT OF 18

## Financial and Personnel Services, Division of 0713

Initiative: Provides for the deallocation of funds through the transfer of one Account Clerk II position to the Risk Management Division for the creation of a new position intended to inspect the over 700 state-owned boilers.

Other Special Revenue Funds	2001-02	2002-03
Positions - Legislative Count	(-1,000)	(-1,000)
Personal Services	(\$5,079)	(\$38,522)

## Buildings and Grounds Operations 0080

Initiative: Provides for the transfer of All Other funds to Personal Services to pay for the cost of emergency overtime throughout the year.

General Fund	2001-02	2002-03
Personal Services	65,000	0
All Other	(65,000)	0
Total	0	0

## Bureau of Human Resources 0038

Initiative: Provides for the allocation of funds for a Human Resources Development Consultant position to coordinate the training and development activities for the 600 members of the Maine Management Service.

Other Special Revenue Funds	2001-02	2002-03
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	8,405	53,742

## Workers' Compensation Management Fund Program 0802

Initiative: Provides for the allocation of funds for a new Employee Benefit Technician position to assist with the processing, tracking and maintenance of Workers' Compensation and health benefit claims and case workload.

Workers' Compensation Management Fund	2001-02	2002-03
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	6,255	40,978

## Health Information Protection and Privacy Act 9937

Initiative: Provides for the appropriation of funds to begin the process of complying with the federal Health Information Protection and Privacy Act.

General Fund	2001-02	2002-03
All Other	400,000	2,255,000

## Risk Management - Claims 0008

Initiative: Provides for the allocation of funds through the transfer of one Account Clerk II position from the Division of Financial and Personnel Services for the creation of a new position intended to inspect the over 700 state-owned boilers.

Risk Management Fund	2001-02	2002-03
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	6,967	45,684

## Alcoholic Beverages - General Operations 0015

Initiative: Eliminates headcount associated with the closure of 8 of the 14 liquor stores.

Alcoholic Beverages Fund	2001-02	2002-03
Positions - Legislative Count	(-26,000)	(-26,000)
Positions - FTE Count	(-0.913)	(-0.913)

## Maine Residents Property Tax Program 0648

Initiative: Provides for the deappropriation of funds based on a reprojection of program funding requirements.

General Fund	2001-02	2002-03
All Other	(1,064,950)	(985,263)

## Statewide Account 0016

Initiative: Corrects a line category from All Other to Personal Services for a deappropriation made in Public Law 2001, chapter 358, Part B.



**Sec. RR-11. 5 MRSA §17852, sub-§6-B**, as repealed by PL 2001, c. 439, Pt. GGGG, §15, is reenacted to read:

**6-B. Marine resources officers exercising option; retirement before 55 years of age.** Except as provided in section 17851-A, for a person exercising the option provided in section 17851, subsection 6-A, who makes the payments required in subsection 6-A and who retires before reaching 55 years of age, the retirement benefit is determined as follows.

A. For members with 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that:

(1) The amount arrived at under subsection 1 is reduced by applying to that amount the percentage that a life annuity due at 55 years of age bears to the life annuity due at the age of retirement; and

(2) For the purpose of making the computation under subparagraph (1), the board-approved tables of annuities in effect at the date of the member's retirement are used.

For the purpose of calculating creditable service under this subsection only, "creditable service" includes time during which a member participated in the voluntary cost-savings plan or the voluntary employee incentive program, authorized by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV; or 10 years of combined creditable service under this Part and Title 3, chapter 29; or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board.

B. For members who do not have 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that the benefit is reduced by 6% for each year that the person's age precedes 55 years of age.

**Sec. RR-12. 5 MRSA §17852, sub-§§6-C and 6-D** are enacted to read:

**6-C. Marine resources officers; benefit computation after September 1, 2002.** On and after September 1, 2002, the retirement benefit of a law enforcement officer in the Department of Marine Resources who is qualified under section 17851, subsection 6-B, is calculated as follows:

A. The portion of the retirement benefit that is based on service earned in the covered capacity prior to September 1, 2002 is computed in accordance with section 17851-A, subsection 4; and

B. The portion of the retirement benefit that is based on service earned in the covered capacity on and after September 1, 2002 is computed in accordance with subsection 1.

**6-D. Marine resources officers; contingent benefit computation.** Notwithstanding subsection 6-C, paragraph A, the retirement benefit of a law enforcement officer in the Department of Marine Resources who is qualified under section 17851, subsection 6-C is computed in accordance with subsection 6-C, paragraph B for all service in the covered capacity.

**Sec. RR-13. PL 2001, c. 439, Pt. GGGG** is repealed.

**Sec. RR-14. Transfer of funds in Service Benefit Reserve Account.** As of the effective date of this Part, funds in the Service Benefit Reserve Account are appropriated to the Maine State Retirement System and must be transferred not later than August 1, 2002 to the system, to be held as assets of the system. These assets must be held apart from other assets attributable to the state employee and teacher retirement plan of the system and must be held for the sole purpose of funding the liabilities arising from the benefit changes made in this Part. These assets must be accounted for by the system in the manner it determines to reflect the requirements of this Part. The funds transferred under this section, together with any other funds subsequently provided to the system for the same purpose, and together with any investment earnings attributed to any of these funds, comprise the Wardens Benefit Reserve Account on the system's books.

**Sec. RR-15. Funding of benefit changes that are effective prospectively after the effective date of this chapter and payment of the related normal cost increase in the current biennium.** With respect to an employee's service after September 1, 2002 in a position to which this Part applies, the increase in employer normal cost contributions resulting from the increased normal cost rate that is necessary to support the changed benefits as they are earned must be estimated by the Maine State Retirement System based on the total payroll for the positions to which this Part applies as of the pay date closest to August 1, 2002. The amount of the increased normal cost contributions must be paid from the funds transferred under section 14 of this Part. The system shall pay these increased contributions not later than September 1, 2002 as a single lump sum,

Executive Director of the Maine State Retirement System certifies to the Governor, the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources that the amount of the full actuarial cost of the increased value of that service has been accumulated in the Wardens Benefit Reserve Account.

## PART SS

**Sec. SS-1. Home-based care program.** To the extent that budgeted resources permit and to the extent that there is no waiting list in the home-based care program, the Department of Human Services shall provide a limited-respite benefit for persons eligible for the Medicaid Private Duty Nursing and Personal Care Services program.

**Sec. SS-2. Rules.** The Department of Human Services shall amend the rules for the Medicaid Private Duty Nursing and Personal Care Services program to create an additional level of care to accommodate consumers whose care needs exceed the current per person monthly expenditure cap.

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

Effective March 25, 2002.

## CHAPTER 560

H.P. 1576 - L.D. 2082

### An Act to Amend the Subdivision Review Criteria for Traffic

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

**Sec. 1. 30-A MRSA §4404, sub-§5,** as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

**5. Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

See title page for effective date.

## CHAPTER 561

S.P. 657 - L.D. 1849

### An Act Regarding the Deferment of Loan Repayments for Remediation of Waste Oil Sites

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

**Sec. 1. 10 MRSA §1023-M, sub-§2,** as amended by PL 2001, c. 356, §7, is further amended to read:

**2. Eligibility to participate in loan program.** The authority may use money in the fund to carry out any power of the authority under this section or under section 1026-S, including, but not limited to, the pledge or transfer and deposit of money in the fund as security for and the application of money in the fund in payment of principal, interest and other amounts due on insured loans. Money in the fund may be used for direct loans or deferred loans for all or part of the costs of the Plymouth waste oil site remedial study, past cost settlement and time-critical removal action costs when the authority determines that:

A-1. The applicant has been identified by the United States Environmental Protection Agency as a potentially responsible party with respect to the waste oil disposal site and the applicant is alleged by the United States Environmental Protection Agency to have generated waste oil from an address or location within the State;

B. The applicant has signed the Administrative Order by Consent pursuant to United States Environmental Protection Agency Docket No. CERCLA 1-2000-0004;

B-1. The applicant has signed the West Site/How's Corner RI/FS Group Agreement;

B-2. The applicant has entered into a consent decree with the United States and the State regarding past cost settlement at the Plymouth waste oil disposal site and the applicant is a participant in that consent decree or the applicant has entered into an inability-to-pay settlement with the United States Environmental Protection Agency;

C. The applicant is not a state or federal agency; and

D. There is a reasonable likelihood that the applicant will be able to repay the loan.

Money in the fund may not be used for attorney's fees associated with costs of the Plymouth waste oil site