

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

**Sec. 1. 17-A MRSA §1304, sub-§4** is enacted to read:

4. If the court sentences a person to imprisonment for nonpayment of a fine, the court may authorize, at the time of sentencing only, participation of the person in a project under Title 30-A, section 1606 with the agreement of the sheriff of the county jail where the person is committed. The person's sentence must be prorated according to the provisions of Title 30-A, section 1606, subsection 2. The sentence runs consecutively with any other sentence.

**Sec. 2. 30-A MRSA §1606, sub-§2**, as amended by PL 1989, c. 629, §2, is further amended to read:

**2. Sentence prorated.** Inmates participating in a public works-related project or an improvement of property owned by a charitable organization under this section ~~shall~~ **must** have their sentences to the jail prorated at the rate of one day removed from the sentences for every 16 hours of participation in the project, except that inmates committed to the custody of the sheriff for nonpayment of fines under Title 17-A, section 1304 must have their sentences prorated at the rate of \$5 removed from the fines for every one hour of participation in the project.

See title page for effective date.

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## CHAPTER 55

H.P. 561 - L.D. 752

### **An Act to Include in the Legislative and Judicial Retirement Systems the Same Provisions for Post-retirement Divorce That Are in the Maine State Retirement System**

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

**Sec. 1. 3 MRSA §860** is enacted to read:

#### **§860. Divorce**

If a retiree who is the recipient of a reduced service retirement allowance under section 857 is granted a divorce either after retirement or before a retirement beneficiary is named, the provisions of Title 5, section 17805-A apply on the same basis as for members of the Maine State Retirement System.

**Sec. 2. 4 MRSA §1361** is enacted to read:

#### **§1361. Divorce**

If a retiree who is the recipient of a reduced regular retirement allowance under section 1357,

subsection 2, paragraph B, C or D is granted a divorce either after retirement or before a retirement beneficiary is named, subsections 1 to 4 apply.

**1. Election of benefit for difference beneficiary.** The recipient may elect to have the reduced retirement benefit paid under the same option to a different beneficiary under the following conditions:

A. The spouse or former spouse who was originally named as retirement beneficiary must have been the sole beneficiary of the reduced retirement benefit under section 1357, subsection 2, paragraph B, C or D; and

B. The recipient and the spouse or former spouse who was originally named retirement beneficiary must agree to the change of beneficiary. Prior to this agreement, the executive director shall ensure that the spouse or former spouse who was originally named as retirement beneficiary has been counseled by an employee of the retirement system regarding the financial effect of giving up rights as a beneficiary and has signed a statement that the information has been received and understood.

**2. Time and manner of election.** The recipient may make the election at any time after the divorce is granted by:

A. Sending a written request to the executive director; and

B. Submitting evidence of the divorce.

**3. Amount of benefit.** The amount of the benefit payable under the option elected is the actuarial equivalent, at the date of the beginning of payment of benefits under this section, of the amount of reduced retirement benefit the recipient has been receiving, plus the amount expected to be paid to the original spouse after the recipient's death.

**4. Effective date of coverage of new beneficiary.** The effective date of the designation of the recipient's new beneficiary is the date the request is received. The recipient's retirement benefit must be adjusted on the first day of the month following the effective date of the new designation of beneficiary.

See title page for effective date.

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## CHAPTER 56

S.P. 251 - L.D. 820

### **An Act to Repeal the Maine Surplus Energy Auction Program**