

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

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 Co., Inc.  
Augusta, Maine  
1986

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

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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## CHAPTER 243

H.P. 686 - L.D. 972

AN ACT to Clarify the Laws of the Department  
of Marine Resources.

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

PL 1981, c. 480, §16, as amended by PL 1983, c. 824, Pt. K, sub-pt. 3, is repealed.

Effective September 19, 1985.

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## CHAPTER 244

H.P. 999 - L.D. 1441

AN ACT to Prevent Double Benefits for the  
Same Period of Service, to Provide  
Membership as of the Effective Date of  
First Contributions and to Provide  
that Benefits be Paid only to Members,  
their Dependents or Beneficiaries.

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

Sec. 1. 5 MRSA §1091, sub-§1 is repealed and the following enacted in its place:

1. Employee; elected officials. Any person who becomes an employee shall become a member of the retirement system as a condition of employment. These persons may not be entitled to receive any retirement allowance under any other retirement provisions supported wholly or in part by the State based upon the same period of service.

Membership shall be optional in the case of elected officials or officials appointed for a fixed term. A person electing not to join the system at the commencement of his employment who later becomes a member pursuant to subsection 2 shall not be permitted to pay contributions on or to receive any creditable service time for the period during which he elected not to be a member of the system. This subsection ap-

plies to any member who begins membership after December 31, 1985.

Only members of the system, their spouses, children, parents or beneficiaries shall be eligible to receive benefits from the system.

Sec. 2. 5 MRSA §1091, sub-§2 is amended to read:

2. Application for membership. Any employee person who has elected not to become a member by filing a waiver in accordance with the Revised Statutes of 1944, chapter 607, section 3 pursuant to subsection 1, may at any time apply for and be admitted to membership. Membership service credit shall begin as of the effective date of first contributions to the system. This subsection shall apply to any member who begins membership after December 31, 1985.

Effective September 19, 1985.

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## CHAPTER 245

H.P. 1042 - L.D. 1517

### AN ACT Concerning Funeral and Burial Expenses of Municipal General Assistance Recipients.

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

22 MRSA §4313, sub-§2, as amended by PL 1983, c. 701, §4, is further amended to read:

2. Burial. In the event of the death of an eligible person, the funeral director shall notify the overseer prior to making any burial preparations or by the end of the next business day following the funeral director's receipt of the body, whichever is earlier. Notwithstanding section 4305, subsection 3, paragraph C, a decision on any application for assistance with burial expenses need not be rendered until the overseer has verified that no relative or other resource is available to pay for the burial costs, but in no case shall the decision be rendered more than 10 days after receiving an application. The father, mother, grandfather, grandmother, children or grandchildren, by consanguinity, living within or owning real or tangible property within the