

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
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2. Income. Individuals representing single-member households qualify for this program if their household income does not exceed \$6,600 in 1986 and, as adjusted, in subsequent years. Individuals representing households with 2 or more members qualify for this program if their household income does not exceed \$8,500 in 1986 and, as adjusted, in subsequent years.

3. Residence. An individual must be a legal resident of this State at the time the application is filed.

4. Limitation. An individual does not qualify under this program if receiving state supplemental income benefits.

5. Definitions. As used in this chapter, unless the context clearly indicates otherwise, all terms have the same meaning as in chapter 901 and its successors.

6. Adjustment. The income limitations provided in this section shall be adjusted annually in the same manner as provided in chapter 901 and its successors.

7. Appeals. The eligibility decision, made by the State Tax Assessor or his designee, shall be final, subject to appeal in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

Effective September 29, 1987.

CHAPTER 529

H.P. 1296 — L.D. 1774

AN ACT to Provide More Equitable Benefits for the Surviving Spouse, Children and Parents of Deceased Members of the Maine State Retirement System.

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

Sec. 1. 5 MRSA §17953, sub-§§3 and 4, as enacted by PL 1985, c. 801, §§5 and 7, are repealed and the following enacted in their place:

3. Amount of survivor benefit payment to surviving spouse. If the surviving spouse of the qualifying member elects a benefit under subsection 2, paragraph A, only one of the following options may be paid at one time.

A. A surviving spouse of the qualifying member shall be paid a \$150 benefit each month beginning the first month after the death occurs and continuing during the surviving spouse's lifetime, if:

(1) The deceased qualifying member had 10 years of creditable service at the time of his death; or

(2) The surviving spouse is certified by the medical board to be permanently mentally incompetent

or permanently physically incapacitated and is determined by the executive director to be unable to engage in any substantially gainful employment.

A full month's benefit shall be paid to the estate of the surviving spouse for the month in which the surviving spouse dies.

B. A surviving spouse of the qualifying member who has the care of the dependent child or children of the deceased qualifying member and who is not eligible to receive a benefit under paragraph A shall be paid a \$150 benefit each month, beginning the first month after the death of the qualifying member and continuing during the surviving spouse's lifetime until the end of the month in which the dependent child or children are no longer in the surviving spouse's care.

C. A surviving spouse of the qualifying member who is not eligible to receive a benefit under paragraph A or B shall be paid a \$150 benefit each month, beginning the first month after the surviving spouse reaches 60 years of age and continuing during the surviving spouse's lifetime.

A full month's benefit shall be paid to the estate of the surviving spouse for the month in which the surviving spouse dies.

D. The \$150 benefit specified under paragraphs A, B and C shall be increased to \$225 on July 1, 1989, and \$300 on July 1, 1990. Starting July 1, 1991, the \$300 benefit shall be adjusted annually at the same time and by the same percentage as adjustments under section 17806.

4. Amount of survivor benefit to dependent children. If the dependent child or children or surviving spouse of the deceased qualifying member elects a benefit under subsection 2, paragraph A, the payment of benefits to the dependent child or children shall be governed as follows.

A. The amount of survivor benefit shall be determined as follows.

(1) Until January 1, 1989:

(a) One dependent child shall be paid \$150 each month;

(b) Two dependent children shall be paid \$225 each month which shall be divided equally between them; and

(c) Three or more dependent children shall be paid \$300 each month which shall be divided equally among them.

(2) Starting January 1, 1989, each dependent child shall receive a benefit of \$150 a month.

(3) Starting July 1, 1989, each dependent child shall receive a benefit of \$175 a month.

(4) Starting July 1, 1990, each dependent child shall receive a benefit of \$200 a month.

(5) Starting July 1, 1991, each dependent child shall receive a benefit of \$225 a month.

(6) Starting July 1, 1992, each dependent child shall receive a benefit of \$250 a month.

(7) Starting July 1, 1993, the benefit specified under subparagraph (6) shall be adjusted annually at the same time and by the same percentage as adjustments under section 17806.

B. The benefits shall begin the first month after the death of the qualifying member and shall be payable to each dependent child, in accordance with Title 18-A, article V, until the end of the month in which he no longer meets the definition of "dependent child" in section 17001, subsection 12.

C. When any dependent child becomes ineligible to receive benefits under this subsection, the other dependent children, if any, shall continue to receive benefits in accordance with this subsection.

D. The combined benefits under subsection 3 and this subsection may not exceed 80% of the deceased qualifying member's average final compensation adjusted annually at the same time and at the same percentage as adjustments under subsection 10.

Sec. 2. 5 MRSA §17953, sub-§5, ¶D is enacted to read:

D. Starting July 1, 1989, the benefits specified under paragraph A shall be adjusted annually at the same time and at the same percentage as adjustments under subsection 10.

Sec. 3. 5 MRSA §18553, sub-§§3 and 4, as enacted by PL 1985, c. 801, §§5 and 7, are repealed and the following enacted in their place:

3. Amount of survivor benefit payment to surviving spouse. If the surviving spouse of the qualifying member elects a benefit under subsection 2, paragraph A, only one of the following options may be paid at one time.

A. A surviving spouse of the qualifying member shall be paid a \$150 benefit each month beginning the first month after the death occurs and continuing during the surviving spouse's lifetime, if:

(1) The deceased qualifying member had 10 years of creditable service at the time of his death; or

(2) The surviving spouse is certified by the medical board to be permanently mentally incompetent

or permanently physically incapacitated and is determined by the executive director to be unable to engage in any substantially gainful employment.

A full month's benefit shall be paid to the estate of the surviving spouse for the month in which the surviving spouse dies.

B. A surviving spouse of the qualifying member who has the care of the dependent child or children of the deceased qualifying member and who is not eligible to receive a benefit under paragraph A shall be paid a \$150 minimum benefit each month, beginning the first month after the death of the qualifying member and continuing during the surviving spouse's lifetime until the end of the month in which the dependent child or children are no longer in the surviving spouse's care.

C. A surviving spouse of the qualifying member who is not eligible to receive a benefit under paragraph A or B shall be paid a \$150 minimum benefit each month, beginning the first month after the surviving spouse reaches 60 years of age and continuing during the surviving spouse's lifetime.

A full month's benefit shall be paid to the estate of the surviving spouse for the month in which the surviving spouse dies.

D. The \$150 benefit specified under paragraphs A, B and C shall be increased to \$225 on July 1, 1989, and \$300 on July 1, 1990. Starting July 1, 1991, a participating local district may increase the \$300 benefit by the cost of living, in accordance with the provisions of subsection 10.

4. Amount of survivor benefit to dependent children. If the dependent child or children or surviving spouse of the deceased qualifying member elects a benefit under subsection 2, paragraph A, the payment of benefits to the dependent child or children shall be governed as follows.

A. The amount of the survivor benefit shall be determined as follows.

(1) Until January 1, 1989:

(a) One dependent child shall be paid \$150 each month;

(b) Two dependent children shall be paid \$225 each month which shall be divided equally between them; and

(c) Three or more dependent children shall be paid \$300 each month which shall be divided equally among them.

(2) Starting January 1, 1989, each dependent child shall receive a benefit of \$150 a month.

(3) Starting July 1, 1989, each dependent child shall receive a benefit of \$175 a month.

(4) Starting July 1, 1990, each dependent child shall receive a benefit of \$200 a month.

(5) Starting July 1, 1991, each dependent child shall receive a benefit of \$225 a month.

(6) Starting July 1, 1992, each dependent child shall receive a benefit of \$250 a month.

(7) Starting July 1, 1991, a participating local district may increase the \$250 benefit under subparagraph (6) by the cost of living, in accordance with the provisions of subsection 10.

B. The benefits shall begin the first month after the death of the qualifying member and shall be payable to each dependent child, in accordance with Title 18-A, article V, until the end of the month in which he no longer meets the definition of "dependent child" in section 17001, subsection 12.

C. When any dependent child becomes ineligible to receive benefits under this subsection, the other dependent children, if any, shall continue to receive benefits in accordance with this subsection.

D. The combined benefits under subsection 3 and this subsection may not exceed 80% of the deceased qualifying member's average final compensation adjusted annually at the same time and at the same percentage as adjustments under subsection 10.

Sec. 4. 5 MRSA §18553, sub-§5, ¶D is enacted to read:

D. Starting July 1, 1991, a participating local district may increase the \$150 benefit under paragraph A by the cost of living, in accordance with the provisions of subsection 10.

Sec. 5. Applications. Existing beneficiaries under this section shall get the greater of their current benefit or the new benefits under this Act.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF

Teacher Retirement

All Other

\$35,772

Effective September 29, 1987.

CHAPTER 530

S.P. 639 — L.D. 1865

AN ACT Creating the Maine Low-level Radioactive Waste Authority.

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

Whereas, the United States Low-level Radioactive Waste Policy Act of 1980, Public Law 96-573, requires that states assume responsibility for providing for the capacity for the disposal of low-level radioactive waste generated within their borders; and

Whereas, Maine is not a member state to a regional compact for low-level radioactive waste disposal; and

Whereas, the United States Low-level Radioactive Waste Policy Amendments Act of 1985, Public Law 99-240, establishes January 1, 1988, as the milestone date for states which are not members of a compact to develop a siting plan for an in-state disposal facility and further provides for penalties for failure to meet those milestones, including surcharges on waste disposed of and possible denial of access to regional disposal facilities; and

Whereas, it is the purpose of this legislation to meet that January 1, 1988, milestone; 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 §12004, sub-§7, ¶A, sub-¶(11) is enacted to read:

(11) Maine Low-level Radioactive Waste Authority \$100/day 38 MRSA §1512

Sec. 2. 36 MRSA §271, sub-§2, ¶A, as enacted by PL 1985, c. 764, §8, is amended to read:

A. Hear and determine appeals according to the following provisions of law:

- (1) The tree growth tax law, chapter 105, subchapter II-A;
- (2) The farm and open space law, chapter 105, subchapter X;
- (3) As provided in section 843;