

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES
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Twin City Printery
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1988

PUBLIC LAWS

OF THE

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AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

CHAPTER 610

S.P. 773 — L.D. 2030

AN ACT to Establish a Commemorative Day for Margaret Chase Smith and Edmund S. Muskie.

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

1 MRSA §§129 and 130 are enacted to read:

§129. Margaret Chase Smith Day

December 14th of each year shall be designated as Margaret Chase Smith Day, and the Governor shall annually issue a proclamation inviting and urging the people of the State of Maine to observe this day in suitable places with appropriate ceremony and activity. Margaret Chase Smith Day shall commemorate and honor Margaret Chase Smith who distinguished herself as a political leader of this nation and as one of Maine's outstanding citizens.

The Department of Educational and Cultural Services shall make appropriate information available to the people and schools within the limits of its budget.

§130. Edmund S. Muskie Day

March 28th of each year shall be designated as Edmund S. Muskie Day and the Governor shall annually issue a proclamation inviting and urging the people of the State of Maine to observe this day in suitable places with appropriate ceremony and activity. Edmund S. Muskie Day shall commemorate and honor Edmund Sixtus Muskie whose distinguished career as a political leader of this State and nation marks him as one of Maine's outstanding citizens.

The Department of Educational and Cultural Services shall make appropriate information available to the people and schools within the limits of its budget.

Effective August 4, 1988.

CHAPTER 611

S.P. 735 — L.D. 1994

AN ACT to Amend the Law Concerning the Blaine House Scholars Program.

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

Sec. 1. 20-A MRSA §12501, sub-§§1-A and 3-A are enacted to read:

1-A. College students. "College students" means

those students who have previously graduated from a Maine high school and are attending an institution of higher education on a full-time basis at the time of application for program participation.

3-A. Graduating high school seniors. "Graduating high school seniors" means those students who graduate from a Maine high school at the end of the academic year and who will be entering their first year in an institution of higher education at the beginning of the next academic year. Academic year is considered to be a September to June time period.

Sec. 2. 20-A MRSA §12502, as enacted by PL 1983, c. 859, Pt. F, §§1 and 2, is amended to read:

§12502. Blaine House Scholars and Financial Assistance Program

There is established the Blaine House Scholars and Financial Assistance Program to recognize Maine high school graduates who attain high academic achievement, and to provide financial assistance for post-secondary education of graduating high school students seniors and college students and advanced degree or continued study by teachers. The program shall recognize outstanding graduating high school students seniors and college students as described in section 12503 and disburse interest free loans as described in section 12504. The program shall be administered by the commissioner.

Sec. 3. 20-A MRSA §12503, first ¶, as enacted by PL 1983, c. 859, Pt. F, §§1 and 2, is amended to read:

Each year graduating high school seniors and college students who show evidence of academic achievement shall be considered for recognition as Blaine House scholars. Nominations and applications shall be submitted to the commissioner at a time and in a format to be determined by rule of the commissioner.

Effective August 4, 1988.

CHAPTER 612

S.P. 717 — L.D. 1946

AN ACT to Remove Discriminating Language from a Section of the Maine Retirement Laws.

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

Whereas, it is necessary to assure that Maine's citizens are not facing discrimination because of their age; and

Whereas, the current law penalizes individuals who remarry after the age of 70 by discontinuing spousal benefits; 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 §17805, sub-§1, ¶A, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. The original spouse must have been the sole beneficiary of the reduced retirement benefit under section 17804, subsection 3, 4 or 5; and

Sec. 2. 5 MRSA §17805, sub-§1, ¶B, as enacted by PL 1985, c. 801, §§5 and 7, is repealed.

Sec. 3. 5 MRSA §17805, sub-§1, ¶C, as enacted by PL 1985, c. 801, §§5 and 7, is repealed.

Sec. 4. 5 MRSA §17805, sub-§1, ¶D is enacted to read:

D. The recipient must have been married to the new spouse for at least 6 months.

Sec. 5. 5 MRSA §17805, sub-§2, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

2. Time and manner of election. The recipient may make the election at any time after the death of his the original spouse and remarriage to the new spouse by:

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

~~B. Submitting evidence satisfactory to the executive director of the recipient's good health.~~

C. Submitting evidence of the death of the former spouse and date of marriage to the new spouse.

Sec. 6. 5 MRSA §17805, sub-§4 is enacted to read:

4. Effective date of coverage of the new spouse. The effective date of the designation of the new spouse as the recipient's new beneficiary will be the date the request is received or 6 months after the date of remarriage, whichever comes later. The recipient's retirement benefit shall be adjusted on the first day of the month following the effective date of the new designation of beneficiary.

Sec. 7. 5 MRSA §18405, sub-§1, ¶A, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. The original spouse must have been the sole beneficiary of the reduced retirement benefit under section 18404, subsection 3, 4 or 5; and

Sec. 8. 5 MRSA §18405, sub-§1, ¶¶B and C, as enacted by PL 1985, c. 801, §§5 and 7, are repealed.

Sec. 9. 5 MRSA §18405, sub-§1, ¶D is enacted to read:

D. The recipient shall have been married to the new spouse for at least 6 months.

Sec. 10. 5 MRSA §18405, sub-§2, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

2. Time and manner of election. The recipient may make the election under subsection 1 at any time after the death of his the original spouse and remarriage to the new spouse by:

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

~~B. Submitting evidence satisfactory to the executive director of the recipient's good health.~~

C. Submitting evidence of the death of the former spouse and date of marriage to the new spouse.

Sec. 11. 5 MRSA §18405, sub-§4 is enacted to read:

4. Effective date of coverage of new spouse. The effective date of the designation of the new spouse as the recipient's new beneficiary will be the date the request is received or 6 months after the date of remarriage, whichever comes later. The recipient's retirement benefit shall be adjusted on the first day of the month following the effective date of the new designation of beneficiary.

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

Effective March 14, 1988.

CHAPTER 613

H.P. 1768 — L.D. 2421

AN ACT to Encourage Conservation Investments by Electric Utilities.

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

Sec. 1. 35-A MRSA §102, sub-§6, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

6. Electric plant. "Electric plant" includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, conservation, load management, transmission, delivery or furnishing of electricity for light, heat or power, for public use, and all conduits,