

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
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

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

Community Development, upon request, may provide technical assistance to municipalities with respect to the development of comprehensive plans pursuant to this subchapter. Regional planning commissions shall cooperate with the department in the provision of technical assistance pursuant to this subchapter.

Sec. 9. 30 MRSA §4961-A is enacted to read:

§4961-A. Affordable housing

Any comprehensive plan developed pursuant to this subchapter shall provide for the development of affordable housing for low-income and moderate-income households. A municipality may cooperate with neighboring municipalities to develop a regional comprehensive plan in lieu of a municipal plan. Any comprehensive plan developed under this subchapter shall include municipal or regional strategies to effectively reduce the cost of housing or provide for the construction of affordable housing, including zoning measures, use of municipally owned land and other similar measures.

1. Housing. Notwithstanding any other provision of law, the Maine State Housing Authority and municipal housing authorities may provide technical assistance to municipalities with respect to housing components of comprehensive plans developed pursuant to this subchapter.

Effective August 4, 1988.

CHAPTER 821

H.P. 1623 — L.D. 2218

AN ACT to Require Full State Funding of any Legislative Mandate.

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

20-A MRSA §2, sub-§3 is enacted to read:

3. Mandated programs. Any legislation containing a state mandate enacted by the Legislature after January 1, 1989, which requires additional funding, shall contain provisions for full funding by the State for 2 years, after which the legislation shall contain full funding through the School Finance Act of 1985, as amended. The funding requirements to implement the mandate must be identified. Any such legislation for which full state funding is not provided may not be enacted.

State mandates are defined as any state-initiated or statutory action that requires a local school administrative unit to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues, excluding any order issued by a state court or any legislation necessary to comply with a federal mandate.

This chapter is repealed on June 30, 1992, unless reviewed and extended by specific Act of the Legislature.

Effective August 4, 1988.

CHAPTER 822

H.P. 1451 — L.D. 1962

AN ACT to Provide a Sales Tax Exemption for Charitable Suppliers of Medical Equipment.

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

36 MRSA §1760, sub-§62 is enacted to read:

62. Charitable suppliers of medical equipment. Sales to local branches of incorporated international non-profit charitable organizations which provide, on a loan basis and free of charge, medical supplies and equipment to persons.

Effective August 4, 1988.

CHAPTER 823

S.P. 960 — L.D. 2548

AN ACT to Correct Inequities in the Maine State Retirement System.

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

Sec. 1. 5 MRSA §17953, sub-§2, ¶A, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. Instead of accepting the payment provided in subsection 1, the first listed of the following relatives of the qualifying member who are living at the death of the qualifying member may elect the benefits described in subsections 3 to 5 5-A:

- (1) The surviving spouse, the dependent child or dependent children, the parent or parents, if any of these are designated beneficiaries. The designated beneficiary, if any; or
- (2) If no beneficiary is designated, the surviving spouse, the dependent child or dependent children, or the parent or parents.

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

5-A. Amount of survivor benefit to designated beneficiary. If a designated beneficiary, other than the surviving spouse, dependent child, dependent children or the parent or parents of a deceased qualifying mem-

ber, elects a benefit under subsection 2, paragraph A, the payment of benefits shall be governed as follows.

A. A designated beneficiary who is alive at the time of the death of the qualifying member shall be paid \$150 per month beginning the first month after the death occurs and continuing until the date of the designated beneficiary's death, if the designated beneficiary 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.

B. A designated beneficiary who is alive at the time of the death of the qualifying member and is a person under 18 years of age, or under 22 years of age if the person is a full-time student, shall be paid \$150 per month beginning the first month after the death occurs and continuing until the person no longer meets the age criteria of this paragraph.

C. A designated beneficiary 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 have the option:

(1) To be paid \$150 per month, beginning the first month after the death of the qualifying member and continuing during the designated beneficiary's lifetime for as long as the dependent child or children are in the designated beneficiary's care;

(2) To transfer the right to receive a benefit to the children of the deceased qualifying member under subsection 4; or

(3) To elect a benefit under paragraph D.

D. A designated beneficiary who is not eligible to receive a benefit under paragraph A, B or C shall be paid \$150 per month, beginning the first month after the designated beneficiary reaches 60 years of age and continuing until the date of death.

Sec. 3. 5 MRSA §17953, sub-§§6, 9 and 10, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

6. Transfer of funds. If benefits are paid under subsections 3 to 5 5-A, the amount of the deceased qualifying member's accumulated contributions in the Members' Contribution Fund shall be transferred to the Survivors' Benefit Fund and the amount of the qualifying member's accumulated contributions in the Retirement Allowance Fund shall be transferred to the Survivors' Benefit Fund.

9. Defeat of survivor's option. A qualifying member may specify that the refund of his the member's accumulated contributions be paid to a designated beneficiary or to the qualifying member's estate in lieu of any payment to survivors under subsections 3 to 5 5-A by filing an affidavit expressing that intent with the executive director.

10. Cost-of-living adjustment. If a retirement benefit adjustment is made for retired state employees and teachers, the same percentage increase shall be applied to the payments made under subsections 3 to 5 5-A. The adjustment to payments made under subsections 3 to 5 5-A shall become effective on the same day as the adjustment for state employees and teachers.

Sec. 4. 5 MRSA §18252, sub-§1, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

1. New employees. A new employee may join the retirement system at the beginning of his employment or on the next 2 anniversaries any anniversary of the beginning of his employment, so long as he is still an employee of the participating local district and the district continues to be a participating local district.

Sec. 5. 5 MRSA §18252, sub-§3, ¶C, as enacted by PL 1985, c. 801, §§5 and 7, is repealed.

Sec. 6. 5 MRSA §18252, sub-§§4 and 5 are enacted to read:

4. Employee who has previously withdrawn rejoins after 3 years. An employee who has previously withdrawn from the retirement system may choose to rejoin the system after 3 years of withdrawal under the following conditions.

A. The employer may not repay to the retirement system the contributions withdrawn under subsection 2.

B. The employer must still be in a participating local district allowing new membership in the retirement system.

5. Limit on right to rejoin. The right of an employee to rejoin under either subsection 3 or 4 is limited to one occurrence.

Sec. 7. 5 MRSA §18359, sub-§1, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

1. Employee electing not to join. A new An employee who elects, under section 18252, subsection 1, not to join the retirement system at the beginning of his employment, may not receive service credit for the period during which he elected not to be a member of the retirement system.

Sec. 8. 5 MRSA §18359, sub-§3 is enacted to read:

3. Employee who withdraws and rejoins after 3 years. An employee who withdraws from the retirement system and rejoins after 3 years under section 18252, subsection 4, may not receive any service credit for the period during which the employee was a member before the withdrawal of the employee's contribution. The employee may not receive any service credit for any year or part of a year during which the employee was withdrawn from the retirement system.

Sec. 9. 5 MRSA §18553, sub-§2, ¶A, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. Instead of accepting the payment provided in subsection 1, the first listed of the following ~~relatives of the qualifying member~~ who are living at the death of the qualifying member may elect the benefits described in subsections 3 to 5 5-A:

(1) ~~The surviving spouse, the dependent child or dependent children, the parent or parents, if any of these are designated beneficiaries~~ The designated beneficiary, if any; or

(2) If no beneficiary is designated, the surviving spouse, the dependent child or dependent children, or the parent or parents;

Sec. 10. 5 MRSA §18553, sub-§5-A is enacted to read:

5-A. Amount of survivor benefit to designated beneficiary. If a designated beneficiary, other than the surviving spouse, dependent child, dependent children or the parent or parents of a deceased qualifying member, elects a benefit under subsection 2, paragraph A, the payment of benefits shall be governed as follows.

A. A designated beneficiary who is alive at the time of the death of the qualifying member shall be paid \$150 per month beginning the first month after the death occurs and continuing until the date of the designated beneficiary's death, if the designated beneficiary 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.

B. A designated beneficiary who is alive at the time of the death of the qualifying member and is a person under 18 years of age, or under 22 years of age if the person is a full-time student, shall be paid \$150 per month beginning the first month after the death occurs and continuing until the person no longer meets the age criteria of this paragraph.

C. A designated beneficiary 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 have the option:

(1) To be paid \$150 per month, beginning the first month after the death of the qualifying member and continuing during the designated beneficiary's lifetime for as long as the dependent child or children are in the designated beneficiary's care;

(2) To transfer the right to receive a benefit to the children of the deceased qualifying member under subsection 4; or

(3) To elect a benefit under paragraph D.

D. A designated beneficiary who is not eligible to receive a benefit under paragraph A, B or C shall be paid \$150 per month, beginning the first month after the designated beneficiary reaches 60 years of age and continuing until the date of the beneficiary's death.

Sec. 11. 5 MRSA §18553, sub-§§6 and 9, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

6. Transfer of funds. If benefits are paid under subsections 3 to 5 ~~5-A~~, the amount of the deceased qualifying member's accumulated contributions in the Members' Contribution Fund shall be transferred to the Survivors' Benefit Fund and the amount of ~~former~~ the qualifying member's accumulated contributions in the Retirement Allowance Fund shall be transferred to the Survivors' Benefit Fund.

9. Defeat of survivor's option. A qualifying member may specify that the refund of ~~his~~ the member's accumulated contributions be paid to a designated beneficiary or to the qualifying member's estate in lieu of any payment to survivors under subsections 3 to 5 ~~5-A~~ by filing an affidavit expressing that intent with the executive director.

Sec. 12. 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	\$42,919

FINANCE, DEPARTMENT OF

Salary Plan	
Personal Services	\$18,240

Effective August 4, 1988.

CHAPTER 824

H.P. 1742 — L.D. 2388

AN ACT to Provide a Sales Tax Exemption to Nonprofit Organizations which Fulfill the Last Wishes of Terminally Ill Children.

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

Whereas, there are certain nonprofit organizations which raise money by donations to provide special requests to terminally ill children who have only a short