

# 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.

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Twin City Printery  
Lewiston, Maine  
1988

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**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

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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

time to live, including gifts of stereos, television sets and trips to Disneyworld; and

Whereas, the budgets of these organizations are not large and therefore a sales tax exemption would provide needed additional money for their widely supported efforts, and the loss to the State would be insignificant; and

Whereas, proposals for sales tax exemptions of this kind have been enacted in the past, but must be presented to the Joint Standing Committee on Taxation on an individual basis; and

Whereas, the urgency of these acts of charity require that these savings be available in the current year; 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:

36 M.R.S.A. §1760, sub-§62 is enacted to read:

62. Organizations fulfilling the wishes of children with life-threatening diseases. Sales to incorporated nonprofit organizations whose sole purpose is to fulfill the wishes of children with life-threatening diseases when their family or guardian is unable to otherwise financially fulfill those wishes.

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

Effective May 2, 1988.

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## CHAPTER 825

H.P. 1850 — L.D. 2532

### AN ACT to Develop a Plan to Minimize and Dispose of Household Hazardous Waste.

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

Whereas, hazardous wastes generated by households pose a serious threat to the State's air and water quality; and

Whereas, existing collection and disposal systems are completely inadequate to handle these wastes; 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 pub-

lic peace, health and safety; now, therefore,

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

Sec. 1. PL 1987, c. 491, §27 is amended to read:

**Sec. 27. Authorization for program development.** ~~The Legislature authorizes the Department of Environmental Protection to~~ shall develop a program plan to assist persons who generate up to 1,000 kilograms of hazardous waste in a calendar month, including household hazardous waste, in minimizing the generation of hazardous waste and developing economical methods of properly collecting, transporting and disposing of their hazardous waste.

The department shall include recommendations for additional legislative authority and appropriations, when necessary, to carry out its proposed program. The program plan shall be completed and submitted to the joint standing committee of the Legislature having jurisdiction over natural resources by ~~January 1~~ April 15, 1989, and shall include:

1. Survey. A survey of businesses and public institutions which utilize some form of hazardous waste recycling, chemical substitution or other waste minimization methods;

2. Assessment. An assessment of practical recycling or waste minimization methods that may be available to businesses and public institutions;

3. Transportation. Methods by which persons generating up to 1,000 kilograms of hazardous waste in a calendar month may reduce transportation costs for disposal through cooperative or cost-sharing practices;

3-A. Household hazardous waste. An analysis of the problem of household hazardous waste, including, without limitation, the estimated volume and nature of this waste and geographic, political, economic and other factors which would influence the development of a workable, cost-effective and environmentally sound solution to this problem. The department shall examine the experience of other states in developing this analysis;

3-B. Household hazardous waste options. An assessment of disposal options and available recycling or waste minimization methods for household hazardous waste generators;

3-C. Pilot program. Implementation and evaluation of a pilot program for the collection and disposal of household hazardous waste;

3-D. Public education. An assessment of a public education program for generators of household hazardous waste;

4. Regional collection. The feasibility of establish-