

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

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1989

G. With the assistance of the Attorney General, to pursue all claims against 3rd parties in all cases in which the State may be subrogated to the rights of injured employees or where damage to state property may have resulted from the negligence of a 3rd party.

See title page for effective date.

CHAPTER 95

H.P. 394 - L.D. 525

An Act to Facilitate Conversion of the Maine State Retirement System Records to an Automated System

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

Sec. 1. 5 MRSA §17156, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

§17156. Rate of interest

The board shall, from time to time, by order, set the rate of regular interest at a percent rate compounded ~~annually~~ periodically determined by the board to be equitable, both to members and to the taxpayers of the State.

Sec. 2. 5 MRSA §17157, sub-§§1 and 2, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

1. Transfer to Members' Contribution Fund. The board shall periodically allow ~~annually~~ regular interest on the individual accounts of members in the Members' Contribution Fund and shall transfer those amounts from the Retirement Allowance Fund to the Members' Contribution Fund.

2. Transfer to Survivors' Benefit Fund. The board shall periodically allow ~~annually~~ regular interest on the mean amount accumulated in the Survivors' Benefit Fund and shall transfer that amount of interest from the Retirement Allowance Fund to the Survivors' Benefit Fund.

Sec. 3. 5 MRSA §17203, sub-§1, ¶¶A to C are enacted to read:

A. Amounts deducted from the compensation of state employees shall be credited to the retirement system in the same manner and at the same time that employer charges are credited to the retirement system as provided by section 17154, subsection 5.

B. Amounts deducted from the compensation of teachers shall be paid to the retirement system by the chief administrative officer of each school administrative unit monthly in accordance with rules of the board. Delinquent payments due under this paragraph:

(1) May be subject to interest at a rate, to be set by the board and paid by the school administrative unit, not to exceed regular interest by 5 or more percentage points;

(2) May be recovered by action in a court of competent jurisdiction against the school administrative unit; or

(3) May, at the request of the retirement system, be deducted from any other money payable to that school administrative unit.

C. Payment of members' contributions to the retirement system by participating local districts is governed by sections 18301 to 18303.

Sec. 4. 5 MRSA §17204, sub-§3 is enacted to read:

3. Limitation. This section shall not be applicable to any member who has not begun increased contributions under this section before January 1, 1990.

Sec. 5. 5 MRSA §17753, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

§17753. Service credit for back contributions

Upon complete payment of the back contributions under section 17704, the member shall be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the back contributions under section 17704, the member shall be granted service credit on a pro rata basis in accordance with rules adopted by the board.

Sec. 6. 5 MRSA §17754, sub-§1, ¶G is enacted to read:

G. Upon complete payment of the back contributions under paragraph B or F, the member shall be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the back contributions under paragraph B or F, the member shall be granted service credit on a pro rata basis in accordance with rules adopted by the board.

Sec. 7. 5 MRSA §17757, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

§17757. Former members

Upon complete payment of the back contributions under section 17703, the member shall be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the back contributions under section 17703, the member shall be granted service credit on a pro rata basis in accordance with rules adopted by the board.

Sec. 8. 5 MRSA §17760, sub-§2, ¶F, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

F. Upon complete payment of the back contributions under section 17713, the member shall be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the back contributions under section 17713, the member shall be granted service credit on a pro rata basis in accordance with rules adopted by the board.

Sec. 9. 5 MRSA §17804, first ¶, as repealed and replaced by PL 1987, c. 256, §8, is amended to read:

Payment Except as provided in subsection 6, payment of a service retirement benefit shall begin on the first day of the month following the month in which the qualifying member becomes eligible to receive payment of his the member's service retirement benefit under section 17851 or 17907. A full month's benefit shall be paid to the beneficiary or estate of the recipient for the month in which he the member dies. A qualifying member may select payment in one of the following methods.

Sec. 10. 5 MRSA §17804, sub-§6 is enacted to read:

6. Monthly payment of \$10 or less. If the monthly benefit payable to a qualifying member or the beneficiary of a qualifying member is \$10 or less, there shall be paid, in lieu of those payments, a lump sum which is the actuarial equivalent, on the date the first monthly payment would otherwise be paid, of the benefit to which the qualifying member or beneficiary is entitled. A beneficiary who receives a lump sum payment under this subsection shall not forfeit any other benefit to which the beneficiary would be entitled if the beneficiary were receiving a monthly benefit payment.

Sec. 11. 5 MRSA §18353, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

§18353. Service credit for back contributions

Upon complete payment of the back contributions under section 18305, the member shall be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the back contributions under section 18305, the member shall be granted service credit on a pro rata basis in accordance with rules adopted by the board.

Sec. 12. 5 MRSA §18354, sub-§1, ¶B and C, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

B. The member, before any retirement benefit becomes effective for him, must make contributions into the Members' Contribution Fund for the years of out-of-state service on the same basis as he the member would have made contributions had the

service been in the State, including interest at a rate, to be set by the board, not to exceed regular interest by 5 or more percentage points. Interest shall be computed from the end of the year when those contributions would have been made, if the service had been in the State, to the date of payment; and

C. The member's last 10 years of creditable service before the date of retirement must be in the State and no more than 10 years of service credit may be allowed for out-of-state service; and

Sec. 13. 5 MRSA §18354, sub-§1, ¶D is enacted to read:

D. Upon complete payment of the back contributions under paragraph B, the member shall be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the back contributions under paragraph B, the member shall be granted service credit on a pro rata basis in accordance with rules adopted by the board.

Sec. 14. 5 MRSA §18357, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

§18357. Former members

Upon complete payment of the back contributions under section 18304, the member shall be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the back contributions under section 18304, the member shall be granted service credit on a pro rata basis in accordance with rules adopted by the board.

Sec. 15. 5 MRSA §18360, sub-§2, ¶G, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

G. Upon complete payment of the back contributions under section 18311, the member shall be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the back contributions under section 18311, the member shall be granted service credit on a pro rata basis in accordance with rules adopted by the board.

Sec. 16. 5 MRSA §18404, first ¶, as amended by PL 1987, c. 256, §31, is further amended to read:

Payment Except as provided in subsection 6, payment of a service retirement benefit shall begin on the first day of the month following the eligible to receive payment of his the member's service retirement benefit under section 18451 or 18507. A full month's benefit shall be paid to the beneficiary or estate of the recipient for the month in which he the member dies. A qualifying member may select payments in one of the following methods.

Sec. 17. 5 MRSA §18404, sub-§6 is enacted to read:

6. Monthly payment of \$10 or less. If the monthly benefit payable to a qualifying member or the beneficiary of a qualifying member is \$10 or less, there shall be paid, in lieu of those payments, a lump sum which is the actuarial equivalent, on the date the first monthly payment would otherwise be paid, of the benefit to which the qualifying member or beneficiary is entitled. A beneficiary who receives a lump sum payment under this subsection shall not forfeit any other benefit to which the beneficiary would be entitled if the beneficiary were receiving a monthly benefit payment.

See title page for effective date.

CHAPTER 96

H.P. 420 - L.D. 585

An Act to Change the Dates for Burial Eligibility at the Maine Veterans' Memorial Cemetery

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

Whereas, passage of this bill would provide valuable support to efforts of the American Legion to have the Federal Government pass similar legislation; and

Whereas, the annual national convention of the American Legion is in June; and

Whereas, unless this bill is enacted on an emergency basis it will not take effect prior to this convention; 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:

37-B MRSA §504, sub-§4, ¶A-1, as enacted by PL 1985, c. 117, §2, is amended to read:

A-1. As used in this subsection, unless the context indicates otherwise, the following terms have the following meanings.

(1) "Eligible dependent" means the wife, husband, surviving spouse, unmarried minor child or unmarried adult child who became incapable of self-support before reaching 18 years of age on account of mental or physical defects.

(2) "Eligible veteran" means any person who:

(a) Served on active duty in the United States Armed Forces during any federally recognized period of conflict, served on active duty in the United States Armed Forces at any time during the period December 22, 1961 to August 5, 1964 or was eligible for an Armed Forces Expeditionary Medal or campaign medal, and who:

(i) If discharged, received an honorable discharge or a general discharge under honorable conditions, provided that the discharge was not upgraded through a program of general amnesty; and

(ii) Was a resident of the State at the time of entering military service, his death or the death of an eligible dependent;

(b) Served in the Maine National Guard and died as a result of injury, disease or illness sustained while serving on state active duty as provided in chapter 3, subchapter III; or

(c) Served in the Armed Forces in the United States at any time and was killed or died as a result of hostile action and was a resident of the State at the time of entering military service, at the time of his death or at the time of the death of an eligible dependent.

(3) "Federally recognized period of conflict" means World War I, April 6, 1917 to November 11, 1918, March 31, 1920, if service was in Russia; World War II, December 7, 1941 to December 31, 1946; Korean Conflict, June 27, 1950 to January 31, 1955; and the Viet Nam War, August 5, 1964 to May 7, 1975.

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

Effective May 3, 1989.

CHAPTER 97

H.P. 360 - L.D. 491

An Act to Amend the Litter Laws