

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

AS PASSED AT THE
FIRST REGULAR SESSION

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1989

age or older on that date and who is the recipient of a retirement allowance under the normal method of payment, the surviving spouse who is the named beneficiary at the date of retirement shall become entitled to 1/2 of the amount being paid at the time of ~~his~~ the member's death which payment shall continue for the remainder of ~~his~~ the spouse's lifetime.

Upon the death of a former member who was in service as a judge prior to December 1, 1984, and who is 50 years of age or older on that date and who becomes the recipient of a disability retirement allowance, ~~his~~ the surviving spouse who is the named beneficiary shall become entitled to 1/2 the amount that ~~he~~ the member would have been entitled to as a service retirement allowance under the normal method of payment as of the date of ~~his~~ the member's death.

Sec. 35. 4 MRSA §1360 is enacted to read:

§1360. Remarriage after retirement

If a retiree who is the recipient of a reduced regular retirement allowance under section 1357, subsection 2, paragraph B, C or D remarries after the retiree's spouse dies, the following provisions apply.

1. Election of benefit for new spouse. The retiree may elect to have the reduced retirement benefit paid under the same option to the new spouse after the retiree's death instead of continuing the original reduced retirement allowance to the retiree during the retiree's lifetime, under the following conditions:

A. The original spouse must have been the sole beneficiary of the reduced retirement allowance under section 1357, subsection 2, paragraph B, C or D; and

B. The retiree must have been married to the new spouse for at least 6 months.

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

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

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

3. Amount of benefit. The amount of the benefit payable under the option elected shall be the actuarial equivalent, at the date of the beginning of payment of benefits under this section, of the amount of reduced retirement allowance the retiree has been receiving.

4. Effective date of coverage of new spouse. The effective date of the designation of the new spouse as the retiree's new beneficiary shall be the date the request is received or 6 months after the date of remarriage, whichever comes later. The retiree's retirement allowance shall be

adjusted on the first day of the month following the effective date of the new designation of beneficiary.

See title page for effective date.

CHAPTER 134

H.P. 677 - L.D. 928

An Act Concerning Subpermitting of Moose Hunting Licenses

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

12 MRSA §7463-A, sub-§4, as amended by PL 1987, c. 742, §9, is further amended to read:

4. Hunting permits. The commissioner may issue up to 1,000 moose hunting permits annually and may establish the number of moose hunting permits to be issued for each moose hunting zone. No more than 10% of the moose hunting permits may be issued to nonresident and alien hunters. A person whose application is selected may purchase a moose hunting permit upon presentation of proof that ~~he~~ the person possesses:

A. A valid Maine hunting license, if ~~he~~ the person is a resident of the State; or

B. A valid Maine big game hunting license, if ~~he~~ the person is a nonresident or alien.

The fee for a moose hunting permit is \$25 for residents and \$200 for nonresidents and aliens. At the time the permit is obtained, the permittee may designate a subpermittee to hunt with ~~him~~ the permittee. The permittee may choose not to designate a subpermittee and hunt alone, but a subpermittee must always be in the presence of the permittee while hunting moose. That presence must be unaided by visual or audio enhancement devices, including binoculars and citizen band radios. The permittee who has designated a subpermittee may rescind the original designation and designate a different person. The permittee may change the subpermittee only once. An application to change the subpermittee designation must be received by the department at least 5 business days prior to the first day of the moose season. While hunting moose, each nonresident or alien hunter shall be in possession of a valid Maine nonresident or alien big game hunting license, whichever is applicable.

See title page for effective date.

CHAPTER 135

H.P. 134 - L.D. 178

An Act to Establish Rules for the Use of Dynamite and Explosives