

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

§780. Fees

The department shall determine a schedule of fees to defray the costs of the registration programs established in sections 774 and 775. Fees may not exceed \$150 for registrants under section 774 or \$75 for registrants under section 775. The fees collected must be placed in the Radon Relief Fund established in section 784. The fee schedule must provide for initial registration and biennial registration fees.

§781. Rules

The department shall adopt rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, necessary to administer and enforce this chapter. Rules must address, but are not limited to, minimal training requirements for registration, periodic reregistration, performance standards, reports, truth-in-advertising requirements and criteria and procedures for revoking registrations.

§782. Penalties

Any person failing to register pursuant to section 774 or 775, commits a civil violation for which a forfeiture not to exceed \$500 may be adjudged. Any person in violation of section 777, 778 or 779 commits a civil violation for which a forfeiture not to exceed \$250 per violation may be adjudged. Any person who engages in radon testing, advertising or mitigation in violation of this chapter is also in violation of Title 5, chapter 10.

§783. Registration revoked

The department may revoke, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, the registration of any person found in violation of this chapter.

§784. Radon Relief Fund

The Radon Relief Fund is established as a nonlapsing fund to support the radon-related research, testing, educational and mitigation activities of the division. Funds received from registrations under sections 774 and 775 and any other miscellaneous sources of income are deposited in the fund. The division shall administer the fund. Funds in the Radon Relief Fund must be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by law. Interest on these investments must be credited to the fund.

Sec. 2. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

1990-91

HUMAN SERVICES, DEPARTMENT OF

Bureau of Health

Positions	(2)
Personal Services	\$41,350
All Other	2,146
Capital Expenditures	1,695

Provides funds for a Word Processing Operator position, an Environmental Specialist II position, general operating expenses, testing equipment and office equipment to implement the Radon Registration Act and to carry out educational and public information activities relating to radon and indoor air pollution.

DEPARTMENT OF HUMAN SERVICES	
TOTAL	<u>\$45,191</u>

See title page for effective date.

CHAPTER 658

H.P. 1331 - L.D. 1848

An Act Relating to the Designation of Beneficiaries by Members of the Maine State Retirement System

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

Sec. 1. 5 MRS §17952, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

§17952. Designated beneficiary

A qualifying member may designate a beneficiary to receive benefits upon the qualifying member's death by filing a written designation of beneficiary with the executive director. The last designation of any beneficiary revokes all previous designations.

1. Designation of more than one beneficiary. A member may designate more than one person as a beneficiary subject to the following limitations.

A. If more than one person is designated as a beneficiary and:

(1) If one of the persons designated is eligible to receive benefits under section 17953, subsection 3 and the other persons designated are eligible to receive benefits under section 17953, subsection 4, there is no limit to the number of persons eligible to receive benefits under section 17953, subsection 4 who may be designated;

(2) If all of the persons designated are eligible to receive benefits under section 17953, subsection 4, there is no limit to the number of persons who may be designated; or

(3) If all of the persons designated are eligible to receive benefits under section 17953, subsection 5, no more than 2 persons may be designated.

B. If the person designated as a beneficiary is the member's spouse, that designation includes all of the member's dependent children so long as the person designated meets the definition of spouse in section 17001, subsection 39.

2. Limitations. If a member designates as beneficiaries 2 or more persons, all must meet the requirements of one, and only one, of the subparagraphs of subsection 1, paragraph A, otherwise their eligibility to receive a benefit under this article shall be limited to section 17953, subsection 1 or section 17954.

Sec. 2. 5 MRSA §17953, sub-§3, ¶E is enacted to read:

E. Only one beneficiary of a qualifying member shall be entitled to receive the benefit under this subsection.

Sec. 3. 5 MRSA §17953, sub-§5, ¶E is enacted to read:

E. No more than 2 beneficiaries of a qualifying member may be entitled to receive the benefit under this subsection.

Sec. 4. 5 MRSA §17953, sub-§5-A, ¶E is enacted to read:

E. Only one beneficiary of a qualifying member shall be entitled to receive the benefit under this subsection.

Sec. 5. 5 MRSA §18552, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

§18552. Designated beneficiary

A qualifying member may designate a beneficiary to receive benefits upon the qualifying member's death by filing a written designation of beneficiary with the executive director. The last designation of any beneficiary revokes all previous designations.

1. Designation of more than one beneficiary. A member may designate more than one person as a beneficiary subject to the following limitations.

A. If more than one person is designated as a beneficiary and:

(1) If one of the persons designated is eligible to receive benefits under section 18553, subsection 3 and the other persons designated are eligible to receive benefits under section 18553, subsection 4, there is no limit to the number of persons eligible to receive benefits under section 18553, subsection 4 who may be designated;

(2) If all of the persons designated are eligible to receive benefits under section 18553, subsection 4, there is no limit to the number of persons who may be designated; or

(3) If all of the persons designated are eligible to receive benefits under section 18553, subsection 5, no more than 2 persons may be designated.

B. If the person designated as a beneficiary is the member's spouse, that designation includes all of the member's dependent children so long as the person designated meets the definition of spouse in section 17001, subsection 39.

2. Limitations. If a member designates as beneficiaries 2 or more persons, all must meet the requirements of one, and only one, of the subparagraphs of subsection 1, paragraph A, otherwise their eligibility to receive a benefit under this article shall be limited to section 18553, subsection 1 or section 18554.

Sec. 6. 5 MRSA §18553, sub-§3, ¶E is enacted to read:

E. Only one beneficiary of a qualifying member shall be entitled to receive the benefit under this subsection.

Sec. 7. 5 MRSA §18553, sub-§5, ¶E is enacted to read:

E. No more than 2 beneficiaries of a qualifying member may be entitled to receive the benefit under this subsection.

Sec. 8. 5 MRSA §18553, sub-§5-A, ¶E is enacted to read:

E. Only one beneficiary of a qualifying member shall be entitled to receive the benefit under this subsection.

See title page for effective date.

CHAPTER 659

H.P. 1392 - L.D. 1922

An Act to Clarify the Time Frame in Municipal Law for Changing an Elected Position to an Appointed Position

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