

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

(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:

30-A MRSA §2525, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Other officials. A town, at a meeting held at least 90 days before the annual meeting, may designate other town officials to be elected by ballot. The election of officials at the last annual town meeting is deemed to be such a designation until the town acts otherwise at a meeting held at least 90 days before the annual meeting at which the election will be held.

See title page for effective date.

CHAPTER 660

H.P. 1400 - L.D. 1936

An Act Authorizing the Public Advocate to Initiate Proceedings on Behalf of Utility Consumers

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

35-A MRSA §1702, sub-§5, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

5. Intervention on behalf of public. ~~When determined necessary by the~~ The Public Advocate may, in the interest of on behalf of the using and consuming public, or any particular group of consumers, ~~the Public Advocate may petition to initiate, or~~ intervene and appear ~~on their behalf in,~~ any proceedings before the commission, appeals from orders of the commission, or proceedings before state and federal agencies and courts in which the subject matter of the action affects the customers of any utility doing business in this State, except that the Public Advocate ~~shall~~ may not intervene in any proceeding in which the commission staff is representing a position substantially similar to that of the Public Advocate, as determined by the Public Advocate.

See title page for effective date.

CHAPTER 661

H.P. 491 - L.D. 671

An Act Concerning the Maine Probate Code

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

Sec. 1. 9-B MRSA §623, sub-§2, ¶C, as enacted by PL 1975, c. 500, §1, is amended to read:

C. Assets held as a trustee, executor, administrator ~~or,~~ guardian or other fiduciary may be invested in a common trust fund established under Title ~~48~~ 18-A, section ~~4101~~ 7-501.

Sec. 2. 18-A MRSA §§3-801 and 3-802, as enacted by PL 1979, c. 540, §1, are repealed and the following enacted in their place:

§3-801. Notice to creditors

(a) Unless notice has already been given under this section, a personal representative upon appointment shall publish a notice to creditors once a week for 2 successive weeks in a newspaper of general circulation in the county announcing the appointment and the personal representative's address and notifying creditors of the estate to present their claims within 4 months after the date of the first publication of the notice or be forever barred.

(b) A personal representative may give written notice by mail or other delivery to a creditor, notifying the creditor to present the creditor's claim within 4 months after the published notice, if given as provided in subsection (a), or within 60 days after the mailing or other delivery of the notice, whichever is later, or be forever barred. Written notice must be the notice described in subsection (a) or a similar notice.

(c) The personal representative is not liable to a creditor or to a successor of the decedent for giving or failing to give notice under this section.

§3-802. Statutes of limitations

(a) Unless an estate is insolvent, the personal representative, with the consent of all successors whose interests would be affected, may waive any defense of limitations available to the estate. If the defense is not waived, no claim which was barred by any statute of limitations at the time of the decedent's death shall be allowed or paid.

(b) The running of any statute of limitations measured from some other event than death or the giving of notice to creditors is suspended for 4 months after the decedent's death, but resumes thereafter as to claims not barred by other sections.

(c) For purposes of any statute of limitations, the presentation of a claim pursuant to section 3-804 is equivalent to commencement of a proceeding on the claim.

Sec. 3. 18-A MRSA §3-803, sub-§(a), as enacted by PL 1979, c. 540, §1, is repealed and the following enacted in its place:

(a) All claims against a decedent's estate which arose before the death of the decedent, including claims of the State and any subdivision of the State, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, if not barred earlier by another statute of limitations or nonclaim statute, are barred against the estate, the personal representative, and the heirs and devisees of the decedent, unless presented within the earlier of the following: