

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 4. 24 MRSA §2974, as enacted by PL 1989, c. 931, §4, is amended to read:

§2974. Report to Legislature

~~By March 1, 1991, each~~ Each medical specialty advisory committee shall provide a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters and the Office of the Executive Director of the Legislative Council setting forth the parameters and protocols developed by that medical specialty advisory committee and adopted by the Board of Registration in Medicine and the Board of Osteopathic Examination and Registration. The medical specialty advisory committees also shall report the extent to which the risk management protocols reduce the practice of defensive medicine.

The Medical Specialty Advisory Committee on Anesthesiology, the Medical Specialty Advisory Committee on Emergency Medicine and the Medical Specialty Advisory Committee on Obstetrics and Gynecology shall provide this report by March 1, 1991. The Medical Specialty Advisory Committee on Radiology shall provide this report by September 1, 1991.

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

Effective June 17, 1991.

CHAPTER 320

S.P. 396 - L.D. 1072

An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage

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

Whereas, the changes proposed by this legislation make available to divorcing spouses additional options for allocation of state retirement benefits; and

Whereas, these changes should be made available immediately to divorcing persons who must allocate resources before this legislation would otherwise become effective; 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:

Sec. 1. 5 MRSA §17805-A is enacted to read:

§17805-A. Divorce after retirement

If the recipient of a reduced service retirement benefit under section 17804, subsection 3, 4 or 5 is granted a divorce the following provisions apply.

1. Election of benefit for different beneficiary. The recipient may elect to have the reduced retirement benefit paid under the same option to a different beneficiary under the following conditions:

A. The original spouse must have been the sole beneficiary of the reduced retirement benefit under section 17804, subsection 3, 4 or 5; and

B. The recipient and the original spouse must agree to the change of beneficiary. Prior to this agreement, the executive director shall ensure that the original spouse has been counseled by an employee of the retirement system regarding the financial effect of giving up rights as a beneficiary and has signed a statement that the information has been received and understood.

2. Time and manner of election. The recipient may make the election at any time after the divorce is granted by:

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

B. Submitting evidence of the divorce.

3. Amount of benefit. The amount of the benefit payable under the option elected is the actuarial equivalent, at the date of the beginning of payment of benefits under this section, of the amount of reduced retirement benefit the recipient has been receiving, plus the amount expected to be paid to the original spouse after the recipient's death.

4. Effective date of coverage of new beneficiary. The effective date of the designation of the recipient's new beneficiary is the date the request is received. The recipient's retirement benefit must be adjusted on the first day of the month following the effective date of the new designation of beneficiary.

Sec. 2. 5 MRSA §18405-A is enacted to read:

§18405-A. Divorce after retirement

If the recipient of a reduced service retirement benefit under section 18404, subsection 3, 4 or 5 is granted a divorce, the following provisions apply.

1. Election of benefit for different beneficiary. The recipient may elect to have the reduced retirement benefit paid under the same option to a different beneficiary under the following conditions:

A. The original spouse must have been the sole beneficiary of the reduced retirement benefit under section 18404, subsection 3, 4 or 5; and

B. The recipient and the original spouse must agree to the change of beneficiary. Prior to this agreement, the executive director shall ensure that the original spouse has been counseled by an employee of the retirement system regarding the financial effect of giving up rights as a beneficiary and has signed a statement that the information has been received and understood.

2. Time and manner of election. The recipient may make the election at any time after the divorce is granted by:

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

B. Submitting evidence of the divorce.

3. Amount of benefit. The amount of the benefit payable under the option elected is the actuarial equivalent, at the date of the beginning of payment of benefits under this section, of the amount of reduced retirement benefit the recipient has been receiving, plus the amount expected to be paid to the original spouse after the recipient's death.

4. Effective date of coverage of new beneficiary. The effective date of the designation of the recipient's new beneficiary is the date the request is received. The recipient's retirement benefit must be adjusted on the first day of the month following the effective date of the new designation of beneficiary.

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

Effective June 17, 1991.

CHAPTER 321

S.P. 595 - L.D. 1580

An Act to Amend the Definition of "Regional Association" under the Laws Relating to Waste Management

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

38 MRSA §1303-C, sub-§24, as amended by PL 1989, c. 869, Pt. A, §5, is further amended to read:

24. Regional association. "Regional association" means 2 or more municipalities that have formed a relationship to manage the solid waste generated within the participating municipalities and for which those municipalities

are responsible. The relationship must be formed by one or more of the following methods:

A. Creation of a refuse disposal district under chapter 17;

B. Creation of a nonprofit corporation that consists exclusively of municipalities and is organized under Title 13, chapter 81 or Title 13-B, for the purpose, among other permissible purposes, of owning, constructing or operating a solid waste disposal facility, including a public waste disposal corporation under section 1304-B;

C. Creation of a joint exercise of powers agreement under Title 30-A, chapter 115; or

D. Contractual commitment.

For the purposes of this chapter, a regional association and the entities described in paragraphs B and C may include counties and quasi-municipal corporations as members provided the counties or quasi-municipal corporations, when acting by themselves within their own jurisdictions, are capable of exercising all of the powers of the regional association.

See title page for effective date.

CHAPTER 322

S.P. 527 - L.D. 1405

An Act to Provide Confidentiality for the Records of Individuals Who Receive Funds from a Community Development Program Created Pursuant to the Maine Revised Statutes, Title 30-A, Chapter 205

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

30-A MRSA §5205 is enacted to read:

§5205. Records confidential

1. Confidential information. Records containing the following information are deemed confidential for the purposes of Title 1, section 402, subsection 3, paragraph A:

A. Any information acquired by a municipality or a member, officer, employee or agent of a municipality from an individual applicant for assistance provided by this chapter or from any 3rd person pertaining to an individual applicant for assistance provided pursuant to this chapter; and

B. Any written or recorded financial statement of an individual submitted to a municipality or a member, officer, employee or agent of a municipality in con-