

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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-

nection with an application for assistance pursuant to this chapter.

2. Wrongful disclosure prohibited. A member, officer, employee or agent of a municipality may not knowingly divulge or disclose information declared confidential by this section, except that:

A. A municipality or its agent may make such full and complete reports concerning its administration of programs provided with state or federal funds as required by State Government or Federal Government;

B. A municipality or its agent may publish statistics or other information of a general nature drawn from information declared confidential by this section, provided that the publication is accomplished in a manner that preserves confidentiality;

C. A municipality or its agent may comply with a subpoena, request for production of documents, warrant or court order issued or made upon lawful authority; and

D. In any litigation or proceeding in which a municipality or its agent is a party, the municipality or its agent may introduce evidence based on any information deemed confidential that is within the control or custody of the municipality or its agent.

3. Waiver. This section may not be construed to limit in any way the right of any person whose interest is protected by this section to waive, in writing or otherwise, the benefits of that protection.

4. Penalty. A person violating any provision under subsection 2 commits a civil violation for which a forfeiture of not more than \$200 may be adjudged. Each separate act of disclosure is considered a separate offense.

See title page for effective date.

CHAPTER 323

H.P. 735 - L.D. 1039

An Act to Resolve Municipal Secret Ballot Elections that Result in a Tie Vote

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

30-A MRSA §2528, sub-§10, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

10. Election by plurality vote; tie vote. Election ~~shall~~ must be by plurality vote. In the case of a tie vote,

the meeting ~~shall~~ must be adjourned to a day certain, when ballots ~~shall~~ are again be cast for the candidates tied for the office in question, unless the municipality's legislative body has provided by ordinance that any tied candidate may withdraw from a subsequent election by delivering written notice of withdrawal signed by the candidate and notarized to the municipal offices within the 5-day period following the election. After the 5-day period has expired, the municipal officers shall call a runoff election between the remaining candidates by posting a warrant in the manner required for calling a town meeting. If only one candidate remains, that candidate is declared the winner and sworn into office.

See title page for effective date.

CHAPTER 324

H.P. 810 - L.D. 1164

An Act to Clarify the Appointment of Civil Emergency Preparedness Directors

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

Sec. 1. 37-B MRSA §782, first ¶, as amended by PL 1987, c. 582, Pt. B, §6, is further amended to read:

A director ~~shall~~ must be appointed for each local civil preparedness agency. A director of a civil emergency preparedness agency ~~shall~~ may not be at the same time an executive officer or member of the executive body of a municipality or interjurisdictional or regional agency of the State or a county commissioner. Notwithstanding this section or any other law, a town manager or administrative assistant may also be appointed to serve as the director of a civil emergency preparedness agency or as a liaison officer. A director may be removed by the appointing authority for cause.

Sec. 2. 37-B MRSA §782, sub-§1, as enacted by PL 1983, c. 460, §3, is amended to read:

1. Municipal agency director; liaison officer. ~~The governing body of a municipality~~ municipal officers shall appoint the director of the municipality's civil emergency preparedness agency. ~~Each~~ In each municipality ~~which~~ that is not required to establish an agency of its own, the municipal officers shall designate a liaison officer to the appropriate interjurisdictional agency to facilitate cooperation in the work of disaster prevention, preparedness, response and recovery.

See title page for effective date.
