MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997
FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

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Sec. 1. 5 MRSA §888, as repealed and replaced by PL 1973, c. 788, §16-A, is amended to read:

§888. Application

Any compensation or portion of compensation reduced by an employee in conjunction with a deferred compensation program ~~shall remain as a general, unpledged asset of the State, county, city, town or other political subdivision until such time as the deferred compensation program covering such employee calls for distribution~~ and any earnings or income thereon must be held in trust for the exclusive benefit of that participant and that participant's beneficiary as provided in the United States Internal Revenue Code, Section 457. For purposes of this section, custodial accounts, annuity contracts and other contracts described in the United States Internal Revenue Code, Section 457(g) must be treated as trusts. Any compensation or portion of compensation reduced ~~shall~~ must be considered in calculating any employee benefits and ~~it shall be~~ is subject to any withholding imposed on ~~such~~ the employee. Any compensation or portion of compensation reduced ~~shall~~ is not ~~be~~ subject to any income taxation until distribution is actually made to the employee.

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

Effective May 15, 1997.

CHAPTER 193

H.P. 549 - L.D. 740

An Act to Permit the Temporary Removal of Gravestones from Cemeteries for the Purpose of Repair

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

Sec. 1. 13 MRSA §1371, sub-§2, as enacted by PL 1987, c. 326, §1, is amended to read:

2. Conditions on removal. Removal of ~~any~~ a tomb, monument, gravestone, marker or other structure placed or designed as a memorial to the dead, or ~~any~~ a portion or fragment of ~~any such~~ a memorial, is permitted only for the purpose of preservation. ~~Any~~ A tomb, monument, gravestone, marker or other structure placed or designed as a memorial to the dead, or ~~any~~ a portion or fragment of ~~any such~~ a memorial, ~~must~~ may not be removed from the confines of the cemetery or burial ground, except that a person who has obtained authorization or approval described in subsection 1, paragraph A or B, may remove all or a portion of a memorial for a period of no longer than 6 months for the purpose of repair, restoration or preservation, but only when repair, restoration or preservation can not reasonably be accomplished on the site of the cemetery or burial ground. Prior to removal of the memorial, a notice must be submitted to the municipality, or to the county in the case of an unorganized territory, stating the location of the burial ground, the identification of the memorial, the authority requesting the removal, the site to which the memorial will be temporarily removed, the proposed date of removal and the proposed date of replacement in the burial ground.

See title page for effective date.

CHAPTER 194

S.P. 387 - L.D. 1272

An Act to Ensure Enforcement of Protection from Abuse Laws

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

Sec. 1. 16 MRSA §635, sub-§4 is enacted to read:

4. Report. The board shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 1st of each year concerning the methods devised to keep accurate, updated records of misdemeanor crimes of domestic violence, to ensure enforcement of 18 United States Code, Section 922 (1996).

See title page for effective date.

CHAPTER 195

S.P. 310 - L.D. 1019

An Act to Allow Foam Food and Beverage Containers in School Cafeterias under Certain Circumstances