

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

assert this liability may not be commenced later than 2 years following the death of the decedent. Sums recovered by the personal representative must be administered as part of the decedent's estate.

§6-311. Terms, conditions and forms for registration

(a) A registering entity offering to accept registrations in beneficiary form may establish the terms and conditions under which it receives requests for registrations in beneficiary form and for implementation of registrations in beneficiary form, including requests for cancellation of previously registered TOD beneficiary designations and requests for reregistration to effect a change of beneficiary. The terms and conditions so established may provide for proving death, avoiding or resolving any problems concerning fractional shares, designating primary and contingent beneficiaries and substituting a named beneficiary's descendants to take in the place of the named beneficiary in the event of the beneficiary's death. Substitution may be indicated by appending to the name of the primary beneficiary the letters PCEG, standing for "per capita at each generation." This designation substitutes a deceased beneficiary's descendants who survive the owner for a beneficiary who fails to so survive, the descendants to be identified and to share in accordance with the law of the beneficiary's domicile at the owner's death governing inheritance by descendants of an intestate. Other forms of identifying beneficiaries who are to take on one or more contingencies, and rules for providing proofs and assurances needed to satisfy reasonable concerns by registering entities regarding conditions and identities relevant to accurate implementation of registrations in beneficiary form, may be contained in a registering entity's terms and conditions.

(b) The following are illustrations of registrations in beneficiary form that a registering entity may authorize:

(1) Sole owner - sole beneficiary: John S. Brown TOD (or POD) John S. Brown Jr.;

(2) Multiple owners - sole beneficiary: John S. Brown, Mary B. Brown JT TEN TOD John S. Brown Jr.; or

(3) Multiple owners - primary and secondary (substituted) beneficiaries by either:

(i) John S. Brown, Mary B. Brown, JT TEN TOD John S. Brown Jr. SUB BENE Peter Q. Brown; or

(ii) John S. Brown, Mary B. Brown JT TEN TOD John S. Brown Jr. PCEG.

§6-312. Cancellation of beneficiary registration by will

Registrations in beneficiary form may be canceled by inclusion in the will of the sole owner or the last to die of multiple owners of a general reference that all such beneficiary forms be canceled or by specific reference to one or more securities or security accounts, but the terms of the revocation are not binding on a registering entity unless the registering entity has received written notice from any claimant to an interest in any security objecting to implementation of a registration in beneficiary form prior to the registering entity reregistering the security. If a beneficiary registration is canceled, the security belongs to the estate of the deceased sole owner or the estate of the last to die of all multiple owners.

Sec. 2. Rules of construction.

1. This Act must be liberally construed and applied to promote its underlying purposes and policy and to make uniform the laws with respect to the subject of this Act among states enacting it.

2. Unless displaced by the particular provisions of this Act, the principles of law and equity supplement its provisions.

Sec. 3. Application of Act. This Act applies to registrations of securities in beneficiary form made before or after the effective date of this Act by decedents dying on or after the effective date of this Act.

See title page for effective date.

CHAPTER 628

S.P. 476 - L.D. 1478

An Act to Clarify Various Marine Resources Violations and Enhance the Collectibility of Associated Penalties

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

Sec. 1. 12 MRSA §6621, sub-§4, as enacted by PL 1993, c. 281, §2, is amended to read:

4. Penalty. ~~Notwithstanding the provisions of Title 17-A, section 4-B, a~~ A person who violates this ~~section~~ article commits a Class D crime ~~punishable by~~. The following minimum penalties apply:

A. For the first offense, a fine of not less than \$300 ~~and not more than \$1,500~~; and

B. For subsequent offenses within 10 years from the date of conviction for the first violation, a fine of not less than \$500 ~~and not more than \$1,500~~.

The court may not suspend a fine imposed under this subsection.

Sec. 2. 12 MRSA §6681, sub-§6-A, as enacted by PL 1993, c. 281, §6, is amended to read:

6-A. Penalty. ~~Notwithstanding the provisions of Title 17-A, section 4-B, a~~ A person who violates this article commits a Class D crime ~~punishable by the following fines. The following minimum penalties apply:~~

A. For possession of a bulk pile of shellfish of which 20% or more of the shellfish are smaller than the minimum size established in subsection 3:

(1) For the first offense, a fine of not less than \$300 ~~and not more than \$1,000~~; and

(2) For subsequent offenses within 10 years from the date of conviction for the first violation, a fine of not less than \$500 ~~and not more than \$1,000~~.

The court may not suspend a fine imposed under this paragraph; ~~or~~ and

B. For possession of a bulk pile of shellfish of which more than 10% but less than 20% of the shellfish are smaller than the minimum size established in subsection 3, a fine not less than \$100 and not more than \$1,000.

See title page for effective date.

CHAPTER 629

H.P. 1366 - L.D. 1916

An Act to Provide for the Termination of Spousal Support upon the Death of the Payor

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

Sec. 1. 19-A MRSA §951, sub-§7, as enacted by PL 1997, c. 9, §2 and affected by §3, is amended to read:

7. Cessation upon death of payee or payor. Unless otherwise stated in the court order awarding spousal support, the obligation to make any payment pursuant to this section ceases upon the death of either

the payee or the payor with respect to any payment not yet due and owing as of the date of ~~the payee's~~ death.

Sec. 2. Application. This Act applies to court orders issued on or after September 1, 1998.

See title page for effective date.

CHAPTER 630

H.P. 1480 - L.D. 2079

An Act to Clarify the Role of Design Professionals under the Maine Human Rights Act

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

Sec. 1. 5 MRSA §4594-F, sub-§1, ¶C, as enacted by PL 1995, c. 393, §27, is repealed.

Sec. 2. 5 MRSA §4594-F, sub-§§6 and 7, as enacted by PL 1995, c. 393, §27, are amended to read:

6. Barrier-free certification; inspection. ~~The If the costs of construction or alterations are at least \$50,000, the builder of a facility to which this section applies must obtain a certification from a ~~design professional~~ an architect, professional engineer, certified interior designer or landscape architect who is licensed, certified or registered to practice under Title 32 and is practicing within the scope of that individual's profession that the plans meet the standards of construction required by this section ~~if the costs of the construction or alterations are at least \$50,000~~. The builder shall provide the certification to the Office of the State Fire Marshal with the plans of the facility. The builder shall also provide the certification to the municipality where the facility exists or will be built. Nothing in this section may be construed to change the scope of practice of any individual licensed, certified or registered to practice under Title 32.~~

7. Training, education and assistance. The commission and the Office of the State Fire Marshal, with input from organizations representing individuals with disabilities, shall develop, as necessary, information packets, lectures, seminars and educational forums on barrier-free design for the purpose of increasing the awareness and knowledge of owners, architects, ~~design professionals~~ professional engineers, certified interior designers, landscape architects, code enforcers, building contractors, individuals with disabilities and other interested parties.

Sec. 3. 5 MRSA §4594-F, sub-§8, ¶B, as enacted by PL 1995, c. 393, §27, is amended to read: