

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

**Sec. 4. 5 MRSA §18360, sub-§2, ¶A**, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. ~~On~~ Except as provided in paragraph I, on the date of retirement, the member must have at least 15 years of creditable service.

**Sec. 5. 5 MRSA §18360, sub-§2, ¶E**, as amended by PL 1991, c. 23, §3, is further amended to read:

E. A Except as provided in paragraph I, a member who served in the armed forces during any federally recognized period of conflict, as defined in Title 37-B, section 504, subsection 4, paragraph A-1, subparagraph (3), is entitled to service credit under this subsection.

**Sec. 6. 5 MRSA §18360, sub-§2, ¶I** is enacted to read:

I. A member who fails to meet one or more of the terms and conditions required under paragraphs A, D and E may purchase service credit as provided in this paragraph. The member must have at least 5 years of creditable service and, before any retirement benefit becomes effective for that member, must pay into the Members' Contribution Fund, by a single direct payment or annual direct payments to the retirement system, an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service. Annual direct payments must be made in accordance with section 17701, subsection 4. Any member who purchases service credit under this paragraph who subsequently, without inclusion of the purchased service credit and prior to retirement, meets the terms and conditions of paragraphs A, D and E is entitled to purchase the service credit under section 18311, subsection 2 and to receive a refund of the amount paid under this paragraph that exceeds the cost to purchase the service credit under section 18311.

See title page for effective date.

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**CHAPTER 115**

**H.P. 260 - L.D. 309**

**An Act Regarding Statute of Limitations for Attorneys**

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

**Sec. 1. 14 MRSA §753-A**, as enacted by PL 1985, c. 804, §§2 and 22, is repealed.

**Sec. 2. 14 MRSA §753-B** is enacted to read:

**§753-B. Actions against attorneys**

**1. Time when statute starts to run, generally.** In actions alleging professional negligence, malpractice or breach of contract for legal service by a licensed attorney, the statute of limitations starts to run from the date of the act or omission giving rise to the injury, not from the discovery of the malpractice, negligence or breach of contract, except as provided in this section or as the statute of limitations may be suspended by other laws.

**2. Rendering of title opinion.** In an action alleging professional negligence in the rendering of a real estate title opinion, the statute of limitations starts to run on the date the negligence is discovered, but in no event may an action be commenced more than 20 years after the act or omission giving rise to the injury.

**3. Drafting of last will and testament.** In an action alleging professional negligence in the drafting of a last will and testament that has been offered for probate, the statute of limitations starts to run on the date the negligence is discovered.

**Sec. 3. Application.** This Act applies to actions brought on or after the effective date of this Act, except that, notwithstanding the Maine Revised Statutes, Title 14, section 753-B, subsection 2, an action relating to a title opinion that was rendered more than 20 years ago may be brought within the earlier of:

1. Two years from the effective date of this Act; and
2. Six years from discovery of the negligence.

See title page for effective date.

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**CHAPTER 116**

**H.P. 557 - L.D. 712**

**An Act to Exempt Organized Veterans Groups from Motor Vehicle Registration of Ceremonial Vehicles**

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

**Sec. 1. 29-A MRSA §517-A** is enacted to read:

**§517-A. Registration exemption for vehicles owned by veterans groups and used exclusively for ceremonial activities**

Vehicles owned by an organized veterans group and used exclusively for ceremonial activities, including parades, are exempt from registration requirements and registration fees. These vehicles must be inspected pursuant to chapter 15, subchapter I. For purposes of this section, "organized veterans group" means the American Legion, Veterans of Foreign Wars or an organized league of veterans of the United States Marine Corps.

See title page for effective date.

**CHAPTER 117**

**H.P. 774 - L.D. 1018**

**An Act to Amend the Civil Court Procedure as it Pertains to Execution Liens**

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

**Sec. 1. 14 MRSA §4651-A, sub-§8** is enacted to read:

**8. Abuse of lien process.** A creditor who fails to discharge an execution filed against property of a debtor that is exempt from attachment and execution is liable to the debtor for actual damages suffered as a result of the failure to discharge if the debtor gave written notice and proof to the creditor that the property filed against is exempt from attachment and execution and the creditor failed to discharge the execution within 15 days after receiving the notice and proof. A debtor who prevails in an action to recover damages under this subsection is entitled to reasonable attorney's fees and costs incurred in bringing the action.

See title page for effective date.

**CHAPTER 118**

**S.P. 456 - L.D. 1509**

**An Act to Clarify and Make Technical Corrections to Retirement Laws**

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

**Sec. 1. 5 MRSA §17001, sub-§23**, as amended by PL 1999, c. 731, Pt. CC, §1, is further amended to read:

**23. Normal retirement age.** "Normal retirement age" means the specified age, the years of service requirement or any combination of age and years of service requirements at which a member becomes eligible for retirement benefits and at which those benefits may not be reduced under section 17852, subsection 3 or 3-A; section 17852, subsection 10, paragraph C; and section 18452, subsection 3.

**Sec. 2. 5 MRSA §17708, sub-§1, ¶¶B and C**, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

- B. The Chief of the State Police; ~~or~~
- C. A member of the State Police or Chief of the State Police who is appointed Commissioner of Public Safety; ~~or~~

**Sec. 3. 5 MRSA §17708, sub-§1, ¶D** is enacted to read:

D. A special agent investigator in the Bureau of State Police who is hired before June 21, 1982.

**Sec. 4. 5 MRSA §17804, sub-§5-E**, as enacted by PL 1999, c. 744, §8 and affected by §17, is amended to read:

**5-E. Option 8.** The qualifying member may elect to have a reduced retirement benefit payable to the qualifying member while alive and at the qualifying member's death to have some benefit other than that available under subsection 3 or 4 payable to the beneficiary, who must be the sole beneficiary, that the member has designated, if the beneficiary survives the qualifying member. The total value of the benefit paid to the qualifying member plus the benefit paid after the qualifying member's death is the actuarial equivalent of the benefit that the qualifying member would have received without optional modification. If the qualifying member's beneficiary predeceases the qualifying member, the qualifying member's benefit must be changed, effective the first day of the month following the date of the beneficiary's death, to be the actuarial equivalent of the benefit that the qualifying member would have received without optional modification. The reduced retirement benefit must be actuarially calculated to reflect the fact that the benefit may be changed to the larger amount should the beneficiary predecease the member.

**Sec. 5. 5 MRSA §17805, first ¶**, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

If the recipient of a reduced service retirement benefit under section 17804, subsection 3, 4 ~~or 5~~, 5-A