

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.

J.S. McCarthy Company
Augusta, Maine
2001

§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

or 5-B remarries after the recipient's spouse dies the following provisions apply.

Sec. 6. 5 MRSA §17805-A, first ¶, as amended by PL 1999, c. 744, §11 and affected by §17, is further amended to read:

If the recipient of a reduced service retirement benefit under section 17804, subsection 3, 4, ~~5-A or 5-B, 5-C, 5-D or 5-E~~ is granted a divorce either after retirement or before a retirement beneficiary is named the following provisions apply.

Sec. 7. 5 MRSA §17805-A, sub-§1, ¶A, as amended by PL 1995, c. 604, §3, is further amended to read:

A. The spouse or former spouse who was originally named as retirement beneficiary must have been the sole beneficiary of the reduced retirement benefit under section 17804, subsection 3, 4 ~~or 5, 5-A, 5-B, 5-C, 5-D or 5-E~~; and

Sec. 8. 5 MRSA §18404, sub-§5-E, as enacted by PL 1999, c. 744, §13 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. 9. 5 MRSA §18405, sub-§1, ¶A, as amended by PL 1987, c. 612, §7, is further amended to read:

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

Sec. 10. 5 MRSA §18405-A, first ¶, as amended by PL 1999, c. 744, §16 and affected by §17, is further amended to read:

If the recipient of a reduced service retirement benefit under section 18404, subsection 3, 4, ~~5-A or 5-B, 5-C, 5-D or 5-E~~ is granted a divorce either after retirement or before a retirement beneficiary is named, the following provisions apply.

Sec. 11. 5 MRSA §18405-A, sub-§1, ¶A, as amended by PL 1995, c. 604, §6, is further amended to read:

A. The spouse or former spouse who was originally named as retirement beneficiary must have been the sole beneficiary of the reduced retirement benefit under section 18404, subsection 3, 4 ~~or 5, 5-A, 5-B, 5-C, 5-D or 5-E~~; and

Sec. 12. 5 MRSA §18553, sub-§5-B, ¶B, as enacted by PL 1991, c. 469, §5, is amended to read:

B. Benefits under this subsection are paid as follows, notwithstanding that the qualified member may not be eligible to retire under section 18452, subsection 3.

(1) The benefit is computed in accordance with section 18452, subsection 3, if applicable, as if the service retirement of the qualifying member had taken place on the date of the member's death.

(2) The beneficiary is paid beginning on the first day of the month after the death of the qualifying member and continuing until the last day of the month in which the beneficiary's death occurs.

(3) Benefits under this subsection are paid in accordance with section 18404, subsection 3.

See title page for effective date.

CHAPTER 119

S.P. 336 - L.D. 1143

An Act to Allow Members, Managers and Authorized Employees to Appear in Court for a Limited Liability Company

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

Sec. 1. 4 MRSA §807, sub-§3, ¶C, as amended by PL 1995, c. 65, Pt. A, §5 and affected by §153 and Pt. C, §15, is further amended to read: