

# 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**

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.

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## 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:

C. An officer or authorized employee of a corporation, partnership, sole proprietorship or governmental entity, or a member, manager or authorized employee of a limited liability company, who is not an attorney; but is appearing for that organization:

- (1) In an action cognizable as a small claim under Title 14, chapter 738; or
- (2) For the purposes of entering a plea or answer and paying the fine or penalty for a violation by that organization of Title 23, chapter 24 or Title 29-A;

See title page for effective date.

**CHAPTER 120**

**S.P. 315 - L.D. 1083**

**An Act to Authorize State Agencies to Arrange for Direct Billing of Hotel Rooms for State Business**

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

**Sec. 1. 5 MRSA §1812-G** is enacted to read:

**§1812-G. Payment for hotel rooms**

A hotel, motel or other establishment that provides lodging may directly bill a state agency in connection with a state employee who travels on state business. A state agency may use a purchase order to procure lodging.

See title page for effective date.

**CHAPTER 121**

**H.P. 908 - L.D. 1222**

**An Act Conforming Maine Digital Signature Law to Federal Law**

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

**Sec. 1. 33 MRSA c. 7, sub-c. III-A**, as enacted by PL 1999, c. 711, §3, is repealed.

See title page for effective date.

**CHAPTER 122**

**H.P. 288 - L.D. 366**

**An Act to Revise Maine Laws Governing Aquaculture**

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

**Sec. 1. 12 MRSA §6072-A, sub-§§5, 7 and 8**, as enacted by PL 1997, c. 231, §6, are amended to read:

**5. Notice of application.** ~~The commissioner applicant~~ shall provide notice of a limited-purpose lease application to owners of riparian land ~~upon which the limited-purpose lease activity would take place and to~~ within 1,000 feet of the proposed location of the lease and to the municipal officers of the municipality in which the limited-purpose lease activity would take place. The commissioner shall publish a summary of the application in a newspaper of general circulation in the area proposed for a limited-purpose lease. A person may provide, within 30 days of receipt of notice or within 30 days of publication of a limited-purpose lease summary, the commissioner comments on the proposed ~~limited purpose~~ limited-purpose lease.

**7. Notice of public hearing.** ~~The commissioner applicant~~ shall provide notice of a public hearing to owners of riparian land ~~upon which limited-purpose lease activity would take place and to~~ within 1,000 feet of the proposed location of the lease and to the municipal officers of the municipality in which the limited-purpose lease activity would take place. The commissioner shall publish notice of a public hearing in a newspaper of general circulation in the area proposed for a limited-purpose lease at least 30 days before the hearing.

**8. Rules; general and lease application.** The commissioner may adopt rules to implement the provisions of this section. Within 180 days of the effective date of this section, the commissioner shall adopt rules regarding a limited-purpose lease application. The rules must require an applicant to, at a minimum, meet the requirements of section 6072, subsection 2, paragraph E and subsection 4, paragraphs A, B, C, E, F, G and J. The rules must also require an applicant to provide to the department proof of access to the lease area. If access will be across riparian land, the applicant shall provide to the department the written permission of every riparian owner whose land will be used to access the lease area.

See title page for effective date.