

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**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**  
**2002**

principal for income tax purposes instead of deducting it for estate tax purposes, and as a result estate taxes paid from principal are increased and income taxes paid by an estate, trust or beneficiary are decreased, each estate, trust or beneficiary that benefits from the decrease in income tax shall reimburse the principal from which the increase in estate tax is paid. The total reimbursement must equal the increase in the estate tax to the extent that the principal used to pay the increase would have qualified for a marital deduction or charitable contribution deduction but for the payment. The proportionate share of the reimbursement for each estate, trust or beneficiary whose income taxes are reduced must be the same as its proportionate share of the total decrease in income tax. An estate or trust shall reimburse principal from income.

### **SUBPART 6**

#### **MISCELLANEOUS PROVISIONS**

##### **§7-771. Uniformity of application and construction**

In applying and construing the Uniform Principal and Income Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

##### **§7-772. Effective date**

This Part takes effect January 1, 2003.

##### **§7-773. Application of Part to all trusts and estates**

This Part applies to every trust or decedent's estate, including those in existence on January 1, 2003, beginning with the first fiscal year of the trust or decedent's estate that begins on or after January 1, 2003, except as otherwise expressly provided in the will or terms of the trust or in this Part.

**Sec. 3. 18-A MRSA Art. VIII, Pt. 2,** as enacted by PL 1979, c. 540, §1, is repealed.

See title page for effective date.

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## **CHAPTER 545**

**S.P. 682 - L.D. 1884**

### **An Act to Authorize Certain Former Members of the Maine State Retirement System to Rejoin the Maine State Retirement System**

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

**Sec. 1. 20-A MRSA §12722, sub-§8** is enacted to read:

**8. Participation in Maine State Retirement System.** Notwithstanding other provisions of this section, employees of the Maine Technical College System who elected to participate in the defined contribution plan pursuant to subsection 1 may subsequently elect to participate or resume participation in the Maine State Retirement System as provided in this subsection.

A. A former member of the Maine State Retirement System who was employed by the Maine Technical College System and who elected to participate in the defined contribution plan and terminated participation in the Maine State Retirement System during calendar year 1999 or 2000 may elect to terminate participation in the defined contribution plan and to resume participation in the Maine State Retirement System and, upon repayment of earlier contributions plus interest, is entitled to all service credit acquired during the previous membership. The election must be made in writing to the Maine State Retirement System no later than January 1, 2003. The amount of repayment must be equal to the accumulated contributions withdrawn by the former member plus interest on the amount of those accumulated contributions, beginning on the date of withdrawal to the date the repayment or repayments are made, at a rate to be set by the Board of Trustees of the Maine State Retirement System, not to exceed regular interest, as defined in Title 5, section 17001, subsection 31, by 5 percentage points.

(1) Notwithstanding Title 5, section 17703, subsection 1, payment under this paragraph may be made immediately after notification of the Maine State Retirement System of the election provided in this paragraph and upon determination by the Maine State Retirement System of the amount due to repay the previously withdrawn contributions.

(2) A former member electing the option provided in this paragraph may also purchase service credit under the Maine State Retirement System for all or part of the time that the former member participated in the defined contribution plan. Purchase of service credit under this subparagraph consists of payment of an amount that, together with regular interest as defined in Title 5, section 17001, subsection 31 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.

B. An employee of the Maine Technical College System hired on or after August 31, 1998 or on or after the last day of the month in which authorization pursuant to subsection 1 occurs, whichever is later, and who elected to participate in the defined contribution plan may elect to terminate participation in the defined contribution plan and to participate in the Maine State Retirement System by notifying the Maine State Retirement System in writing no later than January 1, 2003.

(1) An employee of the Maine Technical College System electing the option provided in this paragraph may also elect to purchase service credit under the Maine State Retirement System for all or part of the time that the employee participated in the defined contribution plan. The election must be made in writing to the Maine State Retirement System no later than January 1, 2003. Purchase of service credit under this subparagraph consists of payment of an amount that, together with regular interest as defined in Title 5, section 17001, subsection 31 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.

C. Payment to the Maine State Retirement System under this subsection may be made by single direct payment or annual direct payments to the Members' Contribution Fund and must be made before any retirement benefit from the Maine State Retirement System becomes effective for that person. Annual direct payments under this paragraph must be made as provided in Title 5, section 17701, subsection 4.

See title page for effective date.

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## CHAPTER 546

H.P. 1507 - L.D. 2010

### An Act to Amend the Laws Governing Background Checks on Prospective Adoptive Parents

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

**Sec. 1. 18-A MRSA §9-304, sub-§(a-1),** as corrected by RR 2001, c. 1, §21, is amended to read:

(a-1) Upon the filing of a petition for adoption of a minor child, the court shall request a background check and shall direct the department or a licensed

child-placing agency to conduct a study and make a report to the court.

(1) The study must include an investigation of the conditions and antecedents of the child to determine whether the child is a proper subject for adoption and whether the proposed home is suitable for the child. The department or licensed child-placing agency shall submit the report to the court within 60 days.

(i) If the court has a report that provides sufficient, current information, the court may waive the requirement of a study and report.

(ii) If the petitioner is a blood relative of the child, the court may waive the requirement of a study and report.

(2) The court shall request a background check for each prospective adoptive parent who is not the biological parent of the child. The background check must include a screening for child abuse cases in the records of the department and criminal history record information obtained from the Maine Criminal Justice Information System and the Federal Bureau of Investigation.

(i) The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of Maine conviction data.

(ii) The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

(iii) Each prospective parent who is not the biological parent of the child shall submit to having fingerprints taken. The State Police, upon receipt of the fingerprint card, may charge the court for the expenses incurred in processing state and national criminal history record checks. The State Police shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.