

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

- (2) The date dissolution was ordered;
 (3) A statement of how dissolution was ordered;
 (4) A report of liquidating activities; and
 (5) Such other information as the superintendent may require.

Dissolution is effective upon the superintendent's acceptance of articles of dissolution for filing with the bureau. At that time the credit union ceases to exist, except for the purposes of suits or other proceedings provided for by law.

§871-B. Applicability of chapter

Notwithstanding any other provisions of law, the provisions of this chapter apply and supersede the provisions of laws relating to the dissolution, merger and conversion of credit unions organized under the laws of this State.

Sec. 43. 9-B MRSA §874, as amended by PL 1985, c. 647, §10, is further amended to read:

§874. Conversion: State to federal charter

A credit union organized under the general or special laws of this State may convert to a ~~federally chartered~~ federally chartered credit union. Approval of the members of the credit union for the conversion ~~shall~~ must be obtained in the manner set forth in section 342, subsection ~~3~~ 6. Upon obtaining ~~such~~ the approval, the credit union shall provide to the superintendent all necessary approvals and charters required by the National Credit Union Administration and all federal laws and regulations applicable ~~thereto~~ to the conversion. The superintendent shall notify the Secretary of State that the conversion has been effected. A copy of the approval or charter ~~shall~~ must accompany the notification.

See title page for effective date.

CHAPTER 323

H.P. 1127 - L.D. 1538

An Act To Clarify the Appointment of Coguardians and Coconservators under the Probate Code

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

Sec. 1. 18-A MRSA §5-304, sub-§(b), as enacted by PL 1985, c. 440, §§2 and 13, is amended to read:

(b) The court may appoint a guardian or coguardians as requested if it is satisfied that the person for whom a guardian is sought is incapacitated, that the appointment is necessary or desirable as a means of providing continuing care and supervision of the person of the incapacitated person and, if the allegedly incapacitated person has not attended the hearing, that an inquiry has been made as to whether ~~he~~ that person wished to attend the hearing. Alternatively, the court may dismiss the proceeding or enter any other appropriate order.

Sec. 2. 18-A MRSA §5-401, first ¶, as enacted by PL 1979, c. 540, §1, is amended to read:

Upon petition and after notice and hearing in accordance with the provisions of this Part, the court may appoint a conservator, coconservator or make other protective order for cause as follows:

See title page for effective date.

CHAPTER 324

S.P. 514 - L.D. 1535

An Act To Authorize Certain Former Members of the Maine State Retirement System To Rejoin the Maine State Retirement System

Emergency preamble. **Whereas**, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, with the passage of Public Law 2001, chapter 442, several retirees who would otherwise be eligible to return to state service and rejoin the retirement system are precluded from joining the system; and

Whereas, this legislation must be enacted as an emergency measure in order to correct a hardship created by this result; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. PL 2001, c. 442, §6 is enacted to read:

Sec. 6. Application; benefit recipient option. A recipient of a service retirement benefit from the Maine State Retirement System who returned to

covered employment under the retirement system in a position that would otherwise be covered by the retirement plan for state employees and teachers and whose total earnable compensation for 2001 would have eliminated the retirement benefit requiring the recipient to be restored to membership by operation of the Maine Revised Statutes, Title 5, former section 17855 as it existed immediately prior to the effective date of this Act may exercise the option to be covered by that section rather than the other provisions of this Act. The option may be exercised to apply retroactively or prospectively and may be exercised only once.

1. Retroactive application of option. A benefit recipient who exercises the retroactive option provided under this section is restored to membership effective on January 1, 2002. The restored member is responsible for repaying the retirement system for any retirement benefits received from the system after that date and for paying 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 for the period between January 1, 2002 and the date the employer again begins to report that person as an active member of the retirement system. The restored member is also responsible for repaying the retirement system for any over earnings under Title 5, former section 17855 based on earnings between September 21, 2001 and January 1, 2002. Payment of the full actuarial cost of the additional creditable service must be made by a single direct payment or by annual direct payments as provided in Title 5, section 17701, subsection 4. Repayment of benefits received after January 1, 2002 and repayment of over earnings received between September 21, 2001 and January 1, 2002 must be by a single direct payment made within 60 days of the exercise of the option under this subsection. Repayment not completed by that date is subject to interest at the rate of regular interest as defined in Title 5, section 17001, subsection 31.

2. Prospective application of option. A benefit recipient who exercises the option provided under this section prospectively is restored to membership effective on the first day of the month following the month in which the option is exercised. The restored member is responsible for repaying the system for any over earnings under Title 5, former section 17855 based on earnings between September 21, 2001 and January 1, 2002. Repayment of over earnings received between September 21, 2001 and January 1, 2002 must be by a single direct payment made within 60 days of the exercise of the option under this subsection. Repayment not completed by that date is subject to interest at the regular interest rate as defined in Title 5, section 17001, subsection 31.

3. Exercise of option. A benefit recipient who exercises the option provided in this section to be restored to membership and who later retires under the retirement system is covered by the provisions of sections 1 to 5 of this Act and may not again be restored to membership.

Sec. 2. Retroactivity. This Act applies retroactively to September 21, 2001.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 27, 2003.

CHAPTER 325

H.P. 1146 - L.D. 1564

An Act Regarding School Bus Contracts

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this Act must take effect before the expiration of the 90-day period in order to permit contracts for transportation to be extended before the beginning of the next school year; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 20-A MRSA §5401, sub-§13, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. A contract may not exceed a period of 5 years, except that the commissioner may authorize a one-year extension of a 5-year contract when such an extension would be beneficial to a school administrative unit.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 27, 2003.
