

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2010 to April 12, 2010**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 12, 2010**

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

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**Augusta, Maine**  
**2010**

- B. Cooperate with and stimulate public and private not-for-profit associations, agencies, corporations, institutions or other entities involved in developing and implementing eligible programs and activities designed to provide services for genetic conditions and metabolic disorders;
- C. Administer any funds ~~which~~ that are appropriated for the services and expenses of a genetic screening, counseling and education program;
- D. Enter into agreements and contracts for the delivery of genetic services;
- E. Establish, promote and maintain a public information program on genetic conditions and metabolic disorders and the availability of counseling and treatment services;
- F. Publish, from time to time, the results of any relevant research, investigation or survey conducted on genetic conditions and metabolic disorders and, from time to time, collate those publications for distribution to scientific organizations and qualified scientists and physicians; and
- G. ~~Promulgate regulations~~ Adopt rules necessary to carry out the purposes of this ~~section~~ chapter.

See title page for effective date.

**CHAPTER 515**

**S.P. 622 - L.D. 1657**

**An Act Regarding Maine  
Public Employees Retirement  
System Life Insurance Policies**

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

**Whereas**, this legislation needs to take effect before the expiration of the 90-day period in order to provide beneficiaries of the Maine Public Employees Retirement System's group life insurance and group accidental death insurance benefits as soon as possible; 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. 5 MRSA §18057**, as amended by PL 1991, c. 480, §5, is further amended to read:

**§18057. Payments on death**

Any amount of group life insurance and group accidental death insurance in force on any employee at the date of ~~his~~ the employee's death ~~shall~~ must be paid, upon the establishment of a valid claim, in the following order of precedence.

**1. Designated beneficiary.** First, to the beneficiary or beneficiaries whom the employee designated in writing, if the written designation was received in the retirement system office or postmarked before the employee's death.

**2. Widow or widower.** Second, if no beneficiary qualifies under subsection 1, to the widow or widower of the employee.

**2-A. Executor or personal representative.** Third, if no one qualifies under subsection 1 or 2, to the employee's duly appointed executor or personal representative for distribution according to the provisions of a lawfully executed will. This subsection is applicable only if the retirement system is notified of the appointment of the executor or personal representative within 6 months of the date of death of the employee.

**3. Children.** ~~Third~~ Fourth, if no one qualifies under subsection 1 ~~or 2~~ or 2-A, to the child or children of the employee and descendants of deceased children by representation.

**4. Parents.** ~~Fourth~~ Fifth, if no one qualifies under subsection 1, 2, 2-A or 3, to the surviving parent or parents of the employee.

~~**5. Executor or conservator.** Fifth, if no one qualifies under subsection 1, 2, 3 or 4, to the duly appointed executor or conservator or the estate of the employee.~~

**6. Next of kin.** Sixth, if no one qualifies under subsection 1, 2, 2-A, 3, or 4 ~~or 5~~, to other next of kin of the employee entitled under the laws of domicile of that employee at the time of ~~his~~ the employee's death.

**Sec. 2. 5 MRSA §18657**, as amended by PL 1991, c. 480, §10, is further amended to read:

**§18657. Payments on death**

Any amount of group life insurance and group accidental death insurance in force on any employee at the date of ~~his~~ the employee's death ~~shall~~ must be paid, upon the establishment of a valid claim, in the following order of precedence.

**1. Designated beneficiary.** First, to the beneficiary or beneficiaries whom the employee designated in writing, if the written designation was received in the retirement system office or postmarked before the employee's death.

2. **Widow or widower.** Second, if ~~there is no~~ beneficiary ~~qualifying~~ qualifies under subsection 1, to the widow or widower of the employee.

**2-A. Executor or personal representative.** Third, if no one qualifies under subsection 1 or 2, to the employee's duly appointed executor or personal representative for distribution according to the provisions of a lawfully executed will. This subsection is applicable only if the retirement system is notified of the appointment of the executor or personal representative within 6 months of the date of death of the employee.

3. **Children.** ~~Third~~ Fourth, if no one qualifies under subsection 1 ~~or 2~~ or 2-A, to the child or children of the employee and descendants of deceased children by representation.

4. **Parents.** ~~Fourth~~ Fifth, if no one qualifies under subsection 1, 2, ~~2-A~~ or 3, to the surviving parent or parents of the employee.

~~5. **Executor or conservator.** Fifth, if no one qualifies under subsection 1, 2, 3 or 4, to the duly appointed executor or conservator or the estate of the employee.~~

6. **Next of kin.** Sixth, if no one qualifies under subsection 1, 2, ~~2-A~~, 3, or 4 ~~or 5~~, to other next of kin of the employee entitled under the laws of domicile of that employee at the time of ~~his~~ the employee's death.

**Sec. 3. Retroactivity; application.** This Act applies retroactively to January 1, 2009 to group life insurance and group accidental death insurance claims that have not been paid by the Maine Public Employees Retirement System on the effective date of this Act.

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

Effective March 17, 2010.

**CHAPTER 516**

**H.P. 1159 - L.D. 1631**

**An Act To Provide Leadership  
Regarding the Responsible  
Recycling of Consumer  
Products**

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

**Sec. 1. 38 MRSA c. 18** is enacted to read:

**CHAPTER 18**

**PRODUCT STEWARDSHIP**

**§1771. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Brand.** "Brand" means a name, symbol, word or mark that identifies a product, rather than its components, and attributes the product to the owner of the brand.

**2. Producer.** "Producer" means a person that:

A. Has legal ownership of the brand of a product sold in or into the State;

B. Imports a product branded by a person that meets the requirements of paragraph A and has no physical presence in the United States; or

C. Sells a product in the State at wholesale or retail, does not have legal ownership of the brand of the product and elects to fulfill the responsibilities of the producer for that product.

**3. Product.** "Product" means an item intended for sale within the State that is identified pursuant to section 1772 as appropriate for a product stewardship program.

**4. Product category.** "Product category" means a group of similar products designated pursuant to section 1772 for the purpose of establishing product stewardship programs.

**5. Product stewardship.** "Product stewardship" means a producer's taking responsibility for managing and reducing the life-cycle impacts of the producer's product, from product design to end-of-life management.

**6. Product stewardship program.** "Product stewardship program" means a program financed without a visible fee at purchase either managed or provided by producers and includes, but is not limited to, the collection, transportation, reuse and recycling or disposal, or both, of unwanted products.

**7. Recycling.** "Recycling" means the transforming or remanufacturing of an unwanted product or the unwanted product's components and by-products into usable or marketable materials. "Recycling" does not include landfill disposal, incineration or energy recovery or energy generation by means of combusting unwanted products, components and by-products with or without other waste.

**8. Reuse.** "Reuse" means a change in ownership of a product or component in a product for use in the same manner and purpose for which it was originally produced.