

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

**SECOND REGULAR SESSION**

January 2, 1980 to April 3, 1980

AND AT THE

**THIRD SPECIAL SESSION**

May 22, 1980

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
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TITLE 3, SECTION 164, SUBSECTION 6.

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**PUBLIC LAWS**  
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**Sec. 15.** 35 MRSA § 2323, sub-§ 1, first sentence, as enacted by PL 1979, c. 421, § 2 is amended to read:

“Cogenerator” means a **municipality**, person or corporation:

**Sec. 16.** 35 MRSA § 2323, sub-§ 3, first sentence, as enacted by PL 1979, c. 421, § 2, is amended to read:

“Small power producer” means a **municipality**, person or corporation owning or operating a power production facility with a power production capacity which, together with any other facilities located at the same site, does not exceed 80 megawatts of electricity and which depends upon renewable resources for its primary source of energy.

Effective July 3, 1980

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## CHAPTER 689

S. P. 764 — L. D. 1957

### **AN ACT to Extend the Period for Issuance and Coverage under the Maine Medical and Hospital Malpractice Joint Underwriting Association Act By One Year.**

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

Whereas, a temporary Joint Underwriting Association was enacted under the Maine Medical and Hospital Malpractice Joint Underwriting Association Act; and

Whereas, this association was authorized to issue policies of medical malpractice insurance until July 1, 1980; and

Whereas, it is vitally necessary that this legislation be extended to allow issuance of policies until July 1, 1981; 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**Sec. 1.** 24 MRSA § 2403, sub-§ 2, as repealed and replaced by PL 1979, c. 290, § 1, is amended to read:

**2. Purpose.** The purpose of the association shall be to provide, until July 1, ~~1980~~ 1981, a market for medical malpractice insurance on a self-supporting basis without subsidy from its members.

**Sec. 2.** 24 MRSA § 2405, sub-§ 1, first sentence, as repealed and replaced by PL 1979, c. 290, § 2, is amended to read:

The association shall not issue any policies with an inception date after July 1, 1980 1981, and in no event shall issue a policy providing for coverage after July 1, 1981 1982.

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

Effective March 31, 1980

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## CHAPTER 690

S. P. 792 — L. D.1990

### AN ACT to Amend the Probate Code.

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

**Sec. 1.** 18 MRSA §§ 4161 — 4163, as repealed by PL 1979, c. 540, § 24-C, are reenacted to read:

**§ 4161. Authorization**

A bank or trust company organized and doing business under the laws of any state or territory of the United States of America, including the District of Columbia, and a national bank, duly authorized so to act, may be appointed and may serve in this State as trustee, whether of a corporate or personal trust, executor, administrator, guardian, conservator or committee for an incompetent person, or in any other fiduciary capacity, whether the appointment is by will, deed, court order or decree, or otherwise, when and to the extent that the state, territory or district in which such bank or trust company is organized grants authority to serve in like fiduciary capacities to a bank or trust company organized and doing business under the laws of this State and authorized to serve in like fiduciary capacities.

**§ 4162. Application**

Before qualifying or serving in this State in any fiduciary capacity, as defined in section 4161, such bank or trust company shall file an application for authority with the Secretary of State in the same form and subject to the same fees as required by Title 13-A, chapter 12. Such application shall be accompanied by a certificate, made within 90 days of filing, from the official having supervision of banks and trust companies where the bank was organized or is domiciled, indicating that it is duly authorized or presently existing, that it has authority to