

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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

J.S. McCarthy Company
Augusta, Maine
2000

Department of Mental Health, Mental Retardation and Substance Abuse Services, a representative of work centers, ~~a disabled person and~~ a representative of the business community and persons with disabilities. The total number of members with disabilities on the committee must be a minimum of 5.

See title page for effective date.

CHAPTER 544

H.P. 1623 - L.D. 2270

An Act to Amend the Law Regarding Disability License Plates

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

Sec. 1. 29-A MRSA §521, sub-§§2 and 5, as repealed and replaced by PL 1995, c. 482, Pt. A, §4, are amended to read:

2. Disability registration plates. Disability registration plates must bear the International Symbol of Access, which must be in a color that contrasts with the background and is the same size as the letters or numbers on the plate. The Secretary of State may issue ~~a set of~~ disability registration plates to the following:

- A. A person with a disability;
- B. A vehicle owner who is a spouse, parent or legal guardian of a person with a disability when the person with a disability is a resident of this State, a member of the relative's or guardian's household and dependent on the vehicle owner as the primary means of transportation; or
- C. An organization or agency in this State that transports persons with disabilities.

5. Application; issuance. An application for a disability plate or placard must be accompanied by the certificate of a physician attesting to that person's physical disability as defined in subsection 1. The Secretary of State shall issue to an eligible applicant ~~one set of disability plates and one windshield placard or one windshield placard and a 2nd placard placards~~ upon request. Proof of a disability must be submitted every 4 years on a form prescribed by the Secretary of State, except, when the Secretary of State determines the disability to be permanent, the time may be extended. When the applicant's need for the disability placard terminates or the applicant dies, the plate or placard must be immediately returned to the Secretary of State.

See title page for effective date.

CHAPTER 545

H.P. 1654 - L.D. 2323

An Act to Clarify the Requirements for Certifying Driving Time Prior to Obtaining a License

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

Sec. 1. 29-A MRSA §1304, sub-§1, ¶H, as enacted by PL 1997, c. 737, §5, is amended to read:

H. A person under 21 years of age may not apply for a license unless:

- (1) A period of 3 months has passed from the date the person was issued an instruction permit; and
- (2) The person has completed a minimum of 35 hours of driving, including 5 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. The parent, stepparent or guardian, or a spouse or employer pursuant to section 1302, subsection 1, paragraphs B and C, must certify the person's driving time on a form prescribed by the Secretary of State.

A person 21 years of age or older is not required to submit certification of driving time to the Secretary of State.

See title page for effective date.

CHAPTER 546

S.P. 861 - L.D. 2259

An Act to Amend the Maine Banking Code Pertaining to Interlocking Directors

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

Whereas, current law prohibits directors from serving on the boards of more than one financial institution in order to lessen the possibility of a monopoly or diminished competition resulting from the influence of common directors; and

Whereas, the enactment of universal bank charter legislation in Public Law 1997, chapter 398 created 3 new limited purpose or specialty banks that

do not compete with traditional financial institutions and credit unions; and

Whereas, Public Law 1997, chapter 398 did not address the prohibition on interlocking directors for limited purpose banks; and

Whereas, this legislation allows the Superintendent of Banking to waive the prohibition on interlocking directors in situations involving financial institutions and credit unions and limited purpose banks; 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. 9-B MRSA §461, as amended by PL 1999, c. 218, §24, is further amended to read:

§461. Applicability of chapter

The provisions of this chapter setting forth acts and practices that are prohibited apply to all financial institutions, ~~savings banks, trust companies, savings and loan associations,~~ universal banks, limited purpose banks, credit unions and financial institution holding companies subject to the laws of this State and are in addition to the prohibitions ~~set forth elsewhere~~ in this Title.

Sec. 2. 9-B MRSA §462, sub-§4 is enacted to read:

4. Waiver. The superintendent may grant a waiver of the prohibition contained in subsection 1 upon request by an affected party. A waiver may be granted only in situations involving a financial institution, credit union or financial institution holding company and a limited purpose bank and for good cause shown when there is no conflict resulting from competition between institutions. The superintendent may withdraw a waiver granted under this subsection upon reasonable written notice to the affected party.

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

Effective March 6, 2000.

CHAPTER 547

H.P. 1776 - L.D. 2487

An Act to Amend the Jurisdiction of the District Court

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

Whereas, the Administrative Court's jurisdiction will be absorbed by the District Court on March 15, 2001; and

Whereas, there is a vacancy in the Administrative Court that can be eliminated immediately while creating a new position in the District Court; 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:

PART A

Sec. A-1. 4 MRSA §152, sub-§5, ¶O, as enacted by PL 1989, c. 392, §1, is amended to read:

O. Actions in which the pleading demands a judgment:

(1) To exclude a person from a vested or contingent interest in or lien upon specific property within the State;

(2) That a vested or contingent interest in or lien upon specific property within the State be enforced; ~~or~~

(2-A) That real property be partitioned by sale; or

(3) Otherwise affecting title to any real property;

Sec. A-2. 4 MRSA §157, sub-§1, ¶A, as amended by PL 1999, c. 510, §1, is further amended to read:

A. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, shall appoint to the District Court ~~34~~ 32 judges. At least one judge must be appointed from each district who is a resident of a county in which the district lies, ex-