

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

Sec. 2. 34-B MRSA §5475, sub-§6, as enacted by PL 1983, c. 459, §7, is repealed and the following enacted in its place:

6. Period of certification. If the court finds that the petitioner has proved eligibility in accordance with subsection 4, paragraph C, subparagraph (1), the court shall order the certification to remain in effect for a period of not more than 2 years from the day the certification order was issued.

If the court finds that the petitioner has proved eligibility in accordance with subsection 4, paragraph C, subparagraph (2), the court shall order the certification to remain in effect only until an opening exists in a facility providing a less restrictive alternative, consistent with the best interest of the client, at which time the client shall be placed in that alternative setting or for not more than 6 months from the day the certification order was issued, whichever first occurs. If the client is not placed in such an alternative setting by the time this certification expires, no subsequent petition may be filed unless it contains a written report of the Commissioner of Mental Health and Mental Retardation detailing the actions taken by the department to find or develop an alternative setting for that client.

Effective September 19, 1985.

CHAPTER 398

H.P. 414 - L.D. 581

AN ACT to Protect Railroad Rights-of-way.

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

23 MRSA §4207, sub-§3, as amended by PL 1979, c. 374, is repealed and the following enacted in its place:

3. Purchase or lease of certain railroad lines. The Department of Transportation may purchase or lease, under such terms and conditions as the department and the owners of the railroad may agree upon and hold for the State, railroad lines or any part thereof located in the State, owned or otherwise lawfully controlled by the railroad when, in the judg-

ment of the department, the purchase or lease of those railroad lines is necessary to protect the public interest. The department may purchase or lease the right-of-way only of such line or lines which it shall hold and manage for future transportation use or it may purchase or lease the railroad line intact, including track, track appurtenances, ties, bridges, station houses and other necessary structures.

A. Upon the abandonment of service along all or a portion of a railroad line, the department shall be given the first option to lease or purchase, upon just and reasonable terms, the railroad's rights-of-way along the abandoned portion of the line. In the event that a lease is negotiated for the rights-of-way, the department shall consult with municipal officials and officers in the municipalities affected by the abandonment of service along the line to determine the need for preserving the rights-of-way along the abandoned portion of the line for rail transportation. If the department finds that the welfare of the State would be significantly and adversely affected by the loss of the line for railroad transportation purposes, the department shall seek to negotiate the purchase of the abandoned portion of the line. In making this determination, the department shall consider, among other criteria deemed significant by the department, future economic development activities and opportunities in the area served by the abandoned railroad service. In addition, the department shall consult with the State Development Office and the State Planning Office in making the determination required in this section.

The department shall, in good faith, seek to lease the railroad rights-of-way until it finds that the preservation of the rights-of-way is not necessary for the welfare of the State or until the voters of the State approve or disapprove, at a statewide election, the issue of bonds to purchase the rights-of-way along the abandoned portion of the line.

Nothing in this paragraph may require the department to lease or purchase the railroad rights-of-way to an entire railroad line or portion thereof for which railroad service has been abandoned if the railroad corporation owner does not intend to sell, lease or in any other way dispose of the rights-of-way by which railroad service could be easily restored along the abandoned service portion of the line.

B. The abandonment of service shall not mean or infer that the rights-of-way on a railroad line have been abandoned. In the event that the railroad, any person, firm or corporation, or any agency shows interest in the eventual restoration of service, the rights-of-way shall not be deemed abandoned.

Since it is in the best interest of the State to retain the rights-of-way intact, this paragraph shall apply to all existing and future rights-of-way created prior to or following the effective date of this section, as amended.

C. Whenever the department acquires railroad lines, to hold and to manage for future railroad uses, those lines shall not be considered abandoned for railroad purposes. The commissioner shall periodically review the need to hold those lines for future railroad uses.

Effective September 19, 1985.

CHAPTER 399

H.P. 1024 - L.D. 1476

AN ACT to Amend the Provisions Governing the Conversion of a Mutual Insurer.

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

Whereas, the Maine Revised Statutes, Title 24-A, section 3477, which authorizes and provides standards governing the conversion of a domestic mutual insurer to a stock form, was enacted by Public Law 1969, chapter 132, section 1, as part of the recodification of the Maine Insurance Code which became effective January 1, 1970, at which time there was little interest in demutualization on the part of mutual insurers except those which were financially distressed and sought to demutualize in order to facilitate their acquisition and avoid liquidation; and

Whereas, major changes and developments in the insurance industry and in the economic environment in general, including increased competition in financial services, have recently caused new interest in