

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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

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J.S. McCarthy Company  
Augusta, Maine  
1990

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**January 3, 1990 to April 14, 1990**

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**§2405. Release of security interest**

Upon the satisfaction of a security interest in a vehicle for which the certificate of title, certificate of salvage or certificate of lien is in the possession of the lienholder, ~~he the lienholder~~ shall, within 10 days after demand and, in any event, within 20 days, execute a release of ~~his the security interest~~ interest in the space provided on the certificate. The lienholder shall:

**1. Release of certificate to lienholder.** Release the certificate of title, certificate of salvage or certificate of lien to the subordinate lienholder if one was named in the certificate;

**2. Lien satisfied; certificate released.** If the lien was satisfied in conjunction with the sale of the vehicle and if a subordinate lienholder does not exist, release the certificate of title, certificate of salvage or certificate of lien to the owner or to any person who delivers to the lienholder an authorization from the owner to receive the certificate; or

**3. Certificate mailed to owner and Secretary of State notified.** Mail or deliver this certificate to the owner named on the certificate and notify the Secretary of State that the lien has been satisfied. The notification shall be issued in a manner prescribed by the Secretary of State.

Upon the satisfaction of a subordinate security interest in a vehicle for which the certificate of title, certificate of salvage or certificate of lien is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall, within 10 days after demand and, in any event, within 20 days execute a release in the form the Secretary of State prescribes and mail or deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it that release. ~~The lienholder in possession of the certificate of title shall, upon receipt of the release, either deliver the certificate and release to the owner or the person authorized by him, for delivery to the Secretary of State or mail or deliver the certificate and release to the Secretary of State, who shall release the subordinate lienholder's rights on the certificate or issue a new certificate.~~ The subordinate lienholder whose security interest is satisfied shall mail or deliver a copy of the release to the first lienholder named in the certificate of title or certificate of salvage for the vehicle and shall notify the Secretary of State that the lien has been satisfied in a manner prescribed by the Secretary of State.

**Sec. 13. Allocation.** The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1990-91

SECRETARY OF STATE, DEPARTMENT  
OF THE

Administration - Motor Vehicles

All Other

\$72,629

Provides funds for anticipated postage, data processing and other related expenses associated with the mailing of a certificate of lien.

**Sec. 14. Effective date.** This Act takes effect January 1, 1991.

Effective January 1, 1991.

**CHAPTER 903**

H.P. 1589 - L.D. 2201

**An Act to Create the Maine Coast  
Environmental Trust Fund**

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

**Sec. 1. 5 MRSA §13127, first ¶,** as enacted by PL 1989, c. 529, §2, is amended to read:

The Marine Research Board, as established in chapter 379, referred to in this section and sections ~~13128 and 13129~~ chapter as "the board," shall carry out the purposes of this chapter.

**Sec. 2. 5 MRSA §13127, sub-§§2, 4 and 6,** as enacted by PL 1989, c. 529, §2, are amended to read:

**2. Composition.** The board ~~shall be~~ is composed of ~~13~~ 15 members. The membership ~~shall include in-~~cludes one representative of the University of Maine System, one representative of the Association for Research in the Gulf of Maine, ~~one representative~~ 2 representatives of nonprofit environmental organizations, one representative of independent higher education institutions, 2 representatives of the scientific community, ~~and~~ 2 representatives of marine resource industries and one public member. The Commissioner of Environmental Protection, the ~~Commissioner of Conservation~~ Director of the Maine Geological Survey, the Commissioner of Marine Resources, the Director of the State Planning Office and the director of the sea grant college program ~~shall serve as ex officio members. The ex officio members may appoint designees to fulfill their duties under this chapter.~~

**4. Terms.** Appointed board members ~~shall~~ serve for 3-year terms. Initial terms of appointment ~~shall be~~ are: 2 3 members for one-year terms; 3 members for 2-year terms; and 3 4 members for 3-year terms. Board members may serve no more than 2 consecutive terms.

**6. Quorum.** A quorum consists of 7 8 members. A quorum ~~shall be~~ is necessary for the board to conduct its business at any board meeting.

**Sec. 3. 5 MRSA §13128, sub-§1**, as enacted by PL 1989, c. 529, §2, is amended to read:

**1. Research priorities statement.** The board shall develop a biennial priority statement and action plan of marine research needs ~~in~~ of this State. The statement ~~shall~~ must be submitted to the Governor and the Legislature no later than January 1st of each even-numbered year, except that the first statement ~~shall~~ must be prepared by ~~July 1, 1990~~ January 1, 1991. The purpose of the statement and plan shall is to guide funding decisions recommendations and activities of the board. The board shall hold public hearings to gain insight into research needs for the State.

**Sec. 4. 5 MRSA §13129, first ¶**, as enacted by PL 1989, c. 529, §2, is amended to read:

The board may develop and administer a competitive, merit-based grant program to address marine research needs for the State as set forth in section 13127, subsection 1. In addition, the board shall make funding recommendations to the commission for any research money available in the Maine Coast Environmental Trust Fund. Operation of the program and awards of grants under this program are subject to available funding.

**Sec. 5. 5 MRSA §13129, sub-§3**, as enacted by PL 1989, c. 529, §2, is amended to read:

**3. Grant decisions.** ~~The~~ Upon recommendation of the board, the commission shall make the final decision for awarding grants under this program. The board shall make competitive evaluations and may make recommendations to the commission for the award of grants that conform to the granting criteria and specified pursuant to this chapter that are consistent with the research priorities statement and action plan developed under section 13128.

**Sec. 6. 5 MRSA §13130** is enacted to read:

**§13130. Maine Coast Environmental Trust Fund**

**1. Creation of trust fund.** There is established the Maine Coast Environmental Trust Fund. As used in this section, the term "trust" means the Maine Coast Environmental Trust Fund.

**2. Purpose of the trust.** The purpose of the trust is to protect and improve the quality of the State's marine environment by providing grants to qualifying organizations for activities to advance scientific research concerning the nature, magnitude and effect of pollution of the State's estuarine, near-shore and off-shore marine environments and the means to abate pollution or preserve and enhance estuarine, near-shore and off-shore marine habitats.

**3. Sources for trust.** Money obtained from the following sources must be paid to the Treasurer of State for the benefit of the trust:

A. Gifts, bequests and donations to the trust from private individuals or corporations desiring to protect and improve the marine environment through applied research;

B. Grants to the trust from private or public foundations desiring to protect and improve the marine environment through applied and basic research;

C. Funds stipulated for deposit in the trust as part of the terms of settlement of legal actions against corporations, partnerships or individuals for violations of environmental laws, rules or regulations;

D. Funds for research received under any federal oil spill trust fund;

E. Revenues that may be from time to time realized through public bond issues; and

F. Federal grants and loans.

**4. Use and administration of trust.** Trust funds must be used to provide grants to meet the purposes of this section. Administration of the awards is pursuant to section 13129. In addition, the commission shall administer the trust as follows.

A. Unless otherwise specified by the source of a contribution to the trust, 50% of a contribution to the trust must be deposited in a principal account and maintained as a permanent endowment. The income earned on funds held in this account, combined with the remaining 50% of funds contributed to the trust, must be deposited in an operating account and made available for disbursement as grants to accomplish the purposes of this section and as expenditures for purposes of administering the trust.

B. An executive agency is not eligible to receive funding from the trust unless the agency jointly undertakes a research proposal with another entity that is not an executive agency.

C. The commission shall give preference to institutions, organizations or entities located and operated in the State.

D. Principal, or interest earned from principal, with special instructions from contributors must be awarded in accordance with the contributors' instructions.

E. All money in the trust not immediately required for payment, pursuant to the provisions of this chapter, must be invested by the Treasurer of State as authorized by section 138, except that the securities in which the trust money is invested must remain part of the trust until exchanged for other securities and the income from all investments must remain a part of the trust unless prohibited by federal law.

**5. Report, amendment and termination of trust.**  
The board shall file a report as follows.

A. The board shall report to the Legislature on a biennial basis concerning the activities of the trust. The report may be submitted as part of the research priorities statement required pursuant to section 13128, subsection 1.

B. In the event the board determines that the provisions of the trust should be amended, the board shall make appropriate recommendations to the Legislature in its biennial report.

C. The board may recommend in its biennial report that the trust be terminated if termination is determined to be appropriate by unanimous vote of the board. In the event that the Legislature terminates the trust, the principal and operating funds are disbursed in a manner consistent with the purpose of the trust.

See title page for effective date.

## CHAPTER 904

H.P. 1398 - L.D. 1934

### **An Act to Provide Access to Preventive Dental Care Services to Adults Eligible for Medicaid**

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

**22 MRSA §3174-F, sub-§2**, as enacted by PL 1989, c. 502, Pt. A, §72, is repealed and the following enacted in its place:

**2. Demonstration project.** The department shall promptly take all appropriate steps to obtain necessary waivers from the federal Department of Health and Human Services that enable the State to provide within the limits of available funds, on a demonstration basis, comprehensive dental services to Medicaid-eligible individuals who are 21 years of age or older in public or private, nonprofit clinic settings. The department's goal in pursuing these waivers is to determine whether providing services in these settings promotes cost effectiveness or efficiency or promotes other objectives of the federal Social Security Act, Title XIX.

By January 15, 1991, the department shall report to the joint standing committee of the Legislature having jurisdiction over health matters regarding the progress of its efforts under this subsection. The report must outline the department's progress and recommend further action required in pursuit of this demonstration project.

See title page for effective date.

## CHAPTER 905

H.P. 1509 - L.D. 2089

### **An Act to Expand and Extend the Maine Managed Care Insurance Plan Demonstration Project**

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

**Whereas**, the Department of Human Services currently administers 2 Maine Managed Care Insurance Plan Demonstration projects; and

**Whereas**, in addition to continuing the 2 existing projects, a 3rd project is necessary to increase program enrollment and to test the feasibility of the program in a variety of conditions and locations; 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:**

**22 MRSA §3188, sub-§1**, as enacted by PL 1987, c. 349, Pt. H, §14, is amended to read:

**1. Development of demonstration.** The Department of Human Services shall develop, implement and administer the Maine Managed Care ~~Health~~ Insurance Plan Demonstration for individuals without health insurance in one urban ~~and site~~, one rural site ~~and one site as determined by the department~~. Expenditures may not be incurred relative to the development of the 3rd site unless resources other than the General Fund are received by the department for that purpose.

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

Effective April 24, 1990.

## CHAPTER 906

H.P. 1336 - L.D. 1853

### **An Act to Facilitate the Admission and Treatment of Involuntary Patients by Community-based Mental Health Institutions**

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

**34-B MRSA §3861, sub-§1**, as enacted by PL 1983, c. 459, §7, is amended to read: