

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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
1993

the 117th Legislature. The bureau shall submit the adopted rules, together with any comments from the E-9-1-1 Council, the bureau's recommendations regarding confidentiality, the bureau's cost estimates and a proposed funding mechanism, to the joint standing committee of the Legislature having jurisdiction over utility matters on or before January 1, 1996. That joint standing committee is authorized to introduce and report out legislation to the Legislature regarding the E-9-1-1 laws during the Second Regular Session of the 117th Legislature.

Sec. 11. Transition; terms of additional council members. A person who is a member of the E-9-1-1 Advisory Committee on the day preceding the effective date of this Act is considered a member of the E-9-1-1 Council and shall fulfill the remainder of that member's established term. The additional 2 members appointed to the E-9-1-1 Council pursuant to section 8 of this Act are each appointed to serve terms of 3 years.

Sec. 12. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1994-95

**PUBLIC SAFETY,
DEPARTMENT OF**

**Emergency Services
Communication Bureau**

Positions	(3.0)
Personal Services	\$103,314
All Other	8,745
Capital Expenditures	3,000

Provides funds for one
Director position, one
Planning and Research
Associate II position, one
Clerk Typist III position and
general operating expenses to
establish a statewide
Emergency 9-1-1 system.

**DEPARTMENT OF PUBLIC
SAFETY**
TOTAL

\$115,059

See title page for effective date.

CHAPTER 567

H.P. 1217 - L.D. 1636

**An Act to Modify the Manufacture of
Motor Vehicle Registration Plates**

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

Whereas, distribution from the Maine Environmental Trust Fund is vital to the purposes of the fund; and

Whereas, contributions to the fund are dependent on sale of the environmental registration plates; and

Whereas, marketing is necessary to increase awareness of the program and to stimulate sales; 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. 12 MRSA §7759, sub-§3, as enacted by PL 1993, c. 410, Pt. BBB, §3, is amended to read:

3. Distribution from fund. The first \$10,000 received from the sale of environmental registration plates must be allocated to the Department of Conservation for marketing of the plates. Money distributed from the fund may be used for marketing the plates and for the production and marketing of goods using the environmental plate design. After the Treasurer of State has reimbursed the Secretary of State for costs of producing and issuing environmental registration plates in accordance with Title 29, section 252-J, the Treasurer of State shall annually distribute the balance in the fund as follows:

A. Sixty percent of the balance must be deposited in the Maine State Parks Fund established in section 610; and

B. Forty percent of the balance must be deposited in the Maine Endangered and Nongame Wildlife Fund established in section 7757.

This subsection is repealed March 31, 1996.

Sec. 2. 29 MRSA §131, 3rd ¶, as amended by PL 1991, c. 597, §7, is further amended to read:

The following design elements are guidelines that must be followed by the Secretary of State in the production of new plates issued beginning July 1987. A new plate must have a white background, and identification numbers and letters ~~and the border~~ must be distinctly navy blue in color with any graphic material appearing in a color distinctly lobster red, featuring an illustration of a lobster. The name of the State "Maine" must appear centered at the top of the plate and the designation "Vacationland" must appear centered at the bottom. This guidance is meant to be applied in accordance with the authority held by the Secretary of State in section 110.

Sec. 3. 29 MRSA §252-J, sub-§1, as enacted by PL 1993, c. 410, Pt. BBB, §4, is amended to read:

1. Issuance of environmental registration plates. The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, the registration fee required by this Title and the contribution to the Maine Environmental Trust Fund provided for in subsection 4, shall issue a registration certificate and a set of environmental registration plates to be used in lieu of regular registration plates. The Secretary of State may issue environmental registration plates to a vehicle in any registration class if the designated registration plate for that class does not preclude its use in conjunction with the environmental registration plate design. The Secretary of State may issue environmental registration plates to certain state-owned vehicles in accordance with section 256.

Sec. 4. 29 MRSA §252-J, sub-§2, as enacted by PL 1993, c. 410, Pt. BBB, §4, is amended to read:

2. Plate design; optional environmental vanity plates. The Secretary of State, the Commissioner of Conservation, the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife in consultation with the joint standing committee of the Legislature having jurisdiction over transportation matters shall determine the plate design.

Except for reproduction by the manufacturer of the plates, reproduction of an approved design or a part of an approved design without the written consent of the Secretary of State is a violation of section 2181, subsection 2. The Secretary of State shall obtain the advice and consent of the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Conservation before issuing a written consent allowing the reproduction of the design of the environmental registration plate or a part of the design.

The design must accommodate the use of numbers and letters as provided in section 192. Upon request and as provided by section 192, the Secretary of State shall issue environmental plates that are also vanity plates. Environmental vanity plates are issued in accordance with this section and section 192. The annual service fee of \$15 for vanity plates is credited to the Highway Fund.

Sec. 5. 29 MRSA §252-J, sub-§6 is enacted to read:

6. Proceeds from sale of products using the environmental plate design. All proceeds from the sale of products using the environmental registration plate design must be deposited with the Treasurer of State and credited to the Maine Environmental Trust Fund.

Sec. 6. 29 MRSA §256, sub-§1, ¶B is enacted to read:

B. The Secretary of State may issue environmental registration plates to a state-owned vehicle assigned to the Department of Inland Fisheries and Wildlife or the Department of Conservation with authorization from the department's commissioner. A state-owned vehicle issued plates in accordance with this paragraph must display a marker or insignia designating the vehicle as state owned and is exempt from registration fees and the contribution under section 252-J, subsection 4.

Sec. 7. 29 MRSA §2181, sub-§2, as amended by PL 1993, c. 297, Pt. A, §29 and affected by §39, is further amended to read:

2. Printing or reproduction of motor vehicle document. ~~Any~~ A person who manufactures or reproduces registration plates, prints or otherwise prepares, or who causes to be printed or otherwise prepared, or who sells or transfers a paper or document in the form of a certificate of registration, operator's license or any other certificate, permit, license or form used by the Secretary of State in administering this Title or who reproduces, or who causes to be reproduced, any a certificate, registration plate, permit, license or other form, or any a part thereof of a certificate, registration plate, permit, license or other form, or who sells or transfers ~~any a~~ reproduced certificate, registration plate, permit, license or other form, or ~~any a part thereof~~ of a certificate, registration plate, permit, license or other form, used by the Secretary of State in administering this Title, without the written consent of the Secretary of State, ~~must~~ may be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both. Notwithstanding this subsection, a person may photocopy a certificate of registration solely for

record-keeping purposes without the written consent of the Secretary of State.

Sec. 8. PL 1993, c. 410, Pt. BBB, §8, under that part designated "CONSERVATION, DEPARTMENT OF" under that part relating to "Maine State Parks Program," the last blocked paragraph is amended to read:

Provides funds for marketing of environmental registration plates and for the production and marketing of products using the environmental plate design and for operations, maintenance and repairs at existing state parks and historic sites.

Sec. 9. PL 1993, c. 410, Pt. BBB, §8, under that part designated "INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF" under that part relating to "Maine Endangered and Nongame Wildlife Program," the last blocked paragraph is amended to read:

Provides funds for one Biologist I position ~~and~~ general operating expenses associated with the management of endangered and nongame wildlife ~~and funds for marketing of environmental registration plates and for the production and marketing of products using the environmental plate design.~~

Sec. 10. PL 1993, c. 465, §4 is amended to read:

Sec. 4. Date of availability. The Secretary of State shall begin to issue the special University of Maine System plates no later than ~~April~~ February 1, 1994 1995.

Sec. 11. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1993-94	1994-95
FINANCE AUTHORITY OF MAINE		
University of Maine System Scholarship Fund		
All Other	(\$100,000)	(\$150,000)
Provides for an adjusting deallocation due to a delay in the issuance of the University of Maine System license plate.		
University of Maine System Scholarship Fund		
All Other		\$100,000

Provides funds for scholarships under the student incentive scholarship program.

FINANCE AUTHORITY OF MAINE		
TOTAL	(\$100,000)	(\$50,000)

Sec. 12. Repeal. That section of this Act that amends the Maine Revised Statutes, Title 29, section 252-J, subsection 2 is repealed January 1, 1995.

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

Effective March 31, 1994.

CHAPTER 568

S.P. 598 - L.D. 1657

An Act to Amend the Probate Code with Respect to Powers of Fiduciaries

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

Sec. 1. 18-A MRSA §1-111 is enacted to read:

§1-111. Powers of fiduciaries relating to compliance with environmental laws

(a) From the inception of the trust or estate, a fiduciary has the following powers, without court authorization, which the fiduciary may use in the fiduciary's sole discretion to comply with environmental law:

(1) To inspect and monitor property held by the fiduciary, including interests in sole proprietorships, partnerships or corporations and any assets owned by any such business enterprise, for the purpose of determining compliance with environmental law affecting the property and to respond to any actual or threatened violation of any environmental law affecting the property held by the fiduciary;

(2) To take, on behalf of the estate or trust, any action necessary to prevent, abate or otherwise remedy any actual or threatened violation of any environmental law affecting property held by the fiduciary, either before or after the initiation of an enforcement action by any governmental body;