

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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 FISH-ERIES AND WILDLIFE, DEPARTMENT OF" under that part relating to "Maine En-dangered 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 manage-ment 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;

(3) To refuse to accept property if the fiduciary determines that any property to be donated to the trust or estate either is contaminated by any hazardous substance or is being used or has been used for any activity directly or indirectly involving any hazardous substance that could result in liability to the trust or estate or otherwise impair the value of the assets held in the trust or estate, except nothing in this paragraph applies to property in the trust or estate at its inception;

(4) To settle or compromise at any time any claims against the trust or estate that may be asserted by any governmental body or private party involving the alleged violation of any environmental law affecting property held in trust or in an estate;

(5) To disclaim any power granted by any document, statute or rule of law that, in the sole discretion of the fiduciary, may cause the fiduciary to incur personal liability under any environmental law; or

(6) To decline to serve or to resign as a fiduciary if the fiduciary reasonably believes that there is or may be a conflict of interest between the fiduciary's fiduciary capacity and the fiduciary's individual capacity because of potential claims or liabilities that may be asserted against the fiduciary on behalf of the trust or estate because of the type or condition of assets held in the trust or estate.

(b) For purposes of this section, "environmental law" means any federal, state or local law, rule, regulation or ordinance relating to protection of the environment or human health. For purposes of this section, "hazardous substances" has the meaning set forth in Title 38, section 1362, subsection 1.

(c) The fiduciary may charge the cost of any inspection, review, abatement, response, cleanup or remedial action authorized in this section against the income or principal of the trust or estate. A fiduciary is not personally liable to any beneficiary or other party for any decrease in value of assets in trust or in an estate by reason of the fiduciary's compliance with any environmental law, specifically including any reporting requirement under the law. Neither the acceptance by the fiduciary of property nor a failure by the fiduciary to inspect property creates an inference as to whether there is or may be any liability under any environmental law with respect to the property.

(d) This section applies to all estates and trusts in existence on and created after July 1, 1994.

(e) The exercise by a fiduciary of any of the powers granted in this section does not constitute a transaction that is affected by a substantial conflict of interest on the part of the fiduciary.

See title page for effective date.

CHAPTER 569

H.P. 1240 - L.D. 1667

An Act Regarding the Regional Mental Health Authority Demonstration

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

Sec. 1. PL 1991, c. 781, Pt. C, §2 is amended to read:

Sec. C-2. Regional authorities demonstration. The commissioner shall establish a regional authority demonstration program within existing state resources. The commissioner may receive and expend private and federal funds for the development and evaluation of the demonstration program. The commissioner shall contract with one regional authority to serve the department's ~~Region I and one regional authority to serve the department's~~ Region V and may contract with one regional authority to serve a rural region of the State. Within the demonstration areas, the regional authorities must be the loci of coordination among public services for consumers of mental health services. The purposes of the regional authorities include the following:

1. To plan for and promote the development and organization of ~~adult~~ mental health services that respond to the unique needs and demographic characteristics of the service area;
2. To enhance consumer and family involvement in the development, organization and evaluation of ~~adult~~ mental health services and to encourage the expansion of consumer-operated services;
3. To engage in outcome-oriented mental health services planning, based upon the establishment of achievable goals and measurable time-limited objectives; and
4. To develop a regional capacity to secure funds for mental health services beyond those provided by the department.

Sec. 2. PL 1991, c. 781, Pt. C, §7 is amended to read: