

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

(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:

Sec. C-7. Report. The commissioner shall begin implementing this Part no later than July 1, 1992. By January 1, 1994 ~~1995~~, the ~~commissioner~~ task force appointed pursuant to section 10 shall submit a report to the joint standing committee of the Legislature having jurisdiction over human resources matters. ~~The report must include an evaluation of the regional authorities demonstration program and recommendations, along with any necessary implementing legislation~~ describe the experience of the regional authorities demonstration, analyze that experience and assess the viability of implementing regional authorities in other regions. The report must include any legislation necessary to implement the recommendations of the task force. ~~The evaluation~~ In addition, the report must include at least the following:

1. An assessment of the efficacy and cost effectiveness of the regional authorities. The assessment of cost effectiveness must include, but is not limited to, a description of the cost of operating regional authorities and estimated savings, if any, that would result from reductions in staff at the department's central office if regional authorities were expanded to other regions;

2. An assessment of the case management function in each demonstration area; and

3. An assessment of crisis intervention services, which must be provided in at least one of the demonstration areas;

4. An evaluation of the advisory relationship between the regional authorities and mental health service providers, including hospitals. The task force must recommend whether to maintain the advisory relationship or alter it in some manner, including, but not limited to, replacing the advisory relationship with membership on the boards of the regional authorities;

5. A comparison of the effectiveness of the demonstration in rural parts and urban parts of the demonstration areas;

6. An evaluation of the relationship between the department and the regional authorities and recommendations regarding whether regional authorities should have greater or lesser degree of autonomy; and

7. Recommendations regarding whether children's mental health and developmental disability services should be provided through regional authorities and, if so, whether they should be consolidated with adult mental health authorities or established as separate authorities.

Sec. 3. PL 1991, c. 781, Pt. C, §9 is amended to read:

Sec. C-9. Sunset. This Part is repealed October 1, 1994 ~~1995~~.

Sec. 4. PL 1991, c. 781, Pt. C, §10 is enacted to read:

Sec. C-10. Task force. By August 1, 1994, the commissioner shall appoint a task force of no more than 15 members to evaluate the regional authorities demonstration and submit the report required by section 7. The task force must include representation of all parties affected or potentially affected by regional authorities, including, but not limited to, consumers, family members, mental health professionals, community mental health service providers, hospitals, law enforcement officials and funding sources. The existing regional authorities shall cooperate fully with the task force and assist the task force in carrying out its responsibilities.

Sec. 5. Implementation in Region V. By July 1, 1994, the Department of Mental Health and Mental Retardation shall enter into a contract with the regional mental health authority established in Region V pursuant to Public Law 1991, chapter 781, Part C. The contract must enable the regional authority to perform fully the functions of a regional authority, as specified in Public Law 1991, chapter 781, Part C.

See title page for effective date.

CHAPTER 570

H.P. 1250 - L.D. 1677

An Act Requiring the Courts to Report to Corrections Facilities Concerning Balances Owed to the Victims' Compensation Fund

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

Sec. 1. 5 MRSA §3360-I, first ¶, as enacted by PL 1991, c. 806, §3, is amended to read:

As part of the sentence or fine imposed, the court shall impose an assessment of \$25 on any person convicted of murder, a Class A crime, a Class B crime or a Class C crime and \$10 on any person convicted of a Class D crime or a Class E crime. For purposes of collection and collection procedures, these assessments are considered part of the fine. At the time of commitment, the court shall inform the Department of Corrections or the county sheriff of any unpaid balances on assessments owed by the offender to the Victims' Compensation Fund. All funds col-