

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

E. One member who is a representative of the commercial motor vehicle insurance industry;

F. One member who is a representative of the Maine Professional Drivers' Association; and

G. One member who is a resident of this State and who is not and has never been employed in the motor carrier industry.

The Governor shall name the chair from among the appointed members.

3. Powers and duties. The board shall review the records of motor carriers with significant and repeated motor carrier violations. The board may hold a hearing as part of its review and must hold a hearing if requested by the motor carrier. The board may recommend to the Secretary of State that the motor carrier's operating authority license be suspended.

4. Rules. The board may adopt rules pursuant to the Maine Administrative Procedure Act to carry out the purposes of this section.

5. Staffing and expenses. The Secretary of State shall provide administrative support and compensation for actual and necessary expenses of the board.

Sec. 4. Study concerning the opening of the York weigh station on a full-time basis. The Department of Transportation, the Bureau of Taxation and the Bureau of State Police shall conduct a study to explore the feasibility and impact of opening the York weigh station located on Interstate 95 on a full-time basis. The study must include an evaluation of the operational feasibility of weighing commercial vehicles on a 24-hour basis at the existing facility, the equipment and personnel needed, the impact on the collection of fuel taxes, the impact of vehicles using alternate routes on road surfaces and traffic patterns and the impact of the port-of-entry concept on the commercial motor vehicle industry. The Department of Transportation, the Bureau of Taxation and the Bureau of State Police shall submit a report including findings, recommendations and any proposed legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters and the Executive Director of the Legislative Council no later than January 31, 1996.

Sec. 5. Study committee on motor carrier training. The Secretary of State shall convene a committee to study the provision of entry-level training and continuing education for commercial vehicle operators. The Secretary of State shall invite representatives of the Department of Transportation, the Department of Public Safety, the Maine Technical College System, the insurance industry and the motor carrier industry to serve on the committee. The study

committee shall submit recommendations for training requirements and methods of providing training and any proposed legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters and the Executive Director of the Legislative Council no later than January 31, 1996.

See title page for effective date.

CHAPTER 377

S.P. 587 - L.D. 1571

An Act to Establish Legislative Guidelines for Secession

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

Sec. 1. 30-A MRSA c. 113 is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 113

CONSOLIDATION, SECESSION AND ANNEXATION

SUBCHAPTER I

CONSOLIDATION

Sec. 2. 30-A MRSA c. 113, sub-c. II is enacted to read:

SUBCHAPTER II

Secession and Annexation Standards

§2171. Legislative intent

The Legislature finds that the citizens of the State in accordance with the Constitution of Maine, Article I, Section 2, have an unalienable and indefeasible right to institute government and to alter, reform or totally change the same, when their safety and happiness require it. The Legislature further finds that the Legislature has the responsibility to ensure that the rights of all citizens are protected and that a decision to alter or otherwise change the boundaries of a municipal government should be made with caution and only after careful consideration of the guidelines set forth in this subchapter.

§2172. Guidelines for legislation proposing secession

A territory that seeks to have legislation submitted on its behalf proposing its secession from a municipality shall provide the Legislature with the

following information, if available, which the Legislature may use in making a determination on a proposal for secession:

1. Use of alternative dispute resolution. Any report prepared by a neutral 3rd party on the extent to which the secession territory and the affected municipality have attempted to resolve their differences through alternative dispute resolution such as mediation, facilitation or arbitration;

2. Effective date. The date on which a proposed secession is effective;

3. Provision of educational services. Plans for the provision of educational services, including school transportation services for all students in the proposed secession territory;

4. Distribution of tangible assets and liabilities. Plans regarding the distribution of assets and liabilities;

5. Information about municipality. The following information concerning the municipality and the proposed secession territory:

A. Present population, past population change and projected population for the secession territory;

B. Quantity of land within the secession territory proposed for incorporation; the natural terrain of the secession territory, including general topography, major watersheds, soil conditions; and such natural features as rivers and lakes;

C. Present pattern of physical development in the secession territory, including residential, industrial, commercial, agricultural and institutional land uses; and the present transportation network and potential transportation issues, including proposed highway development;

D. Land use controls and planning presently being utilized in the secession territory, including comprehensive plans for development in the secession territory;

E. Present governmental services being provided to the secession territory, including water and sewer service, fire protection, police protection, street improvements and maintenance, administrative services and recreational facilities;

F. Existing or potential problems of environmental pollution and the need for additional services to resolve these problems;

G. Fiscal data of the secession territory, including the net tax capacity of the proposed secession territory and the impact on the municipality from

which the territory proposes to secede; the present bonded indebtedness; and the local tax rates of the county, school district and municipality;

H. Effect of the proposed incorporation on communities adjacent to the secession territory and on school districts within and adjacent to the secession territory; and

I. Ability of municipal government to deliver services to the secession territory; and

6. Community support. The extent to which the proposed secession territory and the affected municipality or municipalities have demonstrated support or opposition for a proposal for secession, including the use of petitions, votes or other methods of indicating support or opposition.

See title page for effective date.

CHAPTER 378

H.P. 182 - L.D. 230

An Act Adopting the Uniform Health-care Decisions Act

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

PART A

Sec. A-1. 18-A MRSA Art. V, Pt. 8 is enacted to read:

PART 8

UNIFORM HEALTH-CARE DECISIONS ACT

§5-801. Definitions

As used in this Part, unless the context otherwise indicates, the following terms have the following meanings.

(a) "Advance health-care directive" means an individual instruction from, or a power of attorney for health care by, an individual with capacity.

(b) "Agent" means an individual with capacity designated in a power of attorney for health care to make a health-care decision for the individual granting the power.

(c) "Capacity" means the ability to have a basic understanding of the diagnosed condition and to understand the significant benefits, risks and alternatives to the proposed health care and the consequences of foregoing the proposed treatment, the ability to