

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

tion's shareholders or a class of shareholders, the court shall direct that notice be given to the shareholders affected.

**§634. Payment of expenses**

On termination of a derivative proceeding the court may:

**1. Corporation pay plaintiff's expenses.** Order the corporation to pay the plaintiff's reasonable expenses, including attorney's fees, incurred in the proceeding if the court finds that the proceeding has resulted in a substantial benefit to the corporation; or

**2. Plaintiff pay defendant's expenses.** Order the plaintiff to pay any defendant's reasonable expenses, including attorney's fees, incurred in defending the proceeding if the court finds that the proceeding was commenced or maintained without reasonable cause or for an improper purpose.

**§635. Applicability to foreign corporations**

In a derivative proceeding in the right of a foreign corporation, the matters covered by this chapter are governed by the laws of the jurisdiction of incorporation of the foreign corporation except for sections 631, 633 and 634.

See title page for effective date.

**CHAPTER 308**

**H.P. 1043 - L.D. 1460**

**An Act Requiring the Department of Education to Perform Annual Cost-benefit Analysis of Special Education Programs in the State**

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

**Sec. 1. 20-A MRSA §7004** is enacted to read:

**§7004. Cost-benefit analysis**

The department shall perform an annual cost-benefit analysis of special education programs in the State and hold a public hearing annually for members of school units to explain what special education programs are offered in each unit and the cost of these programs.

See title page for effective date.

**CHAPTER 309**

**S.P. 100 - L.D. 379**

**An Act to Clarify the Reimbursement of Legislators' Expenses**

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

**Sec. 1. 3 MRSA §2, 3rd ¶**, as amended by PL 1989, c. 501, Pt. O, §2; c. 600, Pt. B, §§9 and 10 and c. 878, Pt. D, §§14 and 15, is further amended to read:

Each Except as provided in this section, each member of the Senate and House of Representatives ~~shall be~~ is entitled to a meal allowance in the amount of \$32 and a housing allowance in the amount of \$38 for each day in attendance at sessions of the Legislature and for each day the member occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature. The presiding officers may establish reasonable policies regarding allowances for meals and overnight accommodations for the day immediately preceding the session, which may include policies regarding whether an allowance is paid, whether the full amount or a portion of the statutory allowance is paid and whether receipts are required. In lieu of the meal and housing allowance, each member ~~shall be~~ is entitled to a daily meal allowance in the amount of \$32 and actual daily mileage allowances in an amount up to but not exceeding \$38 per day. Each member of the Senate ~~shall also receive~~ receives an annual allowance for constituent services in the amount of \$1,000, \$650 ~~of which shall be received~~ at the start of each regular session and \$350 ~~of which shall be received~~ in the month following adjournment of the regular session. Each member of the House of Representatives ~~shall also receive~~ receives an annual allowance for constituent services in the amount of \$750, \$500 ~~of which shall be received~~ at the start of each regular session and \$250 ~~of which shall be received~~ in the month following adjournment of the regular session.

See title page for effective date.

**CHAPTER 310**

**S.P. 333 - L.D. 1111**

**An Act to Protect Loons**

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

**Sec. 1. 12 MRSA §7035, sub-§17** is enacted to read:

**17. Promotion and education on lead sinkers and lures.** The commissioner may accept money, goods or services donated to the department for the purpose of educating the public on ways to minimize the threat to loons and other bird species from discarded or lost lead sinkers and lures. Any money, goods or services accepted by the commissioner under this subsection may be used only for those purposes.

See title page for effective date.

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## CHAPTER 311

### H.P. 207 - L.D. 260

#### An Act to Implement the Recommendations of the Task Force on Production and Issuance of Registration Plates

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

**Sec. 1. 29-A MRSA §451, sub-§4-A** is enacted to read:

**4-A. New general issue design.** Notwithstanding subsection 4, the design of registration plates issued pursuant to subsection 1-A is governed by this subsection.

A. Registration plates must bear the year of issue or the last 2 numerals of that year and the word "Maine" or the abbreviation "ME" in letters of at least 3/4 inch in height centered at the top of the registration plate.

B. Except on motorcycle plates, registration numbers may not be substantially less than 3 inches high.

C. On registration plates issued for private use and trucks, the word "Vacationland" must be centered at the bottom in letters not less than 3/4 inch in height, except, when the Secretary of State determines that for other than passenger vehicles, that space may be used for class codes.

D. A new registration plate must have:

(1) A green shaded background;

(2) Identification numbers, letters and the border distinctly black; and

(3) An illustration of a chickadee, pine cone and tassel.

E. The Secretary of State shall devise, with the advice of the joint standing committee of the Legislature having jurisdiction over transportation matters, a numbering system suitable for a new general issue of registration plates.

**Sec. 2. PL 1995, c. 645, Pt. C, §15** is amended to read:

**Sec. C-15. Task force on production and issuance of license plates.** The Secretary of State shall convene a task force to study the production and issuance of license plates. The task force shall convene no later than May 15, 1996 and conclude its work no later than ~~November 1, 1996~~ December 1, 1998.

**1. Membership.** The task force consists of 11 members selected as follows.

The President of the Senate and the Speaker of the House shall each appoint 2 members to serve as task force members. ~~Members may continue to serve after their legislative term of office has expired.~~ At the request of one of their appointees, the appointing authority may appoint another member of the committee to replace the requesting member on the task force.

The Secretary of State shall appoint 2 members representing law enforcement: one representing county sheriffs' departments and one representing municipal police departments.

The Chief of the State Police shall designate a state police officer to serve as a member.

The business manager for the bureau; the director of the public services division within the Bureau of Motor Vehicles; the director of the commercial vehicles division within the bureau; and an assistant deputy secretary of state serve as ex officio members of the task force.

The Chairs of the Joint Standing Committee on Transportation and the Secretary of State shall send a list of the people appointed to serve on the task force to the Executive Director of the Legislative Council no later than May 1, 1996.

**2. Convening of first meeting; election of chair.** The Secretary of State or a designee of the Secretary of State shall convene the first meeting of the task force no later than May 15, 1996. The task force shall select a chair from among its members.

**3. Staff and resource consultants to the task force.** The Secretary of State shall provide staff assistance to the task force. The supervisor of the Maine State Prison plate shop shall serve as a consultant to the task force. The task force may