

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

sioner of Human Services, the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services, the Commissioner of Education, the Commissioner of Corrections or the Commissioner of Public Safety serve during the nominating commissioner's term of office; and Legislators serve during the term for which they were elected. The Governor shall designate a chair and vice chair to serve at the pleasure of the Governor. The membership shall annually elect a chair and vice-chair. The chair is the presiding member of the committee. All vacancies must be filled for the balance of the unexpired term in the same manner as original appointments. The members of the committee are entitled to compensation in accordance with chapter 379.

**Sec. 6. 5 MRSA §19202, sub-§3-A** is enacted to read:

**3-A. Compensation.** The members of the committee are entitled to compensation in accordance with chapter 379. All members are entitled to reimbursement for expenses.

**Sec. 7. 5 MRSA §19202, sub-§4**, as enacted by PL 1993, c. 384, §2, is amended to read:

**4. Meetings.** The committee shall meet at least 4 times a year and more frequently if needed to respond to the duties of this committee as specified in subsection ~~1~~ 1-A. Special meetings may be called by the chair and must be called at the request of the State Epidemiologist, the Director of the Bureau of Health, the Director of Disease Control, the Director of Sexually Transmitted Diseases or by 3 or more members of the committee.

**Sec. 8. 5 MRSA §19202, sub-§5**, as enacted by PL 1993, c. 384, §2, is repealed.

**Sec. 9. Transition provision.** The Maine HIV Advisory Committee in existence prior to October 1, 1999 shall perform the functions of the membership committee provided in the Maine Revised Statutes, Title 5, section 19202, subsection 2-A in order for the first committee with new membership structure to be formed on or after October 1, 1999.

**Sec. 10. Effective date; retroactivity.** This Act takes effect October 1, 1999, except for section 9, which is retroactive to September 1, 1999.

Effective October 1, 1999, unless otherwise indicated.

## CHAPTER 391

H.P. 371 - L.D. 496

### An Act to Exempt Certain Trusts from the Rule Against Perpetuities

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

**Sec. 1. 33 MRSA §101-A** is enacted to read:

#### **§101-A. Trusts exempt from rule against perpetuities**

The rule against perpetuities does not apply to a trust created after the effective date of this section if:

**1. Declaration in instrument.** The instrument creating the trust states that the rule against perpetuities does not apply to the trust; and

**2. Power to sell, lease or mortgage.** The trustee or other person to whom the power is properly granted or delegated has the power under the governing instrument, applicable statute or common law to sell or mortgage property or to lease property for any period of time beyond the period that is required for an interest created under the governing instrument to vest in order to be valid under the rule against perpetuities.

See title page for effective date.

## CHAPTER 392

H.P. 392 - L.D. 523

### An Act to Implement Recommendations of the Maine Indian Tribal-State Commission Relating to Child Welfare Services for Indian Children

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

**Sec. 1. 22 MRSA §4062, sub-§1**, as amended by PL 1985, c. 521, is further amended to read:

**1. Payments by department.** The department shall provide payments to facilities caring for children to meet the costs of clothing, board and care, within the limits of available funds. The department may establish, by rule, different categories of facilities, levels of need and care and flat-rate or reimbursement methods to distribute these funds. The department may provide child care and travel expense payments to foster and adoptive parents and trainers participat-