

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Augusta, Maine
2000

ized by charter, ordinance or bylaw, to provide emergency services.

Sec. 2. 30-A MRSA §3151, sub-§1-A is enacted to read:

1-A. Provide emergency services. "Provide emergency services" means to respond to and manage other public safety emergencies, including, but not limited to, medical emergencies, hazardous materials incidents or natural or man-made disasters.

Sec. 3. 30-A MRSA §3156, as amended by PL 1989, c. 104, Pt. A, §30 and Pt. C, §§8 and 10, is further amended to read:

§3156. Fire aid to other municipalities

Unless otherwise provided by charter or ordinance, the municipal officers may authorize the municipal fire department to aid in extinguishing fires with any public safety emergencies in other municipalities by providing all the municipal fire department's available resources as needed. Municipal and volunteer firefighters when assisting other municipalities have the same privileges and immunities as when acting in their own municipality. Any municipality may compensate an aiding municipality or volunteer fire association for damage to the aiding department's or association's property and to any firefighter or to the firefighter's surviving spouse or dependents because of injury or death sustained in the course of rendering aid to that municipality.

Sec. 4. 30-A MRSA §5725, sub-§9, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

9. Ambulance. Provide for ~~a~~ public ambulance ambulances and ~~garage~~ garages for ~~them~~, or support an ambulance service serving its residents;

See title page for effective date.

CHAPTER 571

H.P. 1633 - L.D. 2285

An Act to Amend Maine's Probate Code

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

Sec. 1. 18-A MRSA §7-205, as enacted by PL 1979, c. 540, §1, is amended to read:

§7-205. Proceedings for review of employment of agents and review of compensation of trustee and employees of trust

On petition of an interested person, after notice to all interested persons, the court may review the propriety of employment of any person by a trustee including any attorney, auditor, investment advisor or other specialized agent or assistant, and the reasonableness of the compensation of any person so employed, and the reasonableness of the compensation determined by the trustee for ~~his own~~ the trustee's services. Any person who has received excessive compensation from a trust may be ordered to make appropriate refunds. ~~The factors set forth in section 3-721, subsection (b) should be considered as guides in determining the reasonableness of fees under this section.~~

A percentage fee is allowable under this section only if the fee is reasonable. Among the factors the court may consider as guides in determining the reasonableness of fees under this section are the following:

(a) The time and labor required, the novelty and difficulty of the questions involved and the skill requisite to perform the service properly;

(b) The likelihood, if apparent to the trustee, that the acceptance of the particular employment will preclude the person employed from other employment;

(c) The fee customarily charged in the locality for similar services;

(d) The amount involved and the results obtained;

(e) The time limitations imposed by the trustee or by the circumstances; and

(f) The experience, reputation and ability of the person performing the services.

The order of the factors in the list under subsections (a) to (f) does not imply their relative importance.

See title page for effective date.

CHAPTER 572

H.P. 916 - L.D. 1294

An Act to Provide for a Limited Waiver of Immunity

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

Sec. 1. 14 MRSA §158-A, sub-§3 is enacted to read:

3. Limited waiver of immunity while operating vehicles, vessels or aircraft. Notwithstanding any immunity granted in subsection 2, a director, officer or volunteer is considered to have waived immunity from liability when the cause of action arises out of the director's, officer's or volunteer's operation of a motor vehicle, vessel, aircraft or other vehicle for which the operator or the owner of the vehicle, vessel or craft is required to possess an operator's license or maintain insurance. The amount of damages in an action authorized by this section may not exceed the combined limits of coverage of any applicable insurance policies other than umbrella insurance coverage and the courts shall abate a verdict in an action to the extent that it exceeds such limits. A provision in a policy of insurance that attempts to exclude coverage for claims that are authorized by this section is void as contrary to public policy.

Sec. 2. Application. This Act applies to insurance policies issued or renewed on or after September 1, 2000. For purposes of this Act, all policies are deemed to be renewed no later than the next yearly anniversary of the policy issue date.

See title page for effective date.

CHAPTER 573

H.P. 1640 - L.D. 2291

An Act to Make Organizational Changes in the Maine State Cultural Affairs Council

Emergency preamble. **Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Communities in the New Century Program was created last session to preserve and strengthen local cultural resources; and

Whereas, when the new century program was created under the auspices of the Maine State Cultural Affairs Council, the existing law describing the membership of the council was not amended to reflect the new members added to the council; and

Whereas, immediate amendment of the membership in the Maine State Cultural Affairs Council is necessary to clearly identify the cultural agencies participating in the new century program; and

Whereas, the authorizing legislation of the Maine State Cultural Affairs Council needs to be amended immediately to allow it to act efficiently as

the umbrella organization for the participating cultural agencies under the new century program for such important activities as promotion and development; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 27 MRSA §551, sub-§§1 and 2, as enacted by PL 1989, c. 700, Pt. B, §42, are amended to read:

1. Cultural agencies. "Cultural agencies" means the Maine Arts Commission, the Maine Historic Preservation Commission, the Maine Library Commission, the Maine State Museum Commission, the Maine Humanities Council, the Maine Historical Society and the Maine State Archives and programs of these ~~commissions~~ organizations.

2. Directors. "Directors" means the Director of the Maine Arts Commission, the Director of the Maine Historic Preservation Commission, the State Librarian ~~and~~ the Director of the Maine State Museum, the Director of the Maine Humanities Council, the Director of the Maine Historical Society and the State Archivist.

Sec. 2. 27 MRSA §553, first ¶, as enacted by PL 1989, c. 700, Pt. B, §42, is amended to read:

The Maine State Cultural Affairs Council ~~shall consist~~ consists of the chair of the State Cultural Affairs Council, appointed pursuant to subsection 1, and the chair and vice-chair or their designees from the Maine Arts Commission, the Maine Historic Preservation Commission, the Maine Library Commission, the Maine Humanities Council, the Maine Historical Society, the Archives Advisory Board and the Maine State Museum Commission. The Governor may designate a staff member of the Office of the Governor to serve as a nonvoting member. The directors of the 4 7 cultural agencies ~~shall be~~ are nonvoting ex officio members of the council.

Sec. 3. 27 MRSA §553, sub-§1, as amended by PL 1995, c. 519, §7, is further amended to read:

1. Appointment of chair. The Governor shall appoint the chair of the Maine State Cultural Affairs Council from among the members of the Maine Library Commission, the Maine Historic Preservation Commission, the Maine Arts Commission, the Maine Humanities Council, the Maine Historical Society, the