

# 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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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2000**

**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.

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**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

Archives Advisory Board or the Maine State Museum Commission, ~~provided that~~ as long as the appointed chair is not from the same ~~commission~~ entity as the previous chair.

**Sec. 4. 27 MRSA §555, sub-§§4 and 5**, as enacted by PL 1989, c. 700, Pt. B, §42, are amended to read:

**4. Prepare annual report.** To coordinate the preparation of an annual report and other joint planning documents of the 4 7 cultural agencies; ~~and~~

**5. Statewide cultural planning.** To meet jointly and at least annually with the directors of ~~humanities councils in the State, the Maine State Archives, the Maine State Film Commission and the State Law Library~~ and others as considered appropriate for the purpose of exchanging information and coordinating statewide cultural planning; and

**Sec. 5. 27 MRSA §555, sub-§6** is enacted to read:

**6. New Century Program Fund.** To administer the New Century Program Fund. The New Century Program Fund is established as a nonlapsing account to assist in carrying out the purposes of section 558. The Maine State Cultural Affairs Council may accept and expend money on behalf of the fund from public and private sources.

**Sec. 6. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

**2000-01**

**MAINE STATE CULTURAL AFFAIRS COUNCIL**

**New Century Program Fund**

All Other \$500

Provides for the allocation of funds to establish the New Century Program Fund.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 22, 2000.

**CHAPTER 574**

**H.P. 1678 - L.D. 2344**

**An Act to Repeal the Nondiscrimination in Pharmaceuticals Pricing Law**

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

**Sec. 1. 32 MRSA c. 117, sub-c. 10**, as amended, is repealed.

See title page for effective date.

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**CHAPTER 575**

**H.P. 1684 - L.D. 2351**

**An Act Concerning the Possession of Marine Organisms by Aquaculturists Outside of the Harvest Season**

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

**Sec. 1. 12 MRSA §6073-A**, as amended by PL 1999, c. 156, §1, is further amended to read:

**§6073-A. Season and minimum size exemption; aquaculture**

The holder of a lease issued under section 6072, 6072-A or 6072-B is exempt from any requirement regarding the time of taking or possessing, minimum or maximum length or other minimum or maximum size requirement for any marine organism cultivated on the leased area. The exemption applies only to those organisms actually cultivated on the leased area. The commissioner shall require a system of identification of organisms exempted under this section.

See title page for effective date.

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**CHAPTER 576**

**H.P. 1745 - L.D. 2451**

**An Act to Prohibit Dragging in a Portion of the Taunton River Area**

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

**Whereas**, the drag fishing season starts in the spring, well before the 2nd regular session will adjourn; and