

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.

J.S. McCarthy Company
Augusta, Maine
2000

Sec. 4. 12 MRSA §1839, sub-§1, ¶¶D and E, as enacted by PL 1997, c. 678, §13, are amended to read:

D. A summary of any campsite or recreation facility fees charged under section 1832, subsection 5; ~~and~~

E. A description of the proposed budget, including allocations for the bureau's dedicated funds and any revenues of the bureau from permits, leases, fees and sales, for the following fiscal year beginning on July 1st; ~~and~~

Sec. 5. 12 MRSA §1839, sub-§1, ¶F is enacted to read:

F. The status of ecological reserves including the acreage of nonreserved public land designated as ecological reserves, results of monitoring, scientific research and other activities related to ecological reserves.

Sec. 6. 12 MRSA §1853, sub-§1, ¶¶D and E, as enacted by PL 1997, c. 678, §13, are amended to read:

D. A summary of any campsite or recreation facility fees charged under section 1846, subsection 5; ~~and~~

E. A description of the proposed budget, including allocations for the bureau's dedicated funds and any revenues of the bureau from permits, leases, fees and sales for the following fiscal year beginning on July 1st; ~~and~~

Sec. 7. 12 MRSA §1853, sub-§1, ¶F is enacted to read:

F. The status of ecological reserves including the acreage of reserved public land designated as ecological reserves, results of monitoring, scientific research and other activities related to the bureau's ecological reserves.

See title page for effective date.

CHAPTER 593

H.P. 1674 - L.D. 2340

An Act to Specify Eligibility for Land Purchases Under the Agricultural Marketing Loan Fund

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

Sec. 1. 7 MRSA §435, sub-§2, ¶G is enacted to read:

G. An agricultural marketing loan for the purchase of land necessary for the start-up of a new agricultural enterprise may not exceed \$100,000.

Sec. 2. 10 MRSA §1023-J, first ¶, as enacted by PL 1995, c. 658, §2, is amended to read:

The Agricultural Marketing Loan Fund, referred to in this section as the "fund," is created. The fund must be deposited with and maintained by the Finance Authority of Maine. The fund must be administered by the Commissioner of Agriculture, Food and Rural Resources in accordance with Title 7, chapter 101, subchapter I-D. All money received by the Finance Authority of Maine from any source for the development and implementation of an improved agricultural marketing loan program must be credited to the fund. Any money credited to the fund from the issuance of bonds on behalf of the State for financing loans for agricultural enterprises may be used only for the following purposes: to provide assistance to agricultural enterprises in this State for the design, construction or improvement of commodity and storage buildings and packing and marketing facilities; ~~or for the purchase, construction, or renovation or acquisition of land, of~~ buildings, equipment, docks, wharves, piers or vessels used in connection with a commercial agricultural enterprise; for the purchase of land in connection with development of new cranberry acreage; for the purchase of land for irrigation reservoirs or to provide direct access to water for irrigation; for the purchase of land necessary for the start-up of a new agricultural enterprise; or for the expansion of an existing agricultural enterprise when the land acquisition is necessary to comply with land use regulations. Repayment of these loans and interest on these loans must be credited to the fund and must be available for making additional loans for the same purposes, except that interest may be used for the purposes stated in Title 7, section 436. Interest earned on money in the fund and interest earned on loans made from the fund may be used to pay the administrative costs of processing loan applications, to the extent that these costs exceed the fee for administrative costs established by Title 7, section 435, subsection 4.

See title page for effective date.

CHAPTER 594

H.P. 1664 - L.D. 2333

An Act to Clarify the Laws Relating to Corporate and Other Entities

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

Sec. 1. 13-A MRSA §104, sub-§1, ¶D, as enacted by PL 1997, c. 376, §7, is amended to read:

D. In the case of an application for authority to do business, ~~as provided by paragraph B~~ any duly authorized individual and by the registered agent as required by section 1212, subsection 1-A. All other documents filed on behalf of foreign corporations may be signed by any duly authorized individual except as provided by section 1212, subsection 1-A or 2-A.

Sec. 2. 13-A MRSA §304, sub-§2, as amended by PL 1971, c. 565, §10, is further amended to read:

2. The clerk shall maintain a registered office at some fixed place within this State, which may be, but need not be, the corporation's place of business, and shall perform those duties required of ~~him~~ the clerk by section 714 and elsewhere in this Act. ~~The "clerk's office" of corporations existing on December 31, 1971 shall be deemed the "registered office" of those corporations, for purposes of this Act, until such office is changed pursuant to this section.~~

Sec. 3. 13-A MRSA §304, sub-§6, ¶A-1, as enacted by PL 1977, c. 130, §1, is amended to read:

A-1. If the ~~name of the current~~ clerk has ~~changed~~ had a name change, the new name of the clerk;

Sec. 4. 13-A MRSA §1202, sub-§1, ¶C, as enacted by PL 1971, c. 439, §1, is amended to read:

C. The date of incorporation ~~and the period of duration of the corporation;~~

Sec. 5. 13-A MRSA §1212, sub-§2, ¶G, as enacted by PL 1971, c. 439, §1, is amended to read:

G. If its ~~registered agent is to be changed,~~ The name of its successor registered agent;

Sec. 6. 13-A MRSA §1212, sub-§2-A, ¶A, as enacted by PL 1973, c. 483, §20, is amended to read:

A. The name of the registered agent appearing on the record in the office of the Secretary of State;

Sec. 7. 13-A MRSA §1212, sub-§2-A, ¶A-1 is enacted to read:

A-1. If the current registered agent has had a name change, the new name of the registered agent;

Sec. 8. 13-A MRSA §1212, sub-§3, as amended by PL 1993, c. 316, §21, is further amended to read:

3. Any registered agent of a foreign corporation may resign as such registered agent by filing a written notice of resignation with the Secretary of State, and by mailing a copy ~~thereof of the notice~~ to the corporation at its last registered or principal office ~~in its jurisdiction of incorporation~~ wherever located, as filed with the Secretary of State. The appointment of such registered agent terminates upon the date of the filing of ~~such the~~ notice by the Secretary of State.

Sec. 9. 13-B MRSA §104, sub-§1, ¶D, as enacted by PL 1997, c. 376, §17, is amended to read:

D. In the case of an application for authority to carry on activities, ~~as provided by paragraph B~~ by any duly authorized individual and by the registered agent as required by section 1212, subsection 1-A; All other documents filed on behalf of foreign corporations may be signed by any duly authorized individual except as provided by section 1212, subsection 1-A or 2-A;

Sec. 10. 13-B MRSA §305, sub-§1, ¶E, as enacted by PL 1977, c. 525, §13, is amended to read:

E. ~~If its registered agent is changed, the~~ The name of its successor registered agent;

Sec. 11. 13-B MRSA §1202, sub-§1, ¶C, as enacted by PL 1977, c. 525, §13, is amended to read:

C. The date of incorporation ~~and the period of duration of the corporation;~~

Sec. 12. 13-B MRSA §1212, sub-§2, as amended by PL 1997, c. 376, §29, is further amended to read:

2. **Registered agent, registered office and changes.** A foreign corporation may change its registered agent and registered office or its registered agent by executing and filing, in accordance with sections 104 and 106, a statement setting forth:

A. The name of the corporation;

B. Its jurisdiction of incorporation;

C. The date of its authorization to carry on activities in this State;

D. The address of its then registered office;

E. If its registered office is to be changed, the address to which the registered office is to be changed;

F. The name of its then registered agent;

G. ~~If its registered agent is to be changed, the~~
The name of its successor registered agent;

H. That the registered agent has a business office at the registered office, after giving effect to the changes stated; and

I. That each change therein stated was authorized by the board of directors.

~~In the alternative, if the registered agent for one or more foreign corporations changes the address of his or its office from the registered office appearing on the record in the office of the Secretary of State, the registered agent may change the registered office of such corporation by filing, in accordance with section 106, a statement executed by the registered agent and setting forth, for each foreign corporation for which he or it is such registered agent, the information required by paragraphs A, B, D, E and H and reciting that notice of such change has been sent to each of such foreign corporations.~~

Sec. 13. 13-B MRSA §1212, sub-§2-A is enacted to read:

2-A. Change in name of current registered agent or registered office. If the registered agent of one or more foreign corporations changes its name or registered office from that appearing on the record in the office of the Secretary of State, the registered agent shall execute and deliver for filing in accordance with sections 104 and 106 a statement setting forth:

A. The name of the current registered agent;

B. If the current registered agent has had a name change, the new name of the registered agent;

C. If the address of the registered office has changed, the address of the former registered office;

D. The name and jurisdiction of incorporation of each foreign corporation for which the registered agent is the registered agent;

E. The address of the new registered office; and

F. A recitation that notice of the change has been sent to each corporation.

In lieu of bulk filing, the registered agent may file for each foreign corporation a separate statement containing the information.

Sec. 14. 13-B MRSA §1212, sub-§3, as amended by PL 1989, c. 501, Pt. L, §42, is further amended to read:

3. Written notice of resignation. Any registered agent of a foreign corporation may resign as ~~an~~

registered agent by filing a written notice of resignation with the Secretary of State, and by mailing a copy of the notice to the corporation at its last registered or principal office in its jurisdiction of incorporation wherever located, as filed with the Secretary of State. The appointment of ~~an~~ the registered agent shall terminate terminates upon the date of the filing of the notice by the Secretary of State.

Sec. 15. 13-B MRSA §1401, sub-§6, as amended by PL 1979, c. 127, §104, is further amended to read:

6. Statement of change in registered agent or registered agent and registered office. ~~Statement changing the of change in~~ registered agent or ~~a statement of change of address of registered agent and registered office,~~ as provided by section 305, subsection 1, \$5;

Sec. 16. 13-B MRSA §1401, sub-§8, as enacted by PL 1977, c. 525, §13, is amended to read:

8. Statement of change in registered office. Statement of change ~~of~~ in registered office, as provided by section 305, subsection 3, \$5 for each corporation listed; or when separate statements are filed at one time, \$5 for each separate statement up to but not exceeding 100 statements, \$2 for each separate statement over 100 but not exceeding 200 statements, and \$1 for each separate statement over 200 statements;

Sec. 17. 13-B MRSA §1401, sub-§27, as amended by PL 1979, c. 127, §110, is further amended to read:

27. Statement of change in registered agent or registered agent and registered office. Statement of change ~~of~~ in registered ~~office agent~~ or registered agent, ~~or both, and registered office~~ as provided by section 1212, subsection 2, \$5;

Sec. 18. 13-B MRSA §1401, sub-§29, as corrected by RR 1991, c. 2, §49, is amended to read:

29. Statement of change in registered office. Statement of change in registered office ~~or agent,~~ as provided in section 1212, subsection ~~2~~ 2-A, \$5 for each foreign corporation listed; or when separate statements are filed at one time, \$5 for each separate statement up to but not exceeding 100 statements, \$2 for each separate statement over 100 but not exceeding 200 statements, \$1 for each statement over 200 statements;

Sec. 19. 31 MRSA §407, sub-§3, ¶B, as amended by PL 1993, c. 316, §51, is repealed and the following enacted in its place:

B. When the registered agent does not appoint a successor:

- (1) A statement of resignation;
- (2) The names of all the limited partnerships; and
- (3) An affidavit, signed by the registered agent, setting forth the following information:
 - (a) The date on which the notice of resignation was sent by certified or registered mail to a general partner of each limited partnership from which the registered agent is resigning as registered agent; and
 - (b) The name, capacity and address of the general partner for each limited partnership to which the notice of resignation was sent.

A resignation takes effect under this paragraph upon filing the certificate with the Secretary of State.

Sec. 20. 31 MRSA §422, sub-§3, ¶¶B and C, as enacted by PL 1991, c. 552, §2 and affected by §4, are amended to read:

B. The withdrawal of a general partner; or

C. A change in the name of the limited partnership, or, except as provided in section 407, subsections 2 and 3, a change in the address of the registered office or a change in the name or address of the registered agent of the limited partnership;

Sec. 21. 31 MRSA §422, sub-§3, ¶¶D and E are enacted to read:

D. A change in the registered agent and registered office as provided in section 407, subsection 2, paragraph A or a change in the registered office or a change in the name of any person acting as the registered agent as provided in section 407, subsection 2, paragraph B; or

E. A resignation of a registered agent as provided in section 407, subsection 3.

Sec. 22. 31 MRSA §526, sub-§5, as amended by PL 1993, c. 316, §67, is further amended to read:

5. Change of registered agent and registered office or registered office for domestic limited partnerships. For filing of a certificate by a registered agent under section 407, subsection 2, paragraph

B to change the registered office or to change the name of the current registered agent or for filing of a certificate of amendment under section 422, changing to change the registered agent or address of the and registered office or resigning for filing a notice of resignation of a registered agent under section 407, subsection 3, a fee in the amount of \$20;

Sec. 23. 31 MRSA §526, sub-§9, as amended by PL 1993, c. 316, §71, is further amended to read:

9. Change of registered agent and registered office or registered office for foreign limited partnerships. For filing of a certificate by a registered agent under section 494, subsection 3, paragraph B to change the registered office or to change the name of the current registered agent or for filing of a certificate of amendment under section 495, changing to change the registered agent or address of the and registered office or resigning for filing a notice of resignation of a registered agent under section 494, subsection 4, a fee in the amount of \$30;

Sec. 24. 31 MRSA §607, sub-§5, ¶B, as enacted by PL 1993, c. 718, Pt. A, §1, is repealed and the following enacted in its place:

B. When the registered agent does not appoint a successor:

- (1) A statement of resignation;
- (2) The names of all the limited liability companies; and
- (3) An affidavit, signed by the registered agent, setting forth the following information:

(a) The date on which the notice of resignation was sent by certified or registered mail to a manager or, if there is no manager, to a member of each limited liability company from which the registered agent is resigning as registered agent; and

(b) The name, capacity and address of a manager or, if there is no manager, a member for each limited liability company to which the notice of resignation was sent.

A resignation takes effect under this paragraph upon filing a certificate with the Secretary of State.

Sec. 25. 31 MRSA §714, sub-§4, ¶B, as enacted by PL 1993, c. 718, Pt. A, §1, is repealed and the following enacted in its place:

B. When the registered agent does not appoint a successor:

- (1) A statement of resignation;
- (2) The names of all the limited liability companies; and
- (3) An affidavit, signed by the registered agent, setting forth the date on which the notice of resignation was sent by certified or registered mail to the registered or principal office of each limited liability company, wherever located, from which the registered agent is resigning as registered agent.

A resignation takes effect under this paragraph upon filing the certificate with the Secretary of State.

Sec. 26. 31 MRSA §751, sub-§§6 and 14, as enacted by PL 1993, c. 718, Pt. A, §1, are amended to read:

6. Change of registered agent and registered office or registered office for domestic limited liability companies. For filing of a certificate by a registered agent under section 607, subsection 3, paragraph B to change the registered office or to change the name of the current registered agent or for filing of a certificate of amendment under section 623 ~~changing to change~~ the registered agent or address of the ~~and~~ registered office or ~~the~~ for filing a notice of resignation of the registered agent under section 607, subsection 5, a fee of \$20;

14. Change of registered agent and registered office or registered office for foreign limited liability companies. For filing of a certificate by a registered agent under section 714, subsection 3, paragraph B to change the registered office or to change the name of the current registered agent or for filing of a certificate of amendment under section 715 ~~changing to change~~ the registered agent or address of the ~~and~~ registered office or ~~the~~ for filing a notice of resignation of the registered agent under section 714, subsection 4, a fee of \$30;

Sec. 27. 31 MRSA §807, sub-§5, ¶B, as enacted by PL 1995, c. 633, Pt. B, §1, is repealed and the following enacted in its place:

B. When the registered agent does not appoint a successor:

- (1) A statement of resignation;
- (2) The names of all the limited liability partnerships; and

(3) An affidavit, signed by the registered agent, setting forth the following information:

- (a) The date on which the notice of resignation was sent by certified or registered mail to a partner of each registered limited liability partnership from which the registered agent is resigning as registered agent; and
- (b) The name, capacity and address of a partner for each registered limited liability partnership to which the notice of resignation was sent.

Sec. 28. 31 MRSA §823, sub-§3, ¶B, as enacted by PL 1995, c. 633, Pt. B, §1, is repealed and the following enacted in its place:

B. Except as provided in the following:

- (1) A change in the registered agent and registered office as provided in section 807, subsection 3, paragraph A or a change in the registered office or a change in the name of any person acting as the registered agent as provided in section 807, subsection 3, paragraph B; or
- (2) A resignation of a registered agent as provided in section 807, subsection 5;

Sec. 29. 31 MRSA §871, sub-§§6 and 12, as enacted by PL 1995, c. 633, Pt. B, §1, are amended to read:

6. Change of registered agent and registered office or registered office for registered limited liability partnerships. For filing a certificate by a registered agent under section 807, subsection 3, paragraph B to change the registered office or to change the name of the current registered agent or for filing a certificate of amendment under section 823 ~~changing to change~~ the registered agent or address of the ~~and~~ registered office or ~~containing the~~ for filing a notice of resignation of the registered agent under section 807, subsection 5, a fee of \$20;

12. Change of registered agent and registered office or registered office for foreign limited liability partnerships. For filing a certificate by a registered agent under section 854, subsection 3, paragraph B to change the registered office or to change the name of the current registered agent or for filing a certificate of amendment under section 855 ~~changing to change~~ the registered agent or address of the ~~and~~ registered office or ~~containing the~~ for filing a

notice of resignation of the registered agent under section 854, subsection 4, a fee of \$30;

See title page for effective date.

CHAPTER 595

S.P. 687 - L.D. 1933

An Act to Promote Sharing of Information Between Schools and Criminal Justice Agencies

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

Sec. 1. 15 MRSA §3008 is enacted to read:

§3008. Dissemination of education records of preadjudicated juveniles

Pursuant to Title 20-A, section 6001, schools may distribute education records of preadjudicated juveniles to criminal justice agencies or agencies that by court order or agreement of the juvenile are responsible for the health or welfare of the juvenile if the education records are relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation.

Sec. 2. 20-A MRSA §6001, as amended by PL 1999, c. 17, §1, is repealed and the following enacted in its place:

§6001. Dissemination of information

1. Federal and state law. The provisions of this section, the United States Family Educational Rights and Privacy Act of 1974, Public Law 93-380, as amended by Public Law 93-568, and the United States Education of All Handicapped Children Act, Public Law 94-142 govern the dissemination of information about students, as well as applications for equivalent instruction through home instruction, comments on the completeness of those applications and all education records of students receiving equivalent instruction through home instruction.

2. Internet restrictions. A public school may not publish on the Internet or provide for publication on the Internet any personal information about its students without first obtaining the written approval of those students' parents. For the purpose of this section, "personal information" means information that identifies a student, including, but not limited to, the student's full name, photograph, personal biography, e-mail address, home address, date of birth, social security number and parents' names.

3. Dissemination of education records to criminal justice agencies. A school may disseminate education records as defined in 20 United States Code, Section 1232 g(a)(4) regarding a juvenile if:

A. The juvenile has not been adjudicated as having committed a juvenile crime;

B. The education records are disseminated to:

(1) Criminal justice agencies; or

(2) Agencies that by court order or agreement of the juvenile are responsible for the health or welfare of the juvenile and that have provided the school with a statement describing the purpose of the dissemination; and

C. The education records are relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation.

Education records received under this subsection are confidential and may not be further disseminated, except to the court or as otherwise provided by law. The persons to whom the education records are disseminated shall certify in writing to the school that the records will not be disclosed to any other party, except the court or as otherwise provided by law, without the written consent of the juvenile or the juvenile's parent or guardian.

See title page for effective date.

CHAPTER 596

H.P. 1769 - L.D. 2482

An Act to Enhance Maine's Historic Districts by Efficiently Installing Underground Delivery Systems

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

Sec. 1. 35-A MRSA §2312 is enacted to read:

§2312. Facilities in municipally designated historic districts

1. Location of facilities in municipally designated historic district. A public utility or other facility owner that owns facilities, as defined in section 2502, subsection 3, along a state highway or state aid highway located in a district designated a historic district by a municipality by ordinance shall provide, upon written demand by the governing body of that municipality, services to buildings or structures located along the state highway or state aid highway