

# 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**

A person commits a Class E crime if that person who knowingly authorizes or permits a vehicle owned by or under control of that person to be driven on a public way by any person not authorized under this Title or in violation of a provision of this Title- commits:

A. A traffic infraction if the violation the driver commits is a traffic infraction; or

B. A Class E crime if the violation the driver commits is a crime.

## PART D

**Sec. D-1. Application.** This Act applies to violations committed on or after July 1, 2001.

**Sec. D-2. Effective date.** This Act takes effect July 1, 2001 except as otherwise provided.

Effective July 1, 2001, unless otherwise indicated.

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### CHAPTER 772

H.P. 480 - L.D. 687

#### An Act Regarding Wrongful Death Actions

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

**Sec. 1. 18-A MRSA §2-804, sub-§(b),** as amended by PL 1995, c. 577, §1, is further amended to read:

(b) Every such action must be brought by and in the name of the personal representative of the deceased person, and the amount recovered in every such action, except as otherwise provided, is for the exclusive benefit of the surviving spouse if no minor children, and of the children if no surviving spouse, and one-half for the exclusive benefit of the surviving spouse and one-half for the exclusive benefit of the minor children to be divided equally among them if there are both surviving spouse and minor children, and to the deceased's heirs to be distributed as provided in section 2-106 if there is neither surviving spouse nor minor children. The jury may give such damages as it determines a fair and just compensation with reference to the pecuniary injuries resulting from the death to the persons for whose benefit the action is brought and in addition shall give such damages as will compensate the estate of the deceased person for reasonable expenses of medical, surgical and hospital care and treatment and for reasonable funeral expenses, and in addition may give damages not exceeding ~~\$150,000~~ \$400,000 for the loss of comfort, society and companionship of the deceased, including

any damages for emotional distress arising from the same facts as those constituting the underlying claim, to the persons for whose benefit the action is brought, and in addition may give punitive damages not exceeding \$75,000, provided that the action is commenced within 2 years after the decedent's death. If a claim under this section is settled without an action having been commenced, the amount paid in settlement must be distributed as provided in this subsection. No settlement on behalf of minor children is valid unless approved by the court, as provided in Title 14, section 1605.

**Sec. 2. Application.** This Act applies to causes of action arising on or after the effective date of this Act.

See title page for effective date.

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### CHAPTER 773

H.P. 1736 - L.D. 2442

#### An Act Regarding the Solid Waste Hauling and Disposal Industry

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

**Sec. 1. 38 MRSA §2111** is enacted to read:

**§2111. Acquisition of solid waste and residue hauling assets**

**1. Prohibition.** A person may not acquire, directly or indirectly, controlling stock or substantial assets that include those used in solid waste or residue hauling from a business engaged in and of which more than 1/2 of the revenue is derived from solid waste or residue hauling in the State without prior notice as required under subsection 2.

For the purposes of this subsection, "solid waste or residue hauling" means the collection, transportation or delivery of solid waste or residue to a transfer facility or station, incinerator or disposal site from residential or commercial generators and customers and includes hand pickup, containerized pickup and roll-off services.

**2. Notice.** The person acquiring controlling stock or substantial assets under subsection 1 shall provide notice of this acquisition to the Department of the Attorney General at least 30 days prior to the date of acquisition. That period may be shortened with the consent of the Attorney General.

**3. Exception.** Notwithstanding subsection 1, this section does not apply if the business from which