

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

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.

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.

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

controlling stock or substantial assets are being acquired employs 5 or fewer individuals.

4. Confidentiality. Information received by the Department of the Attorney General as a result of the notice requirement under subsection 2 is confidential.

5. Penalty. A person that violates this section is subject to a civil penalty not to exceed \$10,000, payable to the State. The penalty is recoverable in a civil action. The violation constitutes a prima facie violation of Title 5, section 207.

6. Repeal. This section is repealed 90 days after adjournment of the First Regular Session of the 120th Legislature.

Sec. 2. Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry established. The Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry, referred to in this section as the "task force," is established.

1. The task force consists of 5 members of the Joint Standing Committee on Natural Resources, appointed as follows:

A. Two members from the Senate, appointed by the President of the Senate; and

B. Three members from the House of Representatives, appointed by the Speaker of the House of Representatives.

The first Senate member named is the Senate chair and the first House member named is the House chair.

Legislators may continue to serve while they are Legislators until they are replaced by new appointments.

2. All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The chairs of the task force shall call and convene the first meeting of the task force within 30 days of the date the last member is appointed.

3. The task force shall conduct a study of market power issues in all aspects of the public and private solid waste hauling and disposal industry. The task force may examine any issue that the task force determines to be relevant to assessing market power issues. The task force shall examine at a minimum:

A. Issues of market concentration or horizontal market power;

B. Issues of vertical market power arising from integrated ownership or control of solid waste hauling, disposal and other related assets;

C. The existence of barriers to entry into the solid waste hauling industry, including required capitalization;

D. The reasonable geographic areas and markets in which market power could be exercised;

E. The extent to which imbalances of supply and demand create opportunities for the unreasonable exercise of market power;

F. Issues of solid waste hauling and disposal pricing, including debt service of public facilities and its relationship to tipping fees;

G. The advantages and disadvantages of altering the current market system in the solid waste hauling and disposal industry; and

H. The approaches taken in other states to address market power issues.

4. The task force shall consult with the following interested parties in conducting the study: the Department of the Attorney General; the Executive Department, State Planning Office; the Public Utilities Commission; the Department of Environmental Protection; municipal representatives; industry representatives; and other parties as determined appropriate by the task force.

5. The task force may retain experts or other consultants as determined necessary in order to conduct the study.

6. Members of the task force are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the task force.

7. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the task force.

8. The task force shall submit an interim report of its findings and recommendations no later than December 6, 2000 and a final report of its findings and recommendations no later than December 5, 2001 to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The interim and final reports must include any legislation necessary to implement the recommendations of the task force. If the task force requires an extension of time to make its reports, it may apply to the Legislative Council, which may grant the extension.

9. The chairs of the task force, with assistance from the task force staff, shall administer the task

force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for approval. The task force may not incur expenses that would result in the task force exceeding its approved budget.

Sec. 3. Legislation. The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out a bill related to the solid waste industry to the First Regular Session of the 120th Legislature.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

LEGISLATURE

Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry

All Other	\$4,500
Provides funds for the Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry and for the costs to retain experts or consultants.	

See title page for effective date.

CHAPTER 774

H.P. 1909 - L.D. 2657

An Act to Clarify the Tuition Waiver Program for Persons Who Resided in Foster Care as Children

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

Sec. 1. 20-A MRSA §12571, sub-§4, as enacted by PL 1999, c. 216, §1, is repealed.

Sec. 2. 20-A MRSA §12572, sub-§2, as enacted by PL 1999, c. 216, §1, is amended to read:

2. Limitation. The tuition waiver provided by this chapter is limited to:

A. Persons participating in undergraduate degree programs or certificate programs of at least one year;

B. Persons who have not been enrolled full time for more than 5 years or the equivalent; and

C. Persons who have completed an application for federal student financial aid programs for which they may be eligible; and

~~D. Eligible persons with unmet needs remaining, after all financial resources are considered, toward the total cost of attendance pursuant to section 11613.~~

Sec. 3. 20-A MRSA §12572, sub-§4 is enacted to read:

4. Revenue reduction. A state postsecondary educational institution shall absorb the reduction in tuition revenues that results from providing a tuition waiver to an eligible person under this chapter. The institution may not request additional General Fund appropriations from the Legislature to offset the reduction in tuition revenues.

Sec. 4. 20-A MRSA §12573, sub-§3, as enacted by PL 1999, c. 216, §1, is amended to read:

3. Limitation. Tuition waivers to eligible persons are limited to 25 new students per year in each year.

See title page for effective date.

CHAPTER 775

H.P. 1946 - L.D. 2690

An Act to Implement the Recommendations of the Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf

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

Sec. 1. 20-A MRSA §7401, as enacted by PL 1995, c. 676, §5 and affected by §13, is further amended to read:

§7401. School established

The Governor Baxter School for the Deaf is established as a public school pursuant to this chapter for the purpose of educating deaf and hard-of-hearing students. The school is a body politic and corporate and is an instrumentality and agency of the State. The exercise by the school of the powers conferred by this chapter is the performance of an essential public function by and on behalf of the State.