

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

the commissioner finds that technical assistance or resources are not available to complete and certify the plan by January 1, 2001. The commissioner may grant a variance from the implementation date in subsection 4, 5 or 6 when the commissioner finds that implementation of the plan would cause undue hardship. A person requesting a variance shall submit a request in writing to the commissioner at least 90 days prior to the applicable implementation date. The commissioner shall establish by rule criteria and a process for granting a variance. Factors considered must include protection of groundwater and surface water, cost of implementing the plan and, availability of financial assistance to implement the plan and availability of technical assistance or resources to complete and certify the plan. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. Notwithstanding the provisions of this subsection, a variance may not extend an implementation date beyond December 31, 2008. A person denied a variance by the commissioner may appeal that decision to the board.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	2001-02	2002-03
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
Office of Agricultural, Natural and Rural Resources		
Personal Services	\$9,851	\$9,851
All Other	(9,851)	(9,851)
Provides funds to implement a reclassification that has been approved by the Department of Administrative and Financial Services, Bureau of Human Resources.		
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES		
TOTAL	\$0	\$0

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

Effective April 12, 2001.

CHAPTER 65

H.P. 632 - L.D. 832

An Act to Clarify Mutual Aid Agreements Between Law Enforcement Agencies

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

Sec. 1. 30-A MRSA §2674, as amended by PL 1999, c. 654, §1, is further amended to read:

§2674. Aid to other law enforcement agencies

Except as otherwise provided by municipal charter or ordinance, the municipal officers may authorize the chief of police or other designee to request other municipalities to provide police officers to assist the requesting municipality. The municipal officers may authorize the chief of police or other designee to provide police officers to assist other municipalities when so requested by a properly authorized chief of police or other designee of the requesting municipality.

The authorizations of the municipal officers ~~shall~~ must be accompanied by an agreement between the requesting municipality and the responding municipality that specifies which municipality ~~shall be~~ is liable, if any liability is determined to exist, for personal injury or property damage caused by or occurring to the police officers of the responding municipality in the course of assisting the requesting municipality.

If the request for assistance is for a major unplanned incident that jeopardizes the health and welfare of the citizens of the requesting municipality and when delay may cause further jeopardy to life or property or in the case of jointly planned collaborative activity, the police chief of any municipality or the chief's designee may request assistance from or provide assistance to another municipality or law enforcement agency whether or not an agreement between the 2 municipalities or parties exists. Each police department shall assume its own liability to a 3rd party, except for liability incurred by the command or operational decisions made by the requesting department, which must be assumed by the requesting department. For the purposes of this paragraph, "major unplanned incident" means an extraordinary emergency to which a law enforcement agency is unable to adequately respond that presents a substantial and imminent danger to the public safety and that necessitates the cooperation or assistance of other law enforcement agencies.

The police officers of the responding municipality ~~shall~~ or law enforcement agency have the same

authority as police officers within the limits of the requesting municipality, except as to the service of civil process and, when assisting other municipalities, shall have the same privileges and immunities as when acting within their own ~~municipality~~ jurisdiction.

See title page for effective date.

CHAPTER 66

H.P. 813 - L.D. 1068

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 §809, sub-§5, as amended by PL 1973, c. 483, §12, is further amended to read:

5. The restatement may omit statements as to the incorporator or incorporators and the initial directors. In all other respects, the restatement shall ~~shall~~ must contain the same information and provisions as are required by this Act for original articles, except that if the corporation is managed by a board of directors, the restatement must provide either a fixed number of directors or a minimum and maximum number of directors as provided in chapter 7.

Sec. 2. 13-A MRSA §1401, sub-§27, as amended by PL 1999, c. 638, §5, is further amended to read:

27. An amendment to a foreign corporation's application for authority to do business in this State, as provided by section 1207, §70, except for a change in its registered or principal office, as provided by section 1207, subsection 1, paragraph C, §35;

Sec. 3. 31 MRSA §494, sub-§4, ¶B, as amended by PL 1993, c. 316, §59, 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 date on which the notice of resignation was sent by certified or registered mail to the registered or principal office of each limited partnership, 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. 4. 31 MRSA §854, sub-§4, ¶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 limited liability partnerships; 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 partnership, 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.

See title page for effective date.

CHAPTER 67

H.P. 232 - L.D. 269

An Act to Implement the Recommendations Relating to Education Made by the Joint Study Committee to Study Bomb Threats in Maine Schools

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, the number and frequency of school bomb threats throughout the State during recent months has increased significantly; and