

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

Sec. 16. 18-B MRSA §813, sub-§5 is enacted to read:

5. Applicable date. Subsection 2, paragraphs B and C apply only to a trustee who accepts a trusteeship on or after July 1, 2005, to an irrevocable trust created on or after July 1, 2005 and to a revocable trust that becomes irrevocable on or after July 1, 2005.

Sec. 17. 18-B MRSA §814, sub-§1, as enacted by PL 2003, c. 618, Pt. A, §1 and affected by §2, is amended to read:

1. Discretionary power; interests of beneficiaries. Notwithstanding the breadth of discretion granted to a trustee in the terms of the trust, including the use of such terms as "absolute," "sole" or "uncontrolled," the trustee shall exercise a discretionary power in good faith and in accordance with the terms and purposes of the trust ~~and the interests of the beneficiaries~~. A trustee's power to make distributions is discretionary notwithstanding terms of the trust providing that the trustee "shall" make distributions exercising a discretionary power, with or without standards.

Sec. 18. 18-B MRSA §814, sub-§2, ¶A, as enacted by PL 2003, c. 618, Pt. A, §1 and affected by §2, is amended to read:

A. A person other than a settlor who is a beneficiary and trustee of a trust that confers on the trustee a power to make discretionary distributions to or for the trustee's personal benefit may exercise the power only in accordance with an ascertainable standard ~~relating to the trustee's individual health, education, support or maintenance within the meaning of the federal Internal Revenue Code of 1986, Section 2041(b)(1)(A) or 2514(c)(1), as in effect on July 1, 2005, or as later amended;~~ and

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect July 1, 2005.

Effective July 1, 2005.

CHAPTER 185

S.P. 313 - L.D. 905

An Act To Modernize the Innkeeping Statutes

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

Sec. 1. 30-A MRSA §3802, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106

and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Overcharge liability. No keeper may charge or collect a sum greater than the rate shown in the posted schedule. Any keeper who charges or collects more than the rate shown in the posted schedule is liable to the person so charged or who paid the bill in an amount equal to ~~3 times~~ the total amount of the bill collected minus the rate shown in the posted schedule.

Sec. 2. 30-A MRSA §3821, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Register of guests. Every person conducting ~~any a~~ hotel or lodging house shall have a register kept and maintained in the hotel or lodging house at all times. The name of every guest or person renting ~~or occupying~~ a room or rooms in the hotel or lodging house ~~shall~~ must be written in the register. The person renting the room or rooms, or someone under that person's direction, shall sign the register. The proprietor of the hotel or lodging house, or the proprietor's agent, shall then write the number of each room assigned to ~~and occupied by~~ each guest, together with the date that room is rented, opposite the name or names so registered.

Sec. 3. 30-A MRSA §3822, sub-§1, as amended by PL 1995, c. 88, §2, is further amended to read:

1. Registration. All persons ~~occupying~~ renting a room or rooms in a hotel or lodging house must register or have themselves registered in the hotel or lodging house register. The innkeeper may require the registering guest to produce a valid driver's license, or other identification satisfactory to the innkeeper, setting forth the name and residence of the guest. If the guest is a minor, the innkeeper may require a parent of the guest to register and to accept in writing liability for the guest room costs, taxes, all charges incurred by the minor and any damages to the guest room or its furnishings caused by the minor while a guest at the hotel or lodging house.

Sec. 4. 30-A MRSA §3838, sub-§2, as amended by PL 1997, c. 59, §1, is further amended to read:

2. Minor. Any person who has not attained 18 years of age ~~unless that person~~. An innkeeper or campground owner may, at the innkeeper's or campground owner's discretion, grant the accommodations, facilities and privileges of a hotel, lodging house or campground to a minor if that minor:

A. Presents a signed notification from a parent that the parent accepts liability ~~of~~ for the guest

room or campground site costs, taxes, all charges by the minor and any damages to the guest room or its furnishings or to the campground site caused by the minor while a guest at the hotel, lodging house or campground; and

B. Provides the innkeeper or campground owner with a valid credit card number or cash deposit to cover the guest room or campground site costs, taxes, charges by the minor and any damages to the guest room or its furnishings or to the campground site caused by the minor. Any cash deposit provided must be refunded to the extent not used to cover any charges or damages as determined by the innkeeper or campground owner following room or campground site inspection at check-out;

See title page for effective date.

CHAPTER 186

H.P. 897 - L.D. 1300

An Act To Create the ATV Trail Advisory Council

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

Whereas, the laws regulating ATVs are in effect; and

Whereas, there is no one to assist the ATV operators in establishing trails to be used for ATVs; and

Whereas, it is necessary to have this legislation be an emergency so that trails may be established as soon as possible; 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. 5 MRSA §12004-I, sub-§3-C is enacted to read:

<u>3-C.</u> Conservation	<u>ATV Trail</u> <u>Advisory</u> <u>Council</u>	<u>Expenses</u> <u>for Non-</u> <u>salaried</u> <u>and</u> <u>Nonpaid</u> <u>Public</u>	<u>12 MRSA</u> <u>§1893-C</u>
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Members
Only

Sec. 2. 12 MRSA §1893-C is enacted to read:

§1893-C. ATV Trail Advisory Council established

1. Appointment and composition. The ATV Trail Advisory Council, referred to in this section as "the advisory council" and established by Title 5, section 12004-I, subsection 3-C, consists of 11 members. The director or the director's designee serves as an ex officio member and may vote only to break a tie. The other 10 members are appointed by the commissioner as follows:

A. Three members who represent local ATV clubs from different regions of the State that are ATV Recreational Management Fund grantees. One of these members must belong to both an ATV club and a snowmobile club;

B. One member who represents municipal ATV Recreational Management Fund grantees;

C. One member who represents a statewide organization with an interest in operating ATVs;

D. One member who represents ATV and snowmobile business interests;

E. One member who represents large landowner interests with land holdings of more than 250,000 acres;

F. One member who represents a statewide environmental group;

G. One member who represents a statewide farming organization; and

H. One member who represents woodlot owners' interests.

2. Terms. Members of the advisory council serve for 3 years, except that initially the members appointed under subsection 1, paragraphs A, B, C and D shall draw lots for 2-year or 3-year terms. Members continue serving until a successor is duly appointed and qualified. A member may not serve more than 2 consecutive 3-year terms. When a vacancy occurs, the commissioner shall fill the vacancy by appointing a member from the same category as the member who vacated the advisory council and that member continues to serve for the remainder of the term. An employee of the department may not serve as a member of the advisory council prior to the expiration of one year from the employee's last day of employment with the department. A Legislator may not serve as a member of the advisory council.