

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

bution upon termination of the trust, if the trustee has not made the distribution to the beneficiary within a reasonable time after the designated distribution date.

Sec. 7. 18-B MRSA §813, sub-§6 is enacted to read:

6. Duty to settlor of revocable trust. During the lifetime of the settlor of a revocable trust, whether or not the settlor has capacity to revoke the trust, the trustee's duties under this section are owed exclusively to the settlor. If the settlor lacks capacity to revoke the trust, a trustee may satisfy the trustee's duties under this section by providing information and reports to any one or more of the following in the order of preference listed:

- A. The person or persons designated by the settlor in the trust to receive information and reports on the settlor's behalf;
- B. The settlor's spouse or registered domestic partner under Title 22, section 2710;
- C. The settlor's agent under a durable power of attorney;
- D. The settlor's court-appointed conservator; or
- E. The settlor's court-appointed guardian.

If the settlor lacks capacity to revoke the trust and there are no persons listed in this subsection to whom the trustee may provide information and reports, the trustee shall satisfy its duties under this section by providing information and reports to the qualified beneficiaries.

See title page for effective date.

CHAPTER 43

H.P. 147 - L.D. 170

An Act To Extend the Maximum Time Period for Powers of Attorney for Minors and Incapacitated Persons

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

Sec. 1. 18-A MRSA §5-104, sub-§(a), as enacted by PL 1997, c. 455, §7, is amended to read:

(a). A parent or guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding 6 12 months, any of that parent's or guardian's powers regarding care, custody or property of the minor child or ward, except the power to consent to marriage or adoption of a minor ward. A delegation by a ~~court-appointed~~ court-appointed guardian be-

comes effective only when the power of attorney is filed with the court.

Sec. 2. 18-A MRSA §5-213 is enacted to read:
§5-213. Transitional arrangements for minors

In issuing, modifying or terminating an order of guardianship for a minor, the court may enter an order providing for transitional arrangements for the minor if the court determines that such arrangements will assist the minor with a transition of custody and are in the best interest of the child. Orders providing for transitional arrangements may include, but are not limited to, rights of contact, housing, counseling or rehabilitation.

See title page for effective date.

CHAPTER 44

H.P. 455 - L.D. 625

An Act To Amend the Law Pertaining to Loaner Registration Plates

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

Sec. 1. 29-A MRSA §459, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§459. Manufacturers, dealers, transporters, body shops, transmission shops and garages; special plates

1. Special plates. The Secretary of State may select and issue special distinguishing letters, marks or designs for number plates issued to manufacturers, dealers ~~and~~, holders of transporter registration certificates and owners of body shops, transmission shops or garages.

2. Special vanity plates. A ~~new~~ car dealer or an owner of a body shop, transmission shop or garage may apply for special vanity registration plates that may bear letters or combinations of letters and numbers that are approved by the Secretary of State or a designee. A plate may not be duplicated by other licensed vehicle dealers, body shops, transmission shops or garages. These special vanity plates may not be used to supplement existing registration numbers assigned.

The Secretary of State shall charge an additional \$30 fee per plate issued pursuant to this subsection.

Sec. 2. 29-A MRSA §1003, sub-§7, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

7. Special vanity registration plates. A new car dealer ~~or an owner of a body shop, transmission shop or garage~~ holding special ~~initial~~ vanity registration plates issued pursuant to section ~~457~~ 459 may apply for special vanity loaner plates bearing the same combination of letters and numbers as appears on the ~~initial~~ special vanity registration plates. Special vanity loaner plates may not be used to supplement existing loaner registration numbers assigned. The Secretary of State shall charge an additional \$30 fee per special vanity loaner registration plate.

See title page for effective date.

CHAPTER 45

S.P. 128 - L.D. 424

An Act To Revise the Laws Governing the Licensure of Public Water System Operators

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

Sec. 1. 22 MRSA §2622, first ¶, as amended by PL 2003, c. 33, §4, is further amended to read:

The board, with the advice of the department, shall classify all community public water systems, all nontransient, noncommunity public water systems, all public water systems utilizing surface water and the water treatment plants or collection, treatment, distribution or storage facilities or structures that are part of a system with due regard to the size and type of facilities, the character of water to be treated and any other physical conditions affecting such system or part thereof and specify the qualifications the operator of the system or of a part of a system must have to supervise successfully the operation of the system or parts thereof so as to protect the public health or prevent nuisance conditions.

Sec. 2. 22 MRSA §2624-A, sub-§6, as enacted by PL 1995, c. 442, §2, is amended to read:

6. Powers and duties. The powers and duties of the board are as follows.

A. The board shall license persons to serve as operators of all or part of any public water system in the State.

B. The board shall design or approve and hold at least one examination each year at a time and place designated for the purpose of examining candidates for licensure. The board may accept results of examinations approved by the board administered by a 3rd party, whose fees are not governed by section 2629.

C. The board may enter into contracts or agreements to carry out its responsibilities under this section.

Sec. 3. 22 MRSA §2625-A, first ¶, as amended by PL 2003, c. 33, §7, is further amended to read:

All licenses expire on December 31st of each biennial period and may be renewed thereafter for 2-year periods without further examination, upon the payment of the proper renewal fee as set forth in the rules. A person who fails to renew that person's license within 2 years following the expiration ~~date shall take an examination of the license must take an examination as a condition of licensure.~~

Sec. 4. 22 MRSA §2628, as amended by PL 2003, c. 33, §9, is further amended to read:

§2628. Rules

The Board of Licensure of Water System Operators, in accordance with any other appropriate state laws, shall make such rules as are reasonably necessary to carry out the intent of this subchapter. The rules must include, but are not limited to, provisions establishing requirements for licensure and procedures for examination of candidates and such other provisions as are necessary for the administration of this subchapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. 22 MRSA §2629, as amended by PL 2003, c. 33, §10, is further amended to read:

§2629. Fees

~~The examination fees, licensure fees, biennial renewal fees and reinstatement fees must be established by the Board of Licensure of Water System Operators by rule. The examination and licensure fees may not exceed \$70, and the biennial renewal fee and the reinstatement fee may not exceed \$60. The Board of Licensure of Water System Operators shall establish by rule fees authorized pursuant to this subchapter. These fees may include examination, licensure, biennial renewal and reinstatement fees in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$95. Revenues derived from applicants failing the examination must be retained.~~

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Water System Operators - Board of Licensure 0104

Initiative: Deallocates funds as a result of savings from reduced costs for testing.