

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

Sec. 4. 32 MRSA §13751, sub-§2, ¶¶C and D, as enacted by PL 1987, c. 710, §5, are amended to read:

C. Wholesale drug outlet; ~~or~~

D. Rural health center; ~~or~~

Sec. 5. 32 MRSA §13751, sub-§2, ¶E is enacted to read:

E. Free clinic.

See title page for effective date.

CHAPTER 43

H.P. 1393 - L.D. 1998

An Act to Fulfill the Requirements of the Electric Restructuring Act

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

Whereas, the Legislature has determined that the restructuring of the electric industry is of critical importance to the citizens of the State; and

Whereas, the deadlines established in the Maine Revised Statutes, Title 35-A, section 3204 are of vital importance to establishing effective competition and accomplishing the goals of that law; and

Whereas, the divestiture required in Title 35-A, section 3204, creates unique problems that could not have been foreseen when the restructuring law was enacted and subsequently amended; and

Whereas, compliance with the deadlines set forth in Title 35-A, section 3204 may be impaired by the unique problems of application of other laws and ordinances; and

Whereas, the public's interests are adequately protected by the oversight vested in the Public Utilities Commission pursuant to Title 35-A and other laws; 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. 35-A MRSA §3204, sub-§9 is enacted to read:

9. Other regulatory approvals; limitation. A transfer of interests or rights in real property necessary to consummate a divestiture pursuant to this section that results in a division of ownership of any lot or parcel of real property:

A. Is exempt from municipal and state agency approval required pursuant to laws, ordinances or rules related to land use, zoning, shoreland zoning or subdivision of property; and

B. Does not constitute a violation of laws, ordinances or rules relating to land use, zoning, shoreland zoning or subdivision of property.

Any subsequent regulated activity relating to any resulting parcel is subject to all applicable regulatory reviews and approvals by a municipality or state agency. A municipality or state agency, in its review of any subsequent regulated activity relating to any resulting parcel, may consider the division of ownership accomplished pursuant to the exemption granted under this subsection and may, in accordance with applicable standards established by law, rule or ordinance, deny or condition its approval based on the cumulative effect of that division of ownership and the subsequent regulated activity, as though both were occurring at the same time.

For purposes of this subsection, "subsequent regulated activity" means any activity occurring after a division of ownership accomplished pursuant to the exemption granted under this subsection that is subject to regulatory review by a municipality or state agency, including any change of use, division of ownership or development. For purposes of this subsection, "resulting parcel" means a lot or parcel of real property resulting from a division of ownership accomplished pursuant to an exemption granted under this subsection.

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

Effective March 30, 1999.

CHAPTER 44

H.P. 23 - L.D. 33

An Act to Delay Implementation of a Separate Community Rate for Individuals Eligible for Medicare