

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
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ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

his attorney, shall cause a duly authenticated copy of such order to be recorded with the register of deeds in each of the counties where the real estate or any part thereof is situated. The appropriate recording fee shall be paid prior to the recording.

Sec. 2. 33 MRSA c. 7, sub-c. IX is enacted to read:

SUBCHAPTER IX

SIGNATURE OF A NONOWNER SPOUSE

§480. Signature of nonowner

An owner of real estate may convey that real estate, or any interest in it free from any claim to the real estate by his nonowner spouse, by deed, mortgage or any other instrument, without signature of his nonowner spouse, unless:

1. Nonbona fide purchaser. The transfer requires signature pursuant to the Title 18-A, section 2-202, subsections (1) and (3); or

2. Divorce action. The nonowner spouse has filed a claim in the registry of deeds pursuant to Title 19, section 725, and either the divorce action is still pending or the nonowner spouse has been granted an interest in the real estate by the court.

After that conveyance, any claim of the nonowner spouse under probate, divorce or any other laws, shall be against the proceeds of that conveyance and not against the real estate. Notwithstanding any provision of the Maine Probate Code, a mortgage deed does not need to be signed by a nonowner spouse, provided that the mortgage deed secures actual consideration in money or money's worth given in good faith by the mortgagee to the owner. Notwithstanding any provision of the Maine Probate Code or divorce laws, a correcting deed does not need to be signed by a nonowner spouse.

Effective July 25, 1984.

CHAPTER 749

. S.P. 843 - L.D. 2266

AN ACT to Ensure Medical Coverage
of Residents in Cost Reimbursement
Boarding Homes.

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

Whereas, for 10 years, the Department of Human Services has provided Medicaid coverage to residents of cost-reimbursement boarding homes whose income goes entirely to their boarding home, although their income would have otherwise been over the Medicaid eligibility income limits; and

Whereas, the United States Department of Health and Human Services required the State Department of Human Services to discontinue this coverage in August 1983; and

Whereas, a Maine Superior Court enjoined the Department of Human Services to continue such coverage, but the Federal Government removed the case to federal court and continues to seek an end to such coverage; and

Whereas, in the event that the Federal Government successfully forces the State to discontinue Medicaid coverage, approximately 180 seriously ill, elderly and disabled people would be left without sufficient funds or coverage to pay their medical expenses; 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. 22 MRSA §3174-A is enacted to read:

§3174-A. Medical coverage program for certain boarding home residents

The department shall administer a program of medical coverage for persons residing in cost reimbursement boarding homes who, but for their income, would be eligible for supplemental security income benefits on account of blindness, disability or age, and who do not have sufficient income to meet the per resident payment rate for boarding home care, including an amount for personal needs of at least \$30 a month.

Sec. 2. 22 MRSA §3273, sub-§1, ¶B, as repealed and replaced by PL 1979, c. 563, §1, is repealed.

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

Effective April 12, 1984.

CHAPTER 750

H.P. 1755 - L.D. 2315

AN ACT Concerning Benefits under the Unemployment Compensation Act.

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

Sec. 1. 26 MRSA §1251, sub-§1, as amended by PL 1977, c. 694, §482, is further amended to read:

1. Seasonal industry. As used in this section, the term "seasonal industry" means an industry in which, because of the seasonal nature thereof, it is customary to operate only during a regularly recurring period or periods of less than ~~40~~ 26 weeks in a calendar year. The commission shall, after investigation and hearing, pursuant to Title 5, section 9051 et seq., determine, and may thereafter from time to time redetermine, the longest seasonal period or periods during which, by the best practice of the industry in question, operations are conducted. Until such determination by the commission, no industry ~~shall~~ may be deemed seasonal.

Sec. 2. 26 MRSA §1251, sub-§3, as repealed and replaced by PL 1975, c. 407, §2, is amended to read:

3. Exceptions

A. Any hotel, motel, inn, sporting camp or other lodging facility, including camps operated for boys and girls, restaurants and other eating establishments, which customarily conducts its operations which are primarily related to the production of its characteristic goods or services for a regularly recurring period or periods ~~not exceeding 180 days~~ of less than 26 weeks in any one year shall be deemed seasonal.

B. Any potato packing business which customarily operates during a regularly recurring period of