

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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**CHAPTER 364**

**H.P. 365 - L.D. 496**

**An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991**

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the department will become due and payable on or immediately after July 1, 1989; 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**Sec. 1. 37-B MRSA §956, sub-§1**, as repealed and replaced by PL 1987, c. 816, Pt. KK, §25, is amended to read:

1. Fee. The license holder for any nuclear power reactor operating in this State shall be assessed a fee of \$200,000 for fiscal year 1988-89; ~~\$140,000~~ \$180,000 for fiscal year 1989-90; ~~\$120,000~~ \$130,000 for fiscal year 1990-91; and \$140,000 for fiscal year 1991-92 and annually thereafter. License fees shall be paid to the committee and, upon receipt by it, credited to the fund. The committee may waive all or part of this fee if a reactor is shut down for extended periods of time.

**Sec. 2. 37-B MRSA §956, sub-§3** is enacted to read:

3. Grants and gifts. The Maine Emergency Management Agency is authorized to accept gifts, grants, research funds and undertake contractual relationships with the Federal Government, other state and provincial governments, counties, municipalities, corporations, foundations and other legal entities to carry out the purposes for which it was created, including, without limitation, conducting emergency planning activities related to nuclear power facilities in adjacent states or provinces. Any amounts received for nuclear power facilities shall be credited to the Maine Nuclear Emergency Planning Fund.

**Sec. 3. 37-B MRSA §957**, as amended by PL 1989, c. 43, §1, is further amended to read:

**§957. Disbursements from fund**

Money in the fund shall be disbursed only for the preparation and implementation of emergency planning re-

lated to nuclear power plants and their fuel-cycle activities. Expenditures shall be limited to support of state agency activities, grants to counties, municipalities, interjurisdictional or regional civil emergency preparedness agencies and contractual services necessary to carry out the purposes of this chapter. Except as provided in section 959, disbursements from the fund may not exceed \$205,035 in fiscal year 1988-89; ~~\$110,000~~ \$222,000 in fiscal year 1989-90; ~~\$120,000~~ \$180,000 in fiscal year 1990-91; and \$140,000 in fiscal year 1991-92 and annually thereafter.

**Sec. 4. Allocation of Maine Nuclear Emergency Planning Fund.** Income to the Maine Nuclear Emergency Planning Fund for the next 2 fiscal years from July 1, 1989, to June 30, 1990, and from July 1, 1990, to June 30, 1991, shall be segregated, apportioned and disbursed as designated in the following schedule.

	1989-90	1990-91
<b>DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF</b>		
<b>Radiological Emergency Preparedness Committee</b>		
All Other	\$89,900	\$93,700
Capital Expenditures	20,100	26,300
<b>TOTAL</b>	<u>\$110,000</u>	<u>\$120,000</u>

**Sec. 5. Supplemental Allocation of Maine Nuclear Emergency Planning Fund.** Additional income to the Maine Nuclear Emergency Planning Fund for the fiscal years ending June 30, 1990, and June 30, 1991, as authorized by sections 1 and 2 of this Act, shall be segregated, apportioned and disbursed as designated in the following schedule.

	1989-90	1990-91
<b>DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF</b>		
<b>Radiological Emergency Preparedness Committee</b>		
Positions	(1.0)	(1.0)
Personal Services	\$17,140	\$18,611
All Other	27,960	(8,611)
Capital Expenditures	24,900	
<b>TOTAL</b>	<u>\$70,000</u>	<u>\$10,000</u>

Provides funds for 75% of the costs of a Planning and Research Associate I position to conduct Maine Yankee emergency planning.

**Sec. 6. Additional Allocation of Maine Nuclear Emergency Planning Fund.** Expected gifts or grants received pursuant to the Maine Revised Statutes, Title 37-B, section 956, subsection 3, shall be allocated from the Maine Nuclear Emergency Planning Fund as follows.

1989-90      1990-91

DEFENSE AND VETERANS'  
SERVICES, DEPARTMENT OF

Personal Services	\$7,141	\$6,204
All Other	22,859	38,796
Capital Expenditures	12,000	5,000

Allocates additional funds received  
by the Maine Nuclear Emergency  
Planning Fund as gifts or grants.

DEPARTMENT OF DEFENSE AND  
VETERANS' SERVICES

TOTAL	\$42,000	\$50,000
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**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect on July 1, 1989.

Effective July 1, 1989.

## CHAPTER 365

H.P. 706 - L.D. 967

An Act to Establish State Guidelines for  
Child Support Awards

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

**Whereas,** the United States Family Support Act of 1988 mandates that every state must have child support guidelines and procedures consistent with federal law in place by October 12, 1989; and

**Whereas,** current Maine law does not include the requisite elements of the federal law concerning child support; and

**Whereas,** states not in compliance with the federal law by October 12, 1989 are subject to losing indispensable federal funds for supporting children; 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.** 19 MRSA §303-A, as amended by PL 1985, c. 652, §12, is repealed and the following enacted in its place:

§303-A. Guidelines for child support awards

**1. Definitions.** As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

A. "Child support table" means a schedule which reflects the percentage of combined gross income which parents living in the same household in Maine ordinarily spend on their children.

B. "Criteria for application of the child support table" means the standards adopted to apply the child support table to the facts of particular proceedings.

C. "Support guidelines" means the child support table and the criteria for application of the table.

**2. Child support table established.** The Department of Human Services shall adopt rules in accordance with Title 5, chapter 375, establishing a child support table by October 12, 1989.

**3. Criteria for application of table.** The Supreme Judicial Court shall adopt rules establishing criteria for application of the child support table for use in judicial proceedings to establish child support by October 12, 1989, which rules shall provide that consideration shall be given to the relative periods of time which a child spends with each parent and the relative consequential financial burden this places upon each parent. The Department of Human Services shall adopt rules in accordance with Title 5, chapter 375, establishing criteria for application of the child support table for use in administrative proceedings to establish child support by October 12, 1989. The criteria for application of the child support table must provide that the total child support obligation shall be divided between the parents in proportion to their respective gross incomes.

**4. Support guidelines.** The support guidelines must be based on the concept that children should receive the same proportion of parental income after separation or divorce of their parents as they would receive if their parents were living in one household. Except in cases of default or when good cause is shown, the support guidelines shall not result in a total support obligation that would reduce a responsible parent's income to below the income level protected by section 502.

**5. Presumption.** There shall be a rebuttable presumption in any judicial or administrative proceeding in which child support may be established or modified, in which a hearing is held, on or after October 12, 1989, that the amount of the award which would result from the application of the support guidelines is the correct amount of child support to be awarded. A written finding or specific finding on the record that the application of the support guidelines would be unjust or inappropriate in a particular case shall be sufficient to rebut the presumption in that case if the finding is made under criteria established under this section.

**6. Sunset.** This section is repealed June 30, 1991.

**Sec. 2. Review and report.** The Supreme Judicial Court and the Department of Human Services shall meet with representatives of the Family Law Section of the Maine State Bar Association and Pine Tree Legal Assistance, Inc.