

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

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requirements of this subsection for persons under the age of ~~18~~ 20 when the person's parents or other responsible adults are not participants in the program.

Sec. 7. 22 MRSA §3189, sub-§§7 and 8, as enacted by PL 1989, c. 588, Pt. A, §43, are amended to read:

7. Coordination of benefits. Any participant who is covered by a health insurance policy including an employer-supported plan, in addition to coverage under the program, shall file with the department the name, address and group policy number of the employer-supported ~~that policy or plan~~. The department may request, from the insurer that provides the group policy, information sufficient to permit the department to coordinate benefits between the program and the ~~employer-supported policy or plan~~. An insurer shall respond to the request from the department within 30 days. The department may also require the employer or the insurer to provide notice to the department of any changes in coverage and to provide notice to the department of any termination of the policy. The program ~~shall be~~ is a secondary payor to all other payors to the extent permitted by federal and state law.

The department shall adopt rules in accordance with subsection 9 to implement this subsection.

8. Transition period for participants losing eligibility. Any participant who ceases to be eligible to participate in the program because of household income exceeding the applicable percentage of the federal poverty level ~~shall be~~ is entitled to continue to participate in the program for a period of 2 years following loss of eligibility, provided the participant's income does not exceed the applicable income eligibility standard by more than 50% and further provided the participant pays a premium established for such persons by the department by rule adopted in accordance with subsection 9. Notwithstanding this subsection, there is no transitional coverage available for adult participants in May 1991 or June 1991.

Sec. 8. 22 MRSA §3189, sub-§8-A is enacted to read:

8-A. Income redetermination. In order to redetermine eligibility for persons affected by the provisions of subsection 2, paragraph G and subsection 8 the period of eligibility of all adult participants with gross income more than 95% of federal poverty guidelines is terminated effective May 1, 1991. The department shall redetermine the eligibility of those participants based upon the most recent information in the participant's file and shall notify the participant of the finding of eligibility or ineligibility, and in the case of a notice of ineligibility, also provide notice of the participant's right to request a hearing within 30 days of receipt of the notice to review the accuracy of such finding. Notification is presumed to occur within 3 days of mailing. Notwithstanding any such request for hearing,

benefits terminate May 1, 1991 and may not be reinstated except by administrative decision.

Sec. 9. PL 1991, c. 9, Pt. X, §8, 3rd sentence is amended to read:

The task force shall report additional findings and recommendations, including appropriate authorizing legislation, to the Governor and the Legislature no later than ~~May~~ June 1, 1991.

Sec. 10. Application. Notwithstanding the Maine Revised Statutes, Title 5, chapter 375 or any other applicable law or rule, this Act applies to all persons participating in the Maine Health Program on the effective date of this Act, without regard to the provision of advance notice. The Department of Human Services is further authorized to conduct emergency rulemaking in accordance with the provisions of Title 5 in order to implement rules when the provisions of this Act have superseded prior rules.

Sec. 11. Effective date. Those parts of sections 2, 4, 5 and 6 that change eligibility for persons 18 and 19 years of age take effect upon notification from the federal Health Care Financing Administration that federal matching funds are available to cover eligible persons 18 and 19 years of age.

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

Effective April 23, 1991, unless otherwise indicated.

CHAPTER 43

H.P. 12 - L.D. 15

An Act to Clarify the Waste Transfer Station Setback Requirements

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

Sec. 1. 38 MRSA §1310-N, sub-§2-C, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §242, is repealed.

Sec. 2. 38 MRSA §1310-N, sub-§2-D is enacted to read:

2-D. Setback requirements for transfer stations. The department may not issue a permit or a license for a municipal solid waste transfer station unless the location of the handling site conforms to the following setback requirements.

A. For a transfer station on an island that is not connected to the mainland by a road, there is no setback

requirement. The department shall review the proposed location of the handling site and determine whether the property setbacks proposed by the developer are reasonable and compatible with the abutting land uses. To the fullest extent possible, the department shall ensure that the handling site of a transfer station on an island is located in a manner that minimizes any adverse impact on the island residents.

B. For all other transfer stations, the handling site may not be within 250 feet of any abutting property boundary, unless the department finds the abutting property to be a conforming use. If the department finds an abutting property to be a conforming use, the handling site may be within 250 feet of the boundary but not within 250 feet of any permanent structure on that abutting property.

This subsection does not apply to transfer station permit or license renewals.

Sec. 3. Rules. By January 1, 1992, the Department of Environmental Protection shall adopt or amend rules as necessary to define a "conforming use" under section 2 of this Act.

Sec. 4. Effective date. Sections 1 and 2 of this Act take effect on January 1, 1992.

Sec. 5. Applicability. The setback requirements in section 2 of this Act are applicable to new transfer station permit and license applications received by the Department of Environmental Protection on or after January 1, 1992. The setback requirements do not apply to applications to renew a license or permit granted prior to January 1, 1992.

See title page for effective date, unless otherwise indicated.

CHAPTER 44

H.P. 36 - L.D. 50

An Act to Amend the Laws Concerning Registration of Camp Trailers and to Permit Reregistration for People who Served in the Persian Gulf

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

Whereas, the men and women who have served their country in the Persian Gulf are returning to their homes in Maine; and

Whereas, while serving their country, their vehicle registrations may have lapsed and these men and women must now reregister their vehicles; and

Whereas, it would benefit these men and women to be able to establish a new registration year for their vehicles upon their return to Maine; 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. 29 MRSA §106, first ¶, as amended by PL 1989, c. 866, Pt. A, §2 and as affected by PL 1989, c. 866, Pt. B, §26, is further amended to read:

The registration year for all vehicles, except automobiles, newly acquired motor trucks, truck tractors, motorcycles, mopeds, motor-driven cycles ~~and~~ motor homes and camp trailers is from March 1st to the last day of February of the next calendar year. On and after February 1st, it is lawful to use and display on such vehicles the number plates or suitable devices in lieu thereof issued for the registration year. This section ~~shall apply~~ applies to motorcycles, mopeds and motor-driven cycles for reregistration in 1989 only.

Sec. 2. 29 MRSA §106, sub-§1, as amended by PL 1989, c. 866, Pt. A, §2 and as affected by PL 1989, c. 866, Pt. B, §26, is further amended to read:

1. New motor truck, truck tractor, motorcycle, moped, motor-driven cycle, motor home and camp trailer registrations. New motor truck, truck tractor, motorcycle, moped, motor-driven cycle, ~~and~~ motor home and camp trailer registrations expire at the end of the month one year from the month of issuance.

Sec. 3. 29 MRSA §106, sub-§2, ¶B, as amended by PL 1989, c. 866, Pt. A, §2 and affected by Pt. B, §26, is further amended to read:

B. Except as provided in this section, when application for registration of an automobile, motor truck, truck tractor, motorcycle, moped, motor-driven cycle ~~or~~ motor home or camp trailer is made after the registration for the previous year has been expired for more than 30 days, the expiration date of the renewal ~~shall be~~ is at the end of the month, one year from the month of issuance of the previous registration.

Sec. 4. 29 MRSA §106, sub-§3, as amended by PL 1989, c. 866, Pt. A, §2 and affected by Pt. B, §26, is further amended to read:

3. Number plates. Number plates or a suitable device in lieu ~~thereof~~ of number plates furnished for the next registration period for automobiles, motor trucks, truck tractors, motorcycles, mopeds, motor driven cycles