

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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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

7. The certification program and fee schedule rules provided in Title 22, section 567 must be adopted no later than January 1, 1993.

Sec. 25. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1991-92	1992-93
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Laboratory Special Revenue Account		
Positions	(-18.5)	(-18.5)
Personal Services	(\$743,407)	(\$804,874)
All Other	(273,466)	(312,958)
Capital Expenditures	(334,000)	(259,000)
Provides for the deallocation of funds to transfer the Department of Environmental Protection laboratory staff and general operating expenses to the Department of Human Services, Bureau of Health.		
DEPARTMENT OF ENVIRONMENTAL PROTECTION		
TOTAL	(\$1,350,873)	(\$1,376,832)
HUMAN SERVICES, DEPARTMENT OF		
Bureau of Health		
Positions	(18.5)	(18.5)
Personal Services	\$743,407	\$804,874
All Other	273,466	312,958
Capital Expenditures	334,000	259,000
Provides for the allocation of funds for positions and general operating funds transferred from the Department of Environmental Protection to staff and operate the Health and Environmental Testing Laboratory within the Bureau of Health.		
DEPARTMENT OF HUMAN SERVICES		
TOTAL	\$1,350,873	\$1,376,832
TOTAL ALLOCATIONS	\$-0-	\$-0-

Sec. 26. Effective date. Those sections of this Act that enact the Maine Revised Statutes, Title 22, chapter 157-A, amend Title 22, section 2602-A, subsection 2, repeal and replace Title 38, section 342, subsection 4, paragraph A and repealed Title 38, section 342-A take effect July 1, 1991.

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

Effective June 24, 1991, unless otherwise indicated.

CHAPTER 500

H.P. 407 - L.D. 590

An Act to Amend the Exemption of Certain Divisions from the Definition of Subdivision

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

Whereas, the transfer of a security interest for property should not trigger review of the real estate under municipal subdivision or site location of development laws; and

Whereas, this legislation allows a lender to foreclose on a mortgage of a lot exempted from subdivision review without triggering review; 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. 30-A MRSA §4401, sub-§4, ¶D, as amended by PL 1989, c. 772, §2, is further amended to read:

D. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor in any transfer or gift within this paragraph is to avoid the objectives of this ~~section~~ ~~subchapter~~. If the real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then ~~that~~ the previously exempt division creates a lot or lots for the purposes of this subsection.

Sec. 2. 30-A MRSA §4401, sub-§4, ¶I is enacted to read:

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph D, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

Sec. 3. 38 MRSA §482, sub-§5, ¶E, as repealed and replaced by PL 1987, c. 812, §§7 and 18, is amended to read:

E. Unless intended to circumvent this article, the following transactions ~~shall~~ may not be considered lots offered for sale or lease to the general public:

(1) Sale or lease of lots to an abutting owner or to a spouse, child, parent, grandparent or sibling of the developer; ~~or~~

(2) Personal, nonprofit transactions, such as the transfer of lots by gift or devise; ~~and or~~

(3) Grant of a bona fide security interest in the whole lot or subsequent transfer of the whole lot by the original holder of the bona fide security interest or that person's successor in interest; and

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

Effective June 24, 1991.

CHAPTER 501

H.P. 333 - L.D. 463

An Act to Exempt Substance Abuse and Psychiatric Patients from the Prohibition against Smoking in Hospitals

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

22 MRSA §1580-B, sub-§3, as repealed and replaced by PL 1989, c. 878, Pt. G, §1, is amended to read:

3. Exception. A patient or resident of a hospital may smoke in designated areas within the hospital if a licensed physician has written an order permitting the patient or resident to smoke or if the patient or resident is being treated in a psychiatric or substance abuse unit. Patients or residents in such a unit must have access to, and be permitted to smoke in, a designated smoking area. The smoking area for the patients or residents of a psychiatric or substance abuse unit must be enclosed and adequately ventilated.

Any patient or resident in a psychiatric or substance abuse unit who is allowed to smoke in a hospital under this subsection must be given access to a designated smoking area unless the patient's or resident's physician prescribes that having access to a designated smoking area presents an immediate danger to the patient or resident or to others.

See title page for effective date.

CHAPTER 502

H.P. 1156 - L.D. 1697

An Act to Encourage Increased Investment and Employment in the State

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

Sec. 1. 36 MRSA §5211, sub-§8, as amended by PL 1987, c. 841, §12, is further amended to read:

8. Formula for apportionment of income to State. All income shall be apportioned to this State by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus twice the sales factor, and the denominator of which is 3 4.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 1991.

See title page for effective date.

CHAPTER 503

H.P. 1147 - L.D. 1672

An Act to Establish the Maine Civil Legal Services Fund

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

4 MRSA §18-A is enacted to read:

§18-A. Maine Civil Legal Services Fund established

1. Creation of fund. The Maine Civil Legal Services Fund, referred to in this section as the "fund," is established as a nonlapsing fund to support civil legal services to persons who otherwise are not able to pay for these services.

A. Money in the fund not needed to meet current obligations must be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by law. Interest on these investments must be credited to the fund.