

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION
December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION
January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Whereas, the annual update will be well under way before the expiration of the 90-day period; 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. 1 MRSA §91, sub-§§1 and 7, as enacted by PL 1991, c. 336, are amended to read:

1. Conflicting enactments. "Conflicting enactments" means multiple enactments, amendments, repeals, reallocations or reenactments, or any combination of these actions, that affect the same statutory unit and that have been adopted by multiple Acts of the Legislature passed within one legislative session or within a regular legislative session and any special sessions preceding the next regular legislative session that do not refer to each other.

7. Statutory unit. "Statutory unit" means a title, subtitle, part, subpart, chapter ~~or~~, subchapter, article, subarticle, section ~~or a part of a title, chapter or section~~, subsection, paragraph, subparagraph, division or subdivision of the laws of Maine.

Sec. 2. 1 MRSA §93, sub-§§2, 3, 4, 7, 9 and 10 as enacted by PL 1991, c. 336, are amended to read:

2. Histories. Erroneous ~~enacting~~ amending clauses or statutory histories may be corrected.

3. Cross-references. Cross-references ~~to~~ in statutory units may be changed to agree with new, amended, reenacted, renumbered or, relettered, reallocated or corrected statutory units.

4. Dates. Obsolete temporal references may be removed and the appropriate calendar date for the phrase "effective date of this Act" or other phrases of similar meaning may be substituted.

7. Renumbering; relettering. The numbering or lettering of statutory ~~elements~~ units, including duplicative numbering or lettering created by conflicting enactments, may be corrected or properly arranged.

9. Revision clauses. ~~Changes~~ Grammatical changes necessary for the proper implementation of changes in nomenclature or terminology authorized enacted by a revision clause must may be made in accordance with the instructions of the revision clause.

10. Errors. Obvious clerical ~~or~~, typographical or grammatical errors may be corrected.

Sec. 3. 1 MRSA §93, sub-§11 is enacted to read:

11. Gender. Gender-specific terms that occur in a statutory unit being corrected may be changed to gender-neutral terms and necessary grammatical changes to properly use the gender-neutral terms may be made.

Sec. 4. 1 MRSA §95, first ¶, as enacted by PL 1991, c. 336, is amended to read:

The revisor shall submit an annual revisor's report containing a description of all changes made pursuant to section 93 to the joint standing committee of the Legislature having jurisdiction over judiciary matters by October 1st of the year in which the changes have been made and shall provide copies of the report to the Secretary of State, to the executive director and to the publisher of the Maine Revised Statutes Annotated. The publisher shall incorporate the changes made in the report in all subsequent publications of the laws. The revisor's report must be published annually in the Laws of Maine. Changes made in the revisor's report take effect on October 1st of the year in which the report is made unless otherwise indicated in which case the changes take effect as specified.

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

Effective February 28, 1992.

CHAPTER 640

H.P. 1135 - L.D. 1660

An Act to Establish an Electric Facilities Siting Process

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

Sec. 1. 35-A MRSA §3131, sub-§7 is enacted to read:

7. Corridor. "Corridor" means an area no greater than 1/2 mile in width in which a proposed transmission line is to be located.

Sec. 2. 35-A MRSA §3132, sub-§1, ¶E is enacted to read:

E. The utility or utilities shall send the municipalities in which any part of the proposed transmission line is to be located a copy of the application, in-

cluding a copy of the proposed corridor or corridors. Any municipality through which any part of the proposed transmission line is to be located that requests to be an intervenor becomes an intervenor to the proceeding.

Sec. 3. 35-A MRSA §3132, sub-§4, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

4. Corridor of proposed transmission line. The electric utility or utilities shall submit a map to the commission ~~at least 14 days prior to a public hearing held by the commission as to the construction of a transmission line with its application.~~ The map ~~shall~~ must:

A. Be available to the public at the offices of the commission and at the local town office where any portion of the proposed transmission line is to be located; and

B. Indicate the ~~proposed location and route~~ corridor or corridors of the transmission line and a description of any planned equipment and facilities to be placed there; and

C. Be prepared in cooperation with the appropriate natural resource protection agencies and the affected municipalities.

Sec. 4. 35-A MRSA §3132, sub-§6, as amended by PL 1989, c. 796, §2, is further amended to read:

6. Commission order; certificate of public convenience. In its order, the commission shall make specific findings with regard to the need for the proposed facilities. If the commission finds that a need exists, it shall issue a certificate of public convenience and necessity for the facilities. If the commission orders or allows the erection of the facilities, the order ~~shall be~~ is subject to all other provisions of law and the right of any other agency to approve the facilities. The electric utility may submit a petition for and obtain approval of a proposed transmission line under this section before applying for approval under municipal ordinances adopted pursuant to Title 30-A, Part 2, Subpart 6-A; and Title 38, section 438-A and, except as provided in subsection 4, before identifying a specific route or route options for the proposed transmission line. Except as provided in subsection 4, the commission may not consider the petition insufficient for failure to provide identification of a route or route options for the proposed transmission line. The issuance of a certificate of public convenience and necessity establishes that, as of the date of issuance of the certificate, the decision by the utility to erect or construct was prudent. At the time of its issuance of a certificate of public convenience and necessity, the commission shall send to each municipality through which a proposed corridor or corridors for a transmission line extends a separate notice that the issuance of the certifi-

cate does not override, supersede or otherwise affect municipal authority to regulate the siting of the proposed transmission line.

See title page for effective date.

CHAPTER 641

H.P. 1172 - L.D. 1713

An Act to Safeguard Money Held for Minors

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

Sec. 1. 18-A MRSA §5-103, as enacted by PL 1979, c. 540, §1, is amended to read:

§5-103. Facility of payment or delivery

Any person under a duty to pay or deliver money or personal property to a minor may perform this duty, in amounts not exceeding \$5,000 per year, by paying or delivering the money or property to (1) the minor, if he is married; (2) any person having the care and custody of the minor with whom the minor resides; (3) a guardian of the minor; or (4) a financial institution incident to a deposit in a federally insured savings account in the sole name of the minor and giving notice of the deposit to the minor. This section does not apply if the person making payment or delivery has actual knowledge that a conservator has been appointed or proceedings for appointment of a conservator of the estate of the minor are pending. Persons who pay or deliver money or property in accordance with the provisions of this section are not responsible for actions taken by another after payment or delivery. The persons, other than the minor or any financial institution under (4) above, receiving money or property for a minor, are obligated to apply the money to the support and education of the minor, but may not pay themselves except by way of reimbursement for out-of-pocket expenses for goods and services necessary for the minor's support. Any excess sums ~~shall~~ must be preserved for future support of the minor and any balance not so used and any property received for the minor must be turned over to the minor when ~~he~~ the minor attains majority. Persons who pay or deliver in accordance with provisions of this section are not responsible for the proper application thereof. Prior to distribution, the custodian of the money or property shall account to the court and the minor.

Sec. 2. 18-A MRSA §5-209, first ¶, as enacted by PL 1979, c. 540, §1, is amended to read:

A guardian of a minor has the powers and responsibilities of a parent who has not been deprived of custody of ~~his~~ a minor and unemancipated child, except that