

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

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~~ 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

a guardian is not legally obligated to provide from his the guardian's own funds for the ward and is not liable to 3rd persons by reason of the parental relationship for acts of the ward. In particular, and without qualifying the foregoing, a guardian has the following powers and duties:

Sec. 3. 18-A MRSA §5-209, sub-§§(b) and (d), as enacted by PL 1979, c. 540, §1, are amended to read:

(b) He The guardian may receive money payable for the support of the ward to the ward's parent, guardian or custodian under the terms of any statutory benefit or insurance system, or any private contract, devise, trust, conservatorship or custodianship. He The guardian also may receive money or property of the ward paid or delivered by virtue of section 5-103. Any sums so received shall must be applied to the ward's current needs for support, care and education. He The guardian must exercise due care to conserve any excess for the ward's future needs unless a conservator has been appointed for the estate of the ward, in which case excess shall must be paid over at least annually to the conservator. Sums so received by the guardian are not to be used for compensation for his the guardian's services except as approved by order of court or as determined by a duly appointed conservator other than the guardian. If there is no conservator, the excess funds must be turned over to the minor when the minor attains majority. A guardian may institute proceedings to compel the performance by any person of a duty to support the ward or to pay sums for the welfare of the ward.

(d) A guardian must report the condition of his the ward and of the ward's estate which has been subject to his that guardian's possession or control, as ordered by court on petition of any person interested in the minor's welfare or as required by court rule. If the guardian has received any funds pursuant to section 5-103, the guardian shall account to the court and the minor regarding how the funds were expended prior to the termination of that person's responsibilities as guardian.

Sec. 4. 18 MRSA §5-419, sub-§(a), as enacted by PL 1985, c. 440, §§12 and 13, is amended to read:

(a) Every conservator must account to the court for his the administration of the trust as specified by the court at the time of the initial order or at the time of a subsequent order or as provided by court rule and upon his resignation or removal. On termination of the protective protected person's minority or disability, a conservator may account to the court or he may account to the former protected person or his that person's personal representative. Prior to the termination of the protected person's minority and the termination of any extension ordered pursuant to section 5-408, paragraph (6), the conservator must account to the court and the protected person.

Sec. 5. 33 MRSA §1670, sub-§5 is enacted to read:

5. Accounting required at termination. Prior to the termination of the custodian's responsibilities, the custodian shall account to the court and the minor.

See title page for effective date.

CHAPTER 642

S.P. 519 - L.D. 1397

An Act to Establish a Seasonal Permit for the Sale of Deer Hides

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

12 MRSA §7352-A is enacted to read:

§7352-A. Special hide dealer's license

1. Issuance. The commissioner may issue a special hide dealer's license to any person who maintains a place of business for the butchering of wild animals within this State. The special hide dealer's license permits a holder commercially to sell or barter the heads or untanned hides of deer or moose that are butchered in the license holder's place of business.

2. Expiration. All licenses issued under this section are valid for a period commencing October 1st and ending December 31st of the year in which the license is issued.

3. Fee. The annual fee for a special hide dealer's license is \$10.

4. Restrictions. Each licensee shall keep a true and complete record, in such form as is required by the commissioner, of all hides bartered or sold.

The record must be open for inspection by the commissioner or the commissioner's agent, and must be filed with the commissioner, after being notarized, on or before February 1st of the following year.

See title page for effective date.

CHAPTER 643

H.P. 1427 - L.D. 2039

An Act to Clarify the Status of Wood Yard Debris

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