

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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  
1993

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

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

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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of first refusal during the ~~30-day~~ 90-day period, the authority has an additional ~~60~~ 90 days, beginning on the date of the termination of the first refusal period, to buy or to produce a buyer for the property. This additional ~~60-day~~ 90-day period may be extended by mutual agreement between the authority and the owner of the property.

A. Nothing in this section prevents an owner of the property from ~~withdrawing the property from the market deciding not to sell, transfer or take other action that would result in termination of the financial assistance and~~ revoking the notice required by subsection 1 at any time before ~~the 90-day period expires or until the authority provides its notice of taking by eminent domain expiration.~~ The withdrawal or revocation extinguishes any right of first refusal held by the Maine State Housing Authority.

**3. Exceptions.** The Maine State Housing Authority ~~shall~~ may not possess any right of first refusal when a bona fide buyer, by contract with the seller, agrees to maintain the property as low-income housing. The notice provisions of this section apply to this ~~subsection~~ subchapter.

**Sec. 12. 30-A MRSA §4976, first ¶,** as enacted by PL 1989, c. 48, §§12 and 31, is amended to read:

Any owner ~~or purchaser~~ of low-income rental housing who ~~prepays the mortgage and any person who purchases low-income rental housing and who intends to convert the facility from low-income rental housing to any other use, including other residential uses, sells, transfers title or takes other action in regard to that property that would result in the termination of financial assistance designed to make a rental unit affordable to low-income or moderate-income people shall allow the current tenants to remain in the units for 6 months from the date of prepayment or sale, transfer of title or other action in regard to the property, at the same rents or portion of the total rents charged to the tenants before mortgage prepayment or that sale, transfer of title or at the rents provided under the assistance program to which the housing is subject if such assistance is not terminated, other action in regard to the property, or the owner may relocate the tenants to comparable units with comparable rents in accordance with the procedure established by rules of the Maine State Housing Authority.~~

See title page for effective date.

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## CHAPTER 176

S.P. 250 - L.D. 769

### An Act to Clarify the Grounds for Civil Action for Child Sexual Abuse

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

**Sec. 1. 14 MRSA §752-C,** as amended by PL 1991, c. 551, §1 and affected by §2, is further amended to read:

#### §752-C. Sexual acts towards minors

Actions based upon sexual intercourse, as defined in Title 17-A, section 556, subsection 1-B, or a sexual act, as defined in Title 17-A, chapter 11, with a person under the age of majority must be commenced within 12 years after the cause of action accrues, or within 6 years of the time the person discovers or reasonably should have discovered the harm, whichever occurs later.

See title page for effective date.

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## CHAPTER 177

H.P. 500 - L.D. 658

### An Act Related to Hook-up Fees for New Installations of Electric Heat

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

**Sec. 1. 35-A MRSA §3153-A, sub-§2,** as enacted by PL 1987, c. 451, §2, is repealed.

See title page for effective date.

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## CHAPTER 178

H.P. 421 - L.D. 540

### An Act Regarding the Use of Natural Gas in Motor Vehicles

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

**Whereas,** there is a market for natural gas use in vehicles that is not currently being served; and

**Whereas,** there are benefits to this State in encouraging immediate availability of natural gas for use in vehicles; and

**Whereas,** delay in making natural gas available for use in vehicles will reduce the benefits to this State; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Con-

stitution 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. 35-A MRSA §102, sub-§8,** as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**8. Gas utility.** "Gas utility" includes every person, its that person's lessees, trustees, receivers or trustees appointed by any court owning, controlling, operating or managing any gas plant for compensation within this State, except where when gas is made or produced on and distributed by the maker or producer through private property alone solely for its own tenants and not for sale to others, or where when the gas is sold solely for use in vehicles fueled by natural gas or when the gas is sold in liquid form in individual containers or is delivered in bulk in liquid form to a central tank that serves less than 10 customers and no portion of which is located in a public place.

**Sec. 2. 35-A MRSA §4703-A** is enacted to read:

**§4703-A. Natural gas for use in vehicles**

The following provisions govern the creation of subsidiaries or affiliates of gas utilities for the purpose of selling gas for use in vehicles fueled by natural gas.

**1. Policy and findings.** The Legislature finds that it is in the best interests of this State that the sale of natural gas for use as fuel in vehicles take place in an unregulated environment. The Legislature finds that entities that assume the risk of investment in the business of selling natural gas for use as a fuel in vehicles are entitled to the rewards and should be responsible for the costs of engaging in that business. It is the policy of the Legislature, in authorizing the creation of certain unregulated entities under this section, that ratepayers of gas utilities should not, as ratepayers, contribute to or benefit from the unregulated activity of those entities.

**2. Creation of subsidiary or affiliate.** Notwithstanding section 708, a gas utility may create without commission approval a wholly owned subsidiary or affiliate corporation whose sole purpose is to sell gas for use in vehicles fueled by natural gas, provided that:

A. The creation of the wholly owned subsidiary or affiliate does not result in ratepayers of the gas utility directly or indirectly contributing to or benefiting from the activities of the wholly owned subsidiary or affiliate and does not otherwise adversely affect ratepayers of the gas utility; and

B. The creation of a subsidiary or affiliate does not impair the ability of the gas utility to provide safe, reasonable and adequate service.

**3. Rates for sales by gas utility.** The rate for any sale of gas by a gas utility to a subsidiary or affiliate corporation created pursuant to this section or to any other entity that provides natural gas for use in vehicles must exceed the actual cost of the gas sold and include a contribution to the fixed costs of the utility. The commission may not find that the cost of gas sold to other customers of the utility has been increased as a result of any sale of gas by the utility at a rate that meets the requirements of this section.

**4. Allocation of earnings.** The commission may not allocate earnings of a wholly owned subsidiary or affiliate created pursuant to this section in a manner that benefits the customers of a gas utility.

**5. Separate books and records.** A subsidiary or affiliate created pursuant to this section shall maintain separate and independent books, accounts and records.

**6. Access to books and records.** A gas utility shall provide the commission with reasonable access to books, records, documents and other information of the gas utility related to a subsidiary or affiliate corporation created pursuant to this section.

**7. Reasonableness of transaction.** In a commission proceeding pursuant to section 307, 1303 or 4703, a gas utility shall demonstrate that all transactions with a subsidiary or affiliate corporation created by the utility pursuant to this section were reasonable.

**8. Commission oversight.** Notwithstanding the provisions of section 707, transactions between a gas utility and a subsidiary or affiliated interest created pursuant to this section do not require preapproval by the commission.

**9. Investment by utility.** Except as otherwise provided in this subsection, a gas utility that creates a subsidiary or affiliate corporation pursuant to this section may not invest in that subsidiary or affiliate corporation an amount greater than 1% of the gas utility's total retail revenues. Upon request of a gas utility, the commission, after notice and hearing, may permit an investment greater than 1% of the utility's total retail revenues.

**10. Regulation of gas utility.** Except as expressly provided in this section, nothing in this section exempts a gas utility from any laws, principles and rules governing the regulation of public utilities.

**11. Subsidiary or affiliate created by the parent corporation of a gas utility.** If a subsidiary or affiliated interest is created by the parent corporation of a gas utility for the purpose of supplying natural gas for use in vehicles, only the following provisions apply.

A. If the subsidiary or affiliate does any business in this State, the parent corporation shall provide

the commission with reasonable access to books, records, documents or other information of the parent corporation related to that subsidiary or affiliate.

B. In a commission proceeding pursuant to section 307, 1303 or 4703, a gas utility shall demonstrate that all transactions with a subsidiary or affiliate of a parent corporation were reasonable.

For purposes of this subsection, the term "parent corporation" means an affiliated interest, as defined in section 707, subsection 1, paragraph A, subparagraphs (1), (2) and (4), of a gas utility that is not itself a gas utility in this State.

12. Limitations. Except as provided in this section, the sale by a person, not otherwise a gas utility, of natural gas directly to customers for use in vehicles fueled by natural gas is not subject to regulation by the commission.

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

Effective May 27, 1993.

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## CHAPTER 179

H.P. 395 - L.D. 508

### An Act to Provide Additional Exemptions to the Need for a Cosmetology License

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

**Sec. 1. 32 MRSA §14203, sub-§1,** as enacted by PL 1991, c. 397, §6, is amended to read:

**1. Exemptions.** The prohibitions and penalties of this chapter do not apply to the following persons when acting within the scope of their profession or occupation:

A. Persons authorized by law of this State to practice medicine and surgery and persons under the supervision and control of those persons;

B. Commissioned medical officers of the United States Armed Forces;

C. Registered nurses, licensed practical nurses and nurse's aides;

D. Persons who practice upon members of their immediate families or on persons residing in their household and who receive no payment for such practice; ~~and~~

E. Persons employed by licensed establishments who provide shampooing services within the licensed establishments; ~~and~~

F. Persons employed to apply special make-up designed for theater lighting to a person who requires this make-up for an appearance in the theater or a movie, on television or as a model.

See title page for effective date.

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## CHAPTER 180

S.P. 112 - L.D. 313

### An Act Related to Mobile Home Parks

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

**Sec. 1. 10 MRSA §9097, sub-§3,** as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**3. Fees.** The owner of a mobile home park or the owner's agents may not charge any fees to tenants other than charges for rent, utilities, incidental service charges, entrance fees or security deposits, unless otherwise provided for in the original lease or agreement. The owner of a mobile home park or the owner's agents may not charge any entrance fee to a tenant who is moving into a mobile home currently in the park ~~which~~ that is greater than ~~4~~ 2 times the amount of the monthly rent.

See title page for effective date.

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## CHAPTER 181

H.P. 642 - L.D. 873

### An Act to Establish the Maine Promotion Council Cooperative

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

**Sec. 1. 5 MRSA §13071-A** is enacted to read:

#### §13071-A. Maine Promotion Council Cooperative

**1. Establishment; functions.** The Maine Promotion Council Cooperative, referred to in this section as the "council," is established to serve the following functions:

A. To provide a forum in which participants may discuss planning, development and execution of promotional programs and examine opportunities