

# 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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**§281. Judgment**

**1. Support.** Judgments under this subchapter may be for periodic payments that may vary in amount. The court may order payments to be made to the person to whom the support is owed or to some person, corporation or agency designated to administer payments under the supervision of the court.

**2. Parental rights and responsibilities.** The court may order an initial allocation of parental rights and responsibilities. The order of the court must provide notice that if either party objects to the allocation, that party may file a complaint pursuant to section 214 and that an order from that action supersedes this initial allocation of parental rights and responsibilities. It is within the court's discretion to award or allocate parental rights and responsibilities under this subchapter and the Department of Human Services is not a party to this issue. In resolving parental rights and responsibilities issues, the court may not delay entering a determination of paternity and an initial order concerning child support.

**Sec. 2. 19 MRSA §522, sub-§8,** as enacted by PL 1991, c. 256, is amended to read:

**8. Other relief.** Grant such other relief as the court determines just and proper, including an initial allocation of parental rights and responsibilities as allowed by section 281.

**Sec. 3. 19 MRSA §525,** as enacted by PL 1991, c. 256, is amended to read:

**§525. Failure of alleged father to deny paternity**

If the alleged father fails to file a written denial of paternity with the department within 20 days after service of notice upon him, the department's attorney may file the record of the proceeding in a court as a paternity proceeding action. ~~This filing constitutes a filing under the Maine Rules of Civil Procedure, Rule 3. The filing of the record, along with proof of service pursuant to section 520, constitutes a filing under the Maine Rules of Civil Procedure, Rule 3(1) and further service is not required. The alleged father's failure to file a written denial with the department constitutes a default under the Maine Rules of Civil Procedure, Rule 55(a). The department shall forward to the alleged father by ordinary mail a copy of any request for a default judgment. The mailing of the request to the alleged father's last known address constitutes adequate notice of the default proceeding and further notice is not required.~~

**Sec. 4. 19 MRSA §527,** as enacted by PL 1991, c. 256, is repealed and the following enacted in its place:

**§527. Refusal of alleged father to submit to blood or tissue tests**

If the alleged father denies paternity and subsequently fails to submit to blood testing, the record may be filed in court as a paternity action and the department may seek an adjudication of paternity pursuant to section 277. The alleged father's refusal to submit to a blood test constitutes a refusal to submit under section 277. The filing of the record, along with proof of service pursuant to section 520, constitutes compliance with the Maine Rules of Civil Procedure, Rule 3(1). Notice of the filing of this paternity action and a request under section 277 must be sent by ordinary mail to the alleged father. Within 20 days of the mailing of this notice, the alleged father may assert any defense, in law or fact. The department shall forward to the alleged father by ordinary mail a copy of any request for a default judgment or an order pursuant to section 277. If the alleged father does not notify the court in writing within 20 days of the date the department's request was mailed that he opposes the relief requested by the department, the court may grant the relief requested without a hearing. Any notice mailed must contain the substance of this subsection.

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

Effective June 16, 1993.

**CHAPTER 358****H.P. 561 - L.D. 758****An Act Regarding Automobile Air Emission Standards**

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

**Sec. 1. 38 MRSA 585-D** is enacted to read:

**§585-D. New motor vehicle emission standards**

Subject to the provisions of this section, the Board may adopt and enforce standards that meet the requirements of the federal Clean Air Act, Section 177, 42 United States Code, Section 7507 relating to control of emissions from new motor vehicles or new motor vehicle engines. These standards, known as a "low-emission vehicle program" must be designed to prevent air pollution and achieve and maintain ambient air quality standards within the State. The board may implement a low-emission vehicle program only when:

**1. New England states adoption.** Massachusetts, Connecticut and at least one other New England state, excluding this State, have adopted a low-emission vehicle program that meets the requirements of the federal Clean Air Act, Section 177, 42 United States Code, Sec-

tion 7507 and the first motor vehicle model year that is required to meet standards under the low-emission vehicle program in Maine is not an earlier model year than the first model year required to meet standards under a low-emission vehicle program in any of those 3 New England states; and

**2. Ozone transport region adoption.** Jurisdictions comprising more than 60% of the total registrations of new passenger cars and light-duty trucks in the ozone transport region have adopted a low-emission vehicle program that meets the requirements of the federal Clean Air Act, Section 177, 42 United States Code, Section 7507 and the first model year required to meet standards under the low-emission vehicle program in any of those states is not later than motor vehicle model year 1998. For purposes of this paragraph, "ozone transport region" means the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont, and the consolidated metropolitan statistical area that includes the District of Columbia.

The department may not implement the low-emission vehicle program if the implementation of that program includes the adoption, sale, or use of any type of reformulated gasoline other than the federal reformulated gasoline that is certified by the United States Environmental Protection Agency under 42 United States Code, Section 7545(k) for sale and use in states other than California.

See title page for effective date.

## CHAPTER 359

H.P. 806 - L.D. 1092

### An Act Repealing Advisory Boards on Housing and Economic Development Matters

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

#### PART A

**Sec. A-1. 5 MRSA §12004-I, sub-§6**, as enacted by PL 1987, c. 786, §5, is repealed.

**Sec. A-2. 5 MRSA c. 403**, as amended, is repealed.

#### PART B

**Sec. B-1. 5 MRSA §12004-I, sub-§6-A**, as enacted by PL 1989, c. 601, Pt. B, §1, is repealed.

**Sec. B-2. 30-A MRSA §4722, sub-§1, ¶U**, as amended by PL 1991, c. 610, §2, is further amended to read:

U. Consult with the ~~Affordable Housing Alliance, Advisory Committee~~ and the Interagency Task Force on Homelessness and Housing Opportunities, as defined in chapter 202, section 5002, with respect to the implementation of housing programs to make the best use of resources and make the greatest impact on the affordable housing crisis;

**Sec. B-3. 30-A MRSA §5002, sub-§1**, as amended by PL 1991, c. 610, §3, is repealed.

#### PART C

**Sec. C-1. 5 MRSA §12004-I, sub-§26**, as enacted by PL 1987, c. 786, §5, is repealed.

**Sec. C-2. 10 MRSA §965, sub-§1**, as amended by PL 1991, c. 854, Pt. A, §1, is repealed and the following enacted in its place:

**1. Selected board members.** Two members selected by the Governor from the appointed members of the Maine Education Assistance Board.

**Sec. C-3. 10 MRSA §965, sub-§3**, as amended by PL 1991, c. 854, Pt. A, §2, is further amended to read:

**3. At-large members.** Five Seven members appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over economic development matters and subject to confirmation by the Legislature must be appointed from at large. Two of the at-large members must be veterans and 2 of the at-large members must be knowledgeable in the field of natural resource enterprises or financing.

**Sec. C-4. 10 MRSA §972, sub-§1**, as amended by PL 1989, c. 698, §7, is further amended to read:

**1. Employ directors.** In accordance with procedures of the authority, employ the directors of the divisions established by the authority. ~~During the selection process, the authority or its designee, the chief executive officer, shall consult with the Natural Resource Financing and Marketing Board concerning the appointment of a director of the Division of Natural Resources Financing and Marketing and with the Maine Education Assistance Board concerning the appointment of a director of the Maine Education Assistance Division. The directors shall serve at the pleasure of the chief executive officer;~~

**Sec. C-5. 10 MRSA §973**, as amended by PL 1989, c. 698, §8, is further amended to read: