

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

section 1221, subsection 2, paragraph C applies retroactively to January 1, 1995.

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

Effective March 24, 1995.

CHAPTER 10

S.P. 20 - L.D. 51

An Act to Amend the Laws Pertaining to Renewal of Liquor Licenses by Restaurants

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

Sec. 1. 28-A MRSA §653, sub-§1, as amended by PL 1993, c. 730, §27, is further amended to read:

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's pre-paid expense, stating the name and place of hearing, to appear on at least 6 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or on 2 consecutive weeks before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

See title page for effective date.

CHAPTER 11

H.P. 235 - L.D. 315

An Act to Allow Disclosure of Residential Natural Gas Costs

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

Sec. 1. 14 MRSA §6046 is enacted to read:

§6046. Disclosure of natural gas pipeline utility costs

Upon request, a natural gas pipeline utility, as defined in Title 35-A, section 102, shall provide free of charge to current or prospective customers, tenants or property owners residential natural gas energy consumption and cost information for a dwelling unit for the prior 12-month period or figures reflecting the highest and lowest natural gas energy consumption and cost for the previous 12 months. If a unit has been occupied for a period of less than 12 months, the natural gas pipeline utility shall estimate the unit's annual consumption and cost. Provision of this information is neither a breach of customer confidentiality nor a guarantee or contract by the utility as to future consumption levels for that unit. For purposes of this section, "dwelling unit" includes mobile homes, apartments, buildings or other structures used for human habitation.

See title page for effective date.

CHAPTER 12

H.P. 22 - L.D. 16

An Act to Exempt Adaptive Equipment Installed in Motor Vehicles Operated by Wheelchair Users from the Motor Vehicle Excise Tax

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

Sec. 1. 36 MRSA §1483, sub-§13 is amended to read:

13. Certain buses. Buses used for the transportation of passengers for hire in interstate or intrastate commerce, or both, by carriers granted certificates of public convenience and necessity, or permits, by the Maine Public Utilities Commission, provided such buses may be subject to the excise tax provided in

section 1482 at the option of the appropriate municipality;

Sec. 2. 36 MRSA §1483, sub-§14, as enacted by PL 1977, c. 678, §51, is amended to read:

14. Antique and experimental aircraft. Antique and experimental aircraft as defined in Title 6, section 3, ~~subsection~~ subsections 10-A and ~~subsection~~ 18-E and registered according to the provisions of Title 6; and

Sec. 3. 36 MRSA §1483, sub-§15 is enacted to read:

15. Adaptive equipment. Adaptive equipment installed on a motor vehicle owned by a disabled person or the family of a disabled person to make that vehicle operable or accessible by a disabled person.

Sec. 4. Effective date. This Act takes effect October 1, 1995.

Effective October 1, 1995.

CHAPTER 13

H.P. 247 - L.D. 349

An Act Concerning Tie Votes among Candidates in Municipal Secret Ballot Elections

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

Sec. 1. 30-A MRSA §2528, sub-§10, as amended by PL 1991, c. 323, is further amended to read:

10. Election by plurality vote; tie vote. Election must be by plurality vote. In the case of a tie vote, the meeting must be adjourned to a day certain, when ballots are again cast for the candidates tied for the office in question, unless ~~the municipality's legislative body has provided by ordinance that any all~~ but one tied candidate ~~may~~ withdraw from a subsequent election by delivering written notice of withdrawal signed by the candidate and notarized to the municipal offices within the 5-day period following the election. After the 5-day period has expired, the municipal officers shall call a run-off election between the remaining candidates by posting a warrant in the manner required for calling a town meeting. If only one candidate remains, that candidate is declared the winner and sworn into office.

See title page for effective date.

CHAPTER 14

S.P. 19 - L.D. 50

An Act to Repeal the Sunset on the Grandparents Visitation Act

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

Sec. 1. 19 MRSA §1003, sub-§1, ¶¶B and C, as enacted by PL 1993, c. 479, §1, are amended to read:

B. There is a sufficient existing relationship between the grandparent and the child. ~~This paragraph is repealed October 1, 1995;~~ or

C. If a sufficient existing relationship between the grandparent and the child does not exist, a sufficient effort to establish one has been made. ~~This paragraph is repealed October 1, 1995.~~

Sec. 2. 19 MRSA §1003, sub-§1-A, as enacted by PL 1993, c. 479, §2, is amended to read:

1-A. Procedure. The following procedures apply to petitions for rights of visitation or access under subsection 1, paragraph B or C.

A. The grandparent must file with the petition for rights of visitation or access an affidavit alleging a sufficient existing relationship with the child, or that sufficient efforts have been made to establish a relationship with the child. When the petition and accompanying affidavit are filed with the court, the grandparent shall serve a copy of both on at least one of the parents or legal guardians of the child.

B. The parent or legal guardian of the child may file an affidavit in response to the grandparent's petition and accompanying affidavit. When the affidavit in response is filed with the court, the parent or legal guardian shall deliver a copy to the grandparent.

C. The court shall determine on the basis of the petition and the affidavit whether it is more likely than not that there is a sufficient existing relationship or, if a sufficient relationship does not exist, that a sufficient effort to establish one has been made.

D. If the court's determination under paragraph C is in the affirmative, the court shall hold a hearing on the grandparent's petition for reasonable rights of visitation or access and shall consider any objections the parents or legal guardians may have concerning the award of rights of visitation or access to the grandparent.