

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

submeter user for a period greater than 6 consecutive months.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Campground" means a recreational camping park where fees are charged for the recreational use of the park and that can accommodate 10 or more temporary living quarters, including but not limited to tents, recreational vehicles, trailers, vans, pickup campers and motor homes.

B. "Submeter user" means any person using a campground site on which a campground owner or operator has installed a submeter.

2. Charges. A campground owner or operator may charge a submeter user only for kilowatt hours used by that submeter user. The charge that a campground owner or operator may charge a submeter user for electric service may not exceed the kilowatt usage of the submeter user multiplied by the rate per kilowatt hour that the campground owner or operator is charged by the electric utility.

3. Nontaxable event. The collection of charges under this section for submetered electric service is not a sale for the purposes of taxation.

4. Interpretation; not resale. A submeter user is not a customer of the electric utility providing service to the master-metered campground owner or operator. For purposes of this Title, a submeter user is not a customer of the campground owner or operator. Nothing in this section permits the resale of electricity by a campground owner or operator.

See title page for effective date.

CHAPTER 130

S.P. 286 - L.D. 774

An Act to Make Revisions to the Uniform Interstate Family Support Act

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

Whereas, the 116th Legislature enacted the Uniform Interstate Family Support Act in 1994 with the understanding that additional clarifications would need to be made before the July 1, 1995 effective date; 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. 19 MRSA §423, sub-§3, ¶¶C and D, as enacted by PL 1993, c. 690, Pt. A, §2 and affected by §3, are amended to read:

C. An individual petitioner in this State or the Department of Human Services, which is the support enforcement agency of this State, may file a petition with ~~an initiating~~ a tribunal in another state that has or can obtain personal jurisdiction over the respondent.

D. An individual petitioner in this State may file a petition with the Department of Human Services, which is the support enforcement agency of this State, ~~or with the court in this State.~~ The resulting order may be forwarded to a responding tribunal in another state.

Sec. 2. 19 MRSA §423, sub-§3, ¶E is enacted to read:

E. The Department of Human Services, which is the support enforcement agency of this State, may file a petition with the court in this State for forwarding to a tribunal in another state.

Sec. 3. 19 MRSA §423-F, sub-§3, as enacted by PL 1993, c. 690, Pt. A, §2 and affected by §3, is amended to read:

3. No attorney or fiduciary relationship. This Act does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

Sec. 4. 19 MRSA §423-R, as enacted by PL 1993, c. 690, Pt. A, §2 and affected by §3, is amended to read:

§423-R. Receipt and disbursement of payments

The support enforcement agency ~~or a tribunal~~ of this State shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency ~~or tribunal~~ shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

Sec. 5. 19 MRSA §426, as enacted by PL 1993, c. 690, Pt. A, §2 and affected by §3, is repealed.

Sec. 6. 19 MRSA §426-A, sub-§1, as enacted by PL 1993, c. 690, Pt. A, §2 and affected by §3, is amended to read:

1. Required documents and information. A ~~party residing in~~ The support enforcement agency of this State or the state information agency may forward register a support order or an income-withholding order by forwarding the following documents and information to the appropriate court in this State for registration in this State for enforcement:

A. A letter of transmittal to the tribunal requesting registration and enforcement;

B. Two copies, including one certified copy, of all orders to be registered, including any modification of an order;

C. A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearages;

D. The name of the obligor and, if known:

(1) The obligor's address and social security number;

(2) The name and address of the obligor's employer and any other source of income of the obligor; and

(3) A description and the location of property of the obligor in this State not exempt from execution; and

E. The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

Sec. 7. 19 MRSA §426-D, sub-§3, as enacted by PL 1993, c. 690, Pt. A, §2 and affected by §3, is repealed.

Sec. 8. 19 MRSA §426-J, sub-§1, ¶A, as enacted by PL 1993, c. 690, Pt. A, §2 and affected by §3, is amended to read:

A. The following requirements are met:

(1) The child, the individual obligee and the obligor do not reside in the issuing state;

(2) A petitioner, who is either a resident or a nonresident of this State, seeks modification; and

(3) The respondent is subject to the personal jurisdiction of the tribunal of this State; or

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

Effective May 19, 1995.

CHAPTER 131

H.P. 591 - L.D. 801

An Act to Clarify the Licensing Authority of the Board of Trustees of the Maine Criminal Justice Academy

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

Sec. 1. 5 MRSA §5301, sub-§2, ¶E, as amended by PL 1993, c. 600, Pt. B, §§20 to 22, is further amended to read:

E. Convictions for which incarceration for less than one year may be imposed and ~~which that~~ involve sexual misconduct by an applicant or licensee of the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Examiners, the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure, the Board of Chiropractic Licensure, the State Board of Examiners in Physical Therapy, the Board of Trustees of the Maine Criminal Justice Academy and the State Board of Nursing.

Sec. 2. 5 MRSA §5303, sub-§2, as amended by PL 1993, c. 600, Pt. B, §§20 to 22, is further amended to read:

2. Ten-year limits. For applicants to and licensees and registrants of the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Examiners, the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure, the State Board of Nursing, the Board of Chiropractic Licensure, the Board of Trustees of the Maine Criminal Justice Academy and the State Board of Examiners in Physical Therapy, the following ~~shall~~ apply.

A. The procedures outlined in sections 5301 and 5302 for the consideration of prior criminal conviction as an element of fitness to practice a licensed profession, trade or occupation ~~shall~~ apply within 10 years of the applicant's or licensee's final discharge, if any, from the correctional system.