

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

A. The amount of retained state tax increment revenues paid to a municipality may not exceed the amount of tax increment revenues generated by the municipality pursuant to section 5254, subsection 3 and ~~actually~~ required to satisfy the ~~estimated obligations of the~~ be deposited in a development ~~sinking~~ program fund account; and

B. All retained state tax increment revenues not ~~actually~~ required to satisfy the estimated obligations of the development ~~sinking~~ program fund account revert to the State.

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

Effective May 20, 1997.

**CHAPTER 221**

**S.P. 352 - L.D. 1171**

**An Act to Better Inform Car Repair Customers**

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

**Sec. 1. 29-A MRSA §1805, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Flat rate.** The notice must also contain the following if it applies:

"We also charge a flat rate for some repairs. Our service manager will explain what a flat rate is and show you how much it may cost you. A flat-rate charge may not match the time actually spent repairing your vehicle. PLEASE ASK US WHETHER WE WILL CHARGE YOU BY THE HOUR OR BY A FLAT RATE."

See title page for effective date.

**CHAPTER 222**

**H.P. 388 - L.D. 533**

**An Act to Ensure Public Safety and Proper Allocation of Liability for Gas Pipelines**

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

**Sec. 1. 14 MRSA §165, sub-§§1 and 2**, as enacted by PL 1995, c. 299, §1, are amended to read:

**1. Liability without proof of negligence.** A natural gas company or an intrastate or interstate natural gas pipeline company that stores, transports or distributes natural gas is liable for all acts and omissions of its servants and agents that cause death or injury to persons or damage to property resulting from explosions or fire caused by natural gas escaping from the natural gas storage, transportation or distribution system under its control or from explosions or fire caused by defects in the natural gas storage, transportation and distribution systems under its control.

**2. Rebuttable presumption.** When there is death or injury to persons or damage to property resulting from explosions or fire caused by escaping natural gas, there is a rebuttable presumption that the gas escaped because of a defect in a portion of the storage, transportation or distribution system under the company's control.

See title page for effective date.

**CHAPTER 223**

**S.P. 402 - L.D. 1297**

**An Act Pertaining to Free Meals for Legislators during a Prayer Breakfast**

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

**Sec. 1. 17-A MRSA §602, sub-§2, ¶C**, as amended by PL 1995, c. 33, §3, is repealed and the following enacted in its place:

C. "Pecuniary benefit" means any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is economic gain; it does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally. "Pecuniary benefit" does not include the following:

(i) A meal, if the meal is provided by industry or special interest organizations as part of an informational program presented to a group of public servants;

(ii) A meal, if the meal is a prayer breakfast or a meal served during a meeting to establish a prayer breakfast; or

(iii) A subscription to a newspaper, news magazine or other news publication.

See title page for effective date.

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## CHAPTER 224

S.P. 128 - L.D. 407

### An Act to Revise Judicial Separation

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

**Sec. 1. 19-A MRSA §851, sub-§1**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is repealed.

**Sec. 2. 19-A MRSA §851, sub-§1-A** is enacted to read:

**1-A. Jurisdiction.** The District Court and the Superior Court have jurisdiction to enter a separation decree:

A. Upon the petition of a married person who lives apart or who desires to live apart from that person's spouse for a period in excess of 60 continuous days; or

B. Upon joint petition of a married couple who live apart or who desire to live apart for a period in excess of 60 continuous days.

**Sec. 3. 19-A MRSA §851, sub-§3**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is repealed.

**Sec. 4. 19-A MRSA §851, sub-§§8 to 15** are enacted to read:

**8. Orders pending final separation decree.** Pending a final separation decree, the court may:

A. Order either spouse to pay to the other spouse or to the attorney for the other spouse sufficient money for the defense or prosecution of the separation action;

B. Make reasonable provision for either spouse's support, on a motion for which costs and attorney's fees may be ordered;

C. Enter a decree for parental rights and responsibilities, including support of minor children in accordance with chapter 55. An order for child support under this section may include an order for the payment of all or part of the medical expenses, hospital expenses and other health care expenses of the children or an order to provide a policy or contract for coverage of those ex-

penses. Availability of public assistance to the family may not affect the decision of the court relating to the responsibility of a parent to provide child support;

D. By order, determine the possession of owned or rented real and personal property; and

E. Enforce obedience by appropriate processes on which costs and attorney's fees are taxed as in other actions.

**9. Spousal support.** The court may:

A. Order spousal support, which must be determined in accordance with the factors set forth in section 951;

B. Order periodic spousal support payments, payments of a specific sum or any combination of both;

C. Order either spouse to maintain a policy of health insurance for the benefit of the other spouse and to pay all or a portion of the uninsured health care expenses of the other spouse;

D. Order either spouse to maintain a policy of life insurance upon that person for the benefit of the other spouse or the couple's children;

E. Order either party to pay the costs and attorney's fees of the other party in the defense or prosecution of a judicial separation;

F. At any time, alter or amend an order for spousal support or a specific sum when it appears that justice requires it, except that a court may not increase the spousal support if the original decree prohibits an increase. In making an alteration or amendment, the court shall consider the factors set forth in section 951; and

G. Enforce an order for spousal support or attorney's fees and costs in accordance with section 952.

This subsection does not limit the court, by full or partial agreement of the parties or otherwise, from awarding spousal support for a limited period, from awarding spousal support that may not be increased regardless of subsequent events or conditions or otherwise limiting or conditioning the spousal support award in any manner or term that the court considers just.

**10. Disposition of property.** The court may order the disposition of the parties' property in accordance with section 953. Descent of real estate is governed by section 953.