

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

CHAPTER 40

H.P. 126 - L.D. 157

An Act to Allow Review of Examination-related Issues in Executive Session

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

Sec. 1. 1 MRSA §405, sub-§6, ¶F, as enacted by PL 1975, c. 758, is amended to read:

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute; and

Sec. 2. 1 MRSA §405, sub-§6, ¶G is enacted to read:

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined.

See title page for effective date.

CHAPTER 41

H.P. 233 - L.D. 337

An Act to Allow Police Employees to Issue Temporary Permits to Operate Unregistered and Uninspected Vehicles

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

Sec. 1. 29-A MRSA §351, sub-§3, as amended by PL 1995, c. 247, §1, is further amended to read:

3. Temporary permit to tow unregistered vehicle. A law enforcement officer, an employee of a municipal police department designated by the chief, an employee of the sheriff's department designated by the sheriff, an employee of the State Police designated by the Chief of the State Police or an employee of the bureau designated by the Secretary of State may issue a permit in writing to allow:

A. An unregistered motor vehicle to be towed either by a regular service wrecker or by the use of a towbar; or

C. An unregistered trailer or semitrailer with a gross weight of 3,000 pounds or less to be towed, for one trip only, between the points of origin and destination.

A permit issued under this subsection is valid for no more than 3 days, including the date of issuance.

Sec. 2. 29-A MRSA §1759, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Issuance. A law enforcement officer, an employee of a municipal police department designated by the chief, an employee of a sheriff's department designated by the sheriff, an employee of the State Police designated by the Chief of the State Police or an employee of the Bureau of Motor Vehicles designated by the Secretary of State may issue a permit allowing operation of an uninspected vehicle to an inspection station for inspection.

See title page for effective date.

CHAPTER 42

S.P. 168 - L.D. 505

An Act to Exempt Free Clinics from Payment of Pharmaceutical Registration Fees

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

Sec. 1. 32 MRSA §13702, sub-§10, ¶A, as enacted by PL 1987, c. 710, §5, is amended to read:

A. Any pharmacy located in a retail store, mail order business, free clinic or rural health center with facilities located in this State which is engaged in dispensing, delivering or distributing prescription drugs; or

Sec. 2. 32 MRSA §13702, sub-§10-A is enacted to read:

10-A. Free clinic. "Free clinic" means an incorporated nonprofit health facility that provides health care to people at no charge.

Sec. 3. 32 MRSA §13723, sub-§11 is enacted to read:

11. Exemption. The board may exempt a free clinic from all fees, in whole or in part, required under this chapter.

Sec. 4. 32 MRSA §13751, sub-§2, ¶¶C and D, as enacted by PL 1987, c. 710, §5, are amended to read:

C. Wholesale drug outlet; ~~or~~

D. Rural health center; ~~or~~

Sec. 5. 32 MRSA §13751, sub-§2, ¶E is enacted to read:

E. Free clinic.

See title page for effective date.

CHAPTER 43

H.P. 1393 - L.D. 1998

An Act to Fulfill the Requirements of the Electric Restructuring Act

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

Whereas, the Legislature has determined that the restructuring of the electric industry is of critical importance to the citizens of the State; and

Whereas, the deadlines established in the Maine Revised Statutes, Title 35-A, section 3204 are of vital importance to establishing effective competition and accomplishing the goals of that law; and

Whereas, the divestiture required in Title 35-A, section 3204, creates unique problems that could not have been foreseen when the restructuring law was enacted and subsequently amended; and

Whereas, compliance with the deadlines set forth in Title 35-A, section 3204 may be impaired by the unique problems of application of other laws and ordinances; and

Whereas, the public's interests are adequately protected by the oversight vested in the Public Utilities Commission pursuant to Title 35-A and other laws; 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. 35-A MRSA §3204, sub-§9 is enacted to read:

9. Other regulatory approvals; limitation. A transfer of interests or rights in real property necessary to consummate a divestiture pursuant to this section that results in a division of ownership of any lot or parcel of real property:

A. Is exempt from municipal and state agency approval required pursuant to laws, ordinances or rules related to land use, zoning, shoreland zoning or subdivision of property; and

B. Does not constitute a violation of laws, ordinances or rules relating to land use, zoning, shoreland zoning or subdivision of property.

Any subsequent regulated activity relating to any resulting parcel is subject to all applicable regulatory reviews and approvals by a municipality or state agency. A municipality or state agency, in its review of any subsequent regulated activity relating to any resulting parcel, may consider the division of ownership accomplished pursuant to the exemption granted under this subsection and may, in accordance with applicable standards established by law, rule or ordinance, deny or condition its approval based on the cumulative effect of that division of ownership and the subsequent regulated activity, as though both were occurring at the same time.

For purposes of this subsection, "subsequent regulated activity" means any activity occurring after a division of ownership accomplished pursuant to the exemption granted under this subsection that is subject to regulatory review by a municipality or state agency, including any change of use, division of ownership or development. For purposes of this subsection, "resulting parcel" means a lot or parcel of real property resulting from a division of ownership accomplished pursuant to an exemption granted under this subsection.

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

Effective March 30, 1999.

CHAPTER 44

H.P. 23 - L.D. 33

An Act to Delay Implementation of a Separate Community Rate for Individuals Eligible for Medicare