

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

**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

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

**Whereas,** this Act needs to take effect immediately for the protection of those individuals with individual health insurance who will soon become eligible for Medicare; 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. 24-A MRSA §2736-C, sub-§2, ¶E,** as enacted by PL 1997, c. 370, Pt. E, §3, is amended to read:

E. A separate community rate may be established for individuals eligible for Medicare Part A without paying a premium; however, this rate may not be applied if both the Medicare eligibility date and the issue date are prior to ~~the effective date of this paragraph~~ July 1, 2000.

**Sec. 2. Retroactivity.** This Act applies retroactively to September 19, 1997.

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

Effective April 2, 1999.

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## CHAPTER 45

H.P. 179 - L.D. 257

### An Act Regarding General Assistance

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

**Sec. 1. 22 MRSA §4308, sub-§2,** as amended by PL 1993, c. 410, Pt. AAA, §6, is further amended to read:

**2. Emergencies.** A person who does not have sufficient resources to provide one or more basic necessities in an emergency is eligible for emergency general assistance, even when that applicant has been found ineligible for nonemergency general assistance, except as provided in this subsection.

A. A person who is currently disqualified from general assistance for a violation of section 4315, 4316-A or 4317 is ineligible for emergency assistance under this subsection.

B. Municipalities may by standards adopted in municipal ordinances restrict the disbursement of emergency assistance to alleviate emergency situations to the extent that those situations could not have been averted by the applicant's use of income and resources for basic necessities. The person requesting assistance shall provide evidence of income and resources for the applicable time period.

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs.

See title page for effective date.

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## CHAPTER 46

S.P. 27 - L.D. 38

### An Act to Give the Probate Court Power to Order Child Support in Cases Involving Guardianship of a Minor

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

**Sec. 1. 18-A MRSA §5-204,** as repealed and replaced by PL 1995, c. 623, §1, is amended by adding a new 4th paragraph to read:

If a proceeding is brought under subsection (b) or subsection (c), the court may order a parent to pay child support in accordance with Title 19-A, Part 3.

**Sec. 2. 19-A MRSA §2002,** as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

#### §2002. Application

Notwithstanding any other provisions of law, this chapter applies to a court action or administrative proceeding in which a child support order is issued or modified under Title 18-A, section 5-204, this Title or Title 22 and to any court action or administrative proceeding in which past support is awarded.

See title page for effective date.