

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2255

H.P. 1612

House of Representatives, June 18, 1999

**An Act to Make Corrections to Laws Recently Enacted by the 119th
Legislature.**

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MARTIN of Eagle Lake. (GOVERNOR'S BILL)

2 (2) For expenses related to a leaking aboveground oil
storage facility, the deductible amount is determined
4 in accordance with the following schedule:

6 Total aboveground oil storage capacity in gallons owned by the facility owner	8 Deductible
10 Less than 1,320	\$500
1,321 to 50,000	2,500
50,001 to 250,000	5,000
12 250,001 to 500,000	10,000
500,001 to 1,000,000	25,000
14 1,000,001 to 1,500,000	40,000
greater than 1,500,000	62,500

16 (3) For facilities with both aboveground and
18 underground tanks when the source of the discharge can
not be determined or when the discharge is from both
20 types of tanks, the standard deductible is the
applicable amount under subparagraph (1) or (2),
22 whichever is greater.

24 **Sec. A-2. Effective date.** This Part takes effect 90 days after
adjournment of the First Regular Session of the 119th Legislature.

26 **PART B**

28 **Sec. B-1. Resolve 1999, c. 74, §7** is amended to read:

30 **Sec. 7. Report. Resolved:** That no later than December 15,
32 1999, the task force shall submit its report, together with any
recommendations for legislation, to the Joint Standing Committee
34 on Business and Economic Development. The Joint Standing
Committee on Business and Economic Development is authorized to
36 report out a bill during the Second Regular Session of the 119th
Legislature concerning the findings and recommendations of the
38 task force.

40 If the task force requires an extension of the reporting
deadline, it may apply to the Legislative Council, which may
42 grant the extension; and be it further

44 **Sec. B-2. Resolve 1999, c. 74, §8** is enacted to read:

46 **Sec. 8. Appropriation. Resolved:** That the following funds are
appropriated from the General Fund to carry out the purposes of
48 this resolve.

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LEGISLATURE

**Task Force to Study the Effect of
Government Regulation on Small
Businesses**

<u>Personal Services</u>	<u>\$880</u>
<u>All Other</u>	<u>2,100</u>

Provides funds for the per diem and expenses of legislative members and the expenses of other members of the Task Force to Study the Effect of Government Regulation on Small Businesses.

LEGISLATURE
TOTAL

\$2,980

PART C

Sec. C-1. PL 1999, c. 460, §2 is enacted to read:

Sec. 2. Application. This Act applies to a claim or cause of action based on an act or omission occurring on or after the effective date of this Act.

Sec. C-2. Effective date. This Part takes effect 90 days after adjournment of the First Regular Session of the 119th Legislature.

PART D

Sec. D-1. 37-B MRSA §504, sub-§4, ¶A-1, as amended by PL 1999, c. 462, §4, is further amended to read:

A-1. As used in this subsection, unless the context indicates otherwise, the following terms have the following meanings.

- (1) "Eligible dependent" means the wife, husband, surviving spouse, unmarried minor child, unmarried dependent child enrolled in secondary school or unmarried adult child who became incapable of

2 self-support before reaching 18 years of age on account
of mental or physical defects.

4 (2) "Eligible veteran" means any person who:

6 (a) ~~Served on active duty in the United States~~
7 ~~Armed Forces during any federally recognized~~
8 ~~period of conflict, served on active duty in the~~
9 ~~United States Armed Forces at any time during the~~
10 ~~period December 22, 1961 to August 5, 1964 or was~~
11 ~~eligible for an Armed Forces Expeditionary Medal~~
12 ~~or campaign medal, in the active United States~~
13 ~~Armed Forces and who:~~

14 (i) If discharged, received an honorable
15 discharge or a general discharge under
16 honorable conditions, provided that the
17 discharge was not upgraded through a program
18 of general amnesty; and

19 (ii) Was a resident of the State at the time
20 of entering military service, death or the
21 death of an eligible dependent;

22 (b) Served in the Maine National Guard and died
23 as a result of injury, disease or illness
24 sustained while serving on state active duty
25 service as provided in chapter 3, subchapter III;
26 or

27 (c) ~~Served in the Armed Forces in the United~~
28 ~~States at any time and was killed or died as a~~
29 ~~result of hostile action and was a resident of the~~
30 ~~State at the time of entering military service, at~~
31 ~~the time of death or at the time of the death of~~
32 ~~an eligible dependent.~~

33 (d) Served in the Reserve Components of the
34 United States Armed Forces and was entitled to
35 retired pay under 10 United States Code, chapter
36 1223 or would have been entitled to retired pay
37 under chapter 1223 except that the person was
38 under 60 years of age.

39 (3) ~~"Federally recognized period of conflict" means~~
40 ~~World War I, April 6, 1917 to November 11, 1918, or~~
41 ~~March 31, 1920 if service was in Russia; World War II,~~
42 ~~December 7, 1941 to December 31, 1946; Korean Conflict,~~
43 ~~June 27, 1950 to January 31, 1955; the Vietnam War,~~
44 ~~August 5, 1964 to May 7, 1975 and the period beginning~~

2 A. The sum of \$330,000,000 consisting of not more than
3 \$275,000,000 for loans and up to \$55,000,000 for use of bond
4 proceeds to fund capital reserve funds for revenue
5 obligation securities issued pursuant to this subchapter
6 relating to loans for electric rate stabilization projects;

7 B. The sum of \$120,000,000 consisting of not more than
8 \$100,000,000 for loans and up to \$20,000,000 for use of bond
9 proceeds to fund capital reserve funds for revenue
10 obligation securities issued pursuant to this subchapter
11 relating to loans for major business expansion projects;

12 C. The sum of \$57,000,000 consisting of not more than
13 \$45,000,000 for loans and up to \$12,000,000 for use of bond
14 proceeds to fund capital reserve funds for revenue
15 obligation securities issued pursuant to this subchapter
16 relating to workers' compensation residual market mechanism
17 projects;

18 D. The sum of \$150,000,000 less the aggregate outstanding
19 balance of mortgage loans secured by capital reserve funds
20 pursuant to section 1032 for all other revenue obligation
21 securities issued pursuant to this subchapter; and

22 E. The sum of \$120,000,000 consisting of not more than
23 \$100,000,000 for loans and up to \$20,000,000 for use of bond
24 proceeds to fund capital reserve funds for revenue
25 obligation securities issued pursuant to this subchapter
26 relating to loans for paper industry job retention projects.

27 The amount of revenue obligation securities issued to refund
28 securities previously issued may not be taken into account in
29 determining the principal amount of securities outstanding, as
30 long as proceeds of the refunding securities are applied as
31 promptly as possible to the refunding of the previously issued
32 securities. In computing the total amount of revenue obligation
33 securities of the authority that may at any time be outstanding
34 for any purpose, the amounts of the outstanding revenue
35 obligation securities that have been issued as capital
36 appreciation bonds or as similar instruments are valued as of any
37 date of calculation at their then current accreted value rather
38 than their face value.

44 **PART H**

45 **Sec. H-1. 10 MRSA §1023-L, sub-§7, as enacted by PL 1999, c.**
46 **505, Pt. A, §7, is amended to read:**

47 **7. Direct payment program.** The direct payment program is
48 managed as follows.
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2 A. The authority shall pay to each person, eligible under
4 this subsection 3, \$2,000 upon presentation by the person to
6 the authority of a canceled check or other evidence
8 determined sufficient by the authority to demonstrate
10 payment of the person's share of total response costs at the
12 waste oil disposal site, unless the authority determines
14 that the payment made by the person at that site was in an
amount less than \$2,000, in which case the authority shall
pay to that person an amount equal to the amount that person
paid in relation to the site. All payments made under this
subsection must be from funds transferred from the Maine
Rainy Day Fund.

16 B. Any person eligible under this subsection 3 who presents
18 an invoice for that person's share of total response costs
20 at the site, but who has not yet paid the invoice, receives
22 a negotiable instrument from the authority made payable
24 jointly to that person and any entity identified by the
Department of Environmental Protection as assuming liability
for total response costs at the site. The negotiable
instrument must be in the amount of \$2,000, unless the
authority determines that the payment to be made by the
person at the site will be in an amount less than \$2,000, in
which case the authority shall pay to the person an amount
equal to the amount the person is to pay in relation to the
site. All payments made under this subsection must be from
funds transferred from the Maine Rainy Day Fund.

30 C. After the payments authorized in paragraphs A and B have
32 been made, additional payments must be made from the
available balance from funds transferred from the Maine
Rainy Day Fund to all persons who received funds under
34 paragraphs A and B who have paid their settlement share of
total response costs, and whose total liability at the site
36 exceeds the amount the persons received under paragraph A or
B. Distributions under this paragraph are proportionate to
38 the amount each person paid as the person's share of total
response costs at the site. Payments made pursuant to this
40 subsection may not exceed the person's settlement share of
total response costs attributable to eligible persons as
42 defined in this subsection multiplied by the total orphan
share percentage at the waste oil disposal site. The
44 authority may not issue deferred loans for eligible persons
who have received payments pursuant to this subsection.
46 This distribution must occur on April 1, 2000. Any
remaining funds in the fund must be transferred to the
48 Groundwater Oil Clean-up Fund.

2 For purposes of this subsection, "person" means any natural
3 person domiciled in this State; a corporation or partnership in
4 the State; the State; any agency, authority, department,
5 commission, municipality, quasi-municipal corporation,
6 special-purpose district or other instrumentality of the State; a
7 political subdivision of the State, including but not limited to
8 those defined in Title 14, chapter 741 and Title 30-A, chapter
9 225; any other entity identified as a responsible party at the
10 waste oil disposal site; ~~or an entity~~ whose waste oil is
11 identified as delivered to the waste oil disposal site and picked
12 up from an address or location within the State in the records
13 compiled by the Department of Environmental Protection or the
14 United States Environmental Protection Agency or their agents,
15 provided that neither the Federal Government nor any of its
16 agencies, authorities, departments, boards, commissions or
17 instrumentalities are eligible to have any share of their
18 obligation for response costs paid by the fund.

19 **Sec. H-2. Effective date.** This Part takes effect 90 days after
20 adjournment of the First Regular Session of the 119th Legislature.

21 **Emergency clause.** In view of the emergency cited in the
22 preamble, this Act takes effect when approved, except as
23 otherwise indicated.
24

25 FISCAL NOTE

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28 Part B of this bill provides the funds necessary to support
29 the Task Force to Study the Effect of Government Regulation on
30 Small Businesses established in Resolve 1999, chapter 74. The
31 General Fund appropriation of \$2,980 does not represent an
32 increase in total General Fund appropriations since this amount
33 was accounted for when Resolve 1999, chapter 74 was enacted.
34

35 Part C of this bill may avoid some unintended additional
36 costs for certain claims. These costs that may be avoided are
37 not expected to significantly affect annual insurance costs paid
38 by state agencies.
39

40 Part G removes a provision that would have capitalized the
41 Northern Maine Transmission Corporation Fund by increasing the
42 Finance Authority of Maine's revenue obligation securities limit
43 by \$35,000,000. Deauthorizing the issuance of the \$35,000,000
44 removes the moral obligation of the State.
45
46

SUMMARY

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4 This bill makes the following corrections to errors in
recently enacted law.

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8 Part A, consistent with Senate Amendment "A" to Committee
Amendment "A" to L.D. 949, which was adopted by the Senate and
the House of Representatives, removes from Public Law 1999,
chapter 504, a modification of the definition of "facility owner"
10 for applicants to the Fund Insurance Review Board.

12

14 Part B, in accordance with Resolve 1999, chapter 74, section
6, adds an appropriation section to provide funds for the per
diem and expenses of legislative members and the expenses of
other members of the Task Force to Study the Effect of Government
16 Regulation on Small Businesses.

18

20 Part C provides that Public Law 1999, chapter 460, which
amended the Maine Tort Claims Act, applies to a claim or cause of
action based on an act or omission occurring on or after the
effective date of that public law.

22

24 Part D amends the eligibility requirements for burial in the
Veterans' Memorial Cemetery.

26

28 Part E removes the chiefs of police to correctly reflect
Senate Amendment "A" to Committee Amendment "A" to S.P. 571, L.D.
1638, which was adopted by both Houses of the Legislature.

30

32 Part F clarifies the effective dates of Part KKK of Public
Law 1999, chapter 401.

34

36 Part G removes from Public Law 1999, chapter 513 that
portion of the legislation that authorized the Finance Authority
of Maine to issue up to \$35,000,000 in bonds, backed by the State
of Maine, to finance the construction of transmission lines to
connect northern Maine's utilities with the transmission grid of
the United States. This Part also resolves a conflict created by
Public Law 1999, chapter 484, which amended the same provision of
40 law.

42

44 Part H amends Public Law 1999, chapter 505, Part A, section
7 to clarify that direct payments are not based on financial need
and will only be available to Maine residents or corporations.