

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

SECOND REGULAR SESSION

January 2, 1980 to April 3, 1980

AND AT THE

THIRD SPECIAL SESSION

May 22, 1980

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
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3. **Penalty.** Notwithstanding section 2521, a violation of this section shall constitute a civil violation and shall be punished by a fine of not more than \$1,000 for each violation. In addition to the civil penalty provided in this section, any violation of this section shall constitute a violation of statutory provisions governing unfair trade practices, Title 5, chapter 10.

Effective July 3, 1980

CHAPTER 674

H. P. 1764 — L. D. 1896

AN ACT to Expand the Kinds of Projects Eligible for Financing under the Maine Guarantee Authority Revenue Obligations Securities Act.

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

Sec. 1. 10 MRSA § 862, as enacted by PL 1977, c. 489, § 12, is repealed and the following enacted in its place:

§ 862. General grant of powers

The Maine Guarantee Authority is authorized and empowered:

1. Kinds of projects. To acquire, construct, reconstruct, maintain, renew and replace the following kinds of projects:

- A. Industrial-commercial projects;**
- B. Pollution-control projects;**
- C. Recreational projects;**
- D. Energy generating systems;**
- E. Energy distribution systems;**
- F. Multi-level parking facilities; and**
- G. Combined projects;**

within the State, whether or not now in existence, or to assist a user to acquire, construct, reconstruct, renew and replace these projects and facilities;

2. Securities. To issue revenue obligation securities of the authority to pay the cost of acquisition, construction, reconstruction, renewal or replacement

within the State of the projects enumerated in subsection 1. Any single issue of the revenue obligation securities of the authority may provide for the cost of acquisition, construction, reconstruction, renewal or replacement of any one or more projects which may be separate, unconnected, distinct and unrelated in purpose; and to acquire one or more issues of revenue obligation securities issued by municipalities pursuant to Title 30, chapter 242, any single issue of the revenue obligation securities of the authority may provide funds for the acquisition of revenue obligation securities of one or more municipalities for one or more projects which may be separate, unconnected, distinct and unrelated in purpose;

3. Refunding securities. To issue revenue refunding obligation securities of the authority as provided to refund any revenue obligation securities then outstanding which were issued under this chapter;

4. Acquisition of property. To acquire or enable a user to acquire from funds provided under the authority of this chapter such lands, structures, property, rights, rights-of-way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, which are located within the State as it may deem necessary or convenient for the construction or operation of any project enumerated in subsection 1 upon such terms and conditions as it shall deem reasonable and proper, and to dispose of any of the foregoing in the exercise of its powers and the performance of its duties under this chapter;

5. Contracts; employment of specialists. To make and enter into all financial documents, including mortgages, leases, sale agreements, contracts, loans and other agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including a trust agreement or trust agreements securing any revenue obligation securities issued in this section and to employ such consulting and other engineers, attorneys, accountants, construction and financial experts, superintendents, managers and such other employees and agents as deemed necessary, and to fix their compensation; provided all expenses shall be payable solely from funds made available under this chapter;

6. Government contracts. To enter into contracts with the State or the Federal Government or any agency or instrumentality thereof, or with any municipality providing for or relating to any project enumerated in subsection 1; provided, in the case of contracts with the Federal Government involving pollution-control facilities, that the consent of the Board of Environmental Protection is first obtained, such board being authorized to grant that consent notwithstanding Title 38, section 362;

7. Government aid. To accept from any authorized agency of the State or the Federal Government or municipality loans or grants for the planning, construction or acquisition of any project enumerated in subsection 1 and to enter into agreements with the agency respecting any such loans or grants and to receive and accept aid and contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which these loans, grants and contributions may be made; provided,

in the case of loans, grants or other aid from the Federal Government involving pollution-control facilities, that the consent of the Board of Environmental Protection is first obtained, such board being authorized to grant that consent notwithstanding Title 38, section 362; and

8. **General powers.** To do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter. The powers of the authority under this section shall be exercised by or under the direction of its members.

Title 14, section 6010, shall not apply to leases made under this section. Leases made under this section may provide that obligations of the lessees shall be unconditional.

Title 32, chapter 13, relating to dealers in securities, shall not apply to revenue obligation securities issued, reissued or refunded under this chapter.

Sec. 2. 10 MRSA § 863, sub-§ 1, as enacted by PL 1977, c. 489, § 12, is amended to read:

1. **Combined project.** "Combined project" means any combination of an industrial-commercial project, a pollution-control project ~~and~~, a recreational project, **energy generating system, energy distribution system and multi-level parking facilities** undertaken by the authority for a common user or group of users.

Sec. 3. 10 MRSA § 863, sub-§ 2, first sentence, as enacted by PL 1977, c. 489, § 12, is amended to read:

"Cost," as applied to an industrial-commercial **project**, pollution-control **project**, recreational **project**, **energy generating system, energy distribution system, multi-level parking facilities** or combined project, shall include the following:

Sec. 4. 10 MRSA § 863, sub-§§ 2-A and 2-B are enacted to read:

2-A. **Energy generating system project.** "Energy generating system project" means:

A. For a system which does not generate electricity, an energy generating system owned, in whole or in part, by a municipality, corporation or firm, and which system uses biomass, peat, solar, waste, water and related dams, wind, wood or coal, or which is an energy conservation project, including a transportation project consistent with the United States Internal Revenue Service guidelines; or

B. For a system which does generate electricity, an energy generating system which uses biomass, peat, solar, waste, water and related dams, wind, wood or coal, and which is owned, in whole or in part by a public utility or a municipality, corporation or firm which qualifies as a cogenerator or small power producer under Title 35, chapter 172.

2-B. Energy distribution system project. “Energy distribution system project” means an energy distribution system owned, in whole or in part, by a municipality, corporation or firm and which uses biomass, peat, solar, waste, water and related dams, wind, wood, coal or natural gas.

Sec. 5. 10 MRSA § 863, sub-§ 4, as enacted by PL 1977, c. 489, § 12, is amended to read:

4. Industrial-commercial project. “Industrial-commercial project” means any building, structure, dam, machinery, equipment or facilities, ~~including transportation, communication, fishing or agricultural equipment or facilities~~ which may be deemed necessary for manufacturing, processing, assembling, storing, distributing, retailing or receiving raw materials or manufactured products, **including hydroelectric facilities for the production of electricity; and those for** transportation, communication, fishing, agriculture ~~or~~, research or ~~for~~ public accommodation and facilities related thereto, including, but not limited to, lodging, dining or conventions, together with all lands, property, rights, rights-of-way, franchises, easements and interests in lands which may be acquired by the authority or a user for the construction or operation of such project.

Hydroelectric facilities which are part of an industrial-commercial project need not be owned or operated by a public utility or a municipality, corporation or firm which is a cogenerator or small power producer under Title 35, chapter 172.

Sec. 6. 10 MRSA § 863, sub-§ 6, first sentence, as enacted by PL 1977, c. 489, § 12, is amended to read:

“Project” means industrial-commercial project, pollution-control project, health care project, recreational project, **energy generating system, energy distribution system, multi-level parking facilities** or combined projects as the context may permit or require.

Sec. 7. 10 MRSA § 863, sub-§ 6, as enacted by PL 1977, c. 489, § 12, is amended by adding at the end the following new paragraph:

Any municipality, firm or corporation producing electricity by means of any such project may, without the approval of and regulation by the Public Utilities Commission, generate and distribute electricity solely for its own use or the use of its tenants, but may not sell electricity to other than an electric public utility corporation or cooperative authorized to make, generate, sell and distribute electricity.

Sec. 8. 10 MRSA § 864, sub-§ 2-A is enacted to read:

2-A. Other requirements. In the case of an energy generating system, an energy distribution system or an industrial-commercial project which includes hydroelectric facilities which may be deemed necessary for the production of electricity, no project may be approved unless it complies with the requirements of this subsection. First, the Public Utilities Commission shall certify to the

authority that all licenses required from that commission have been issued or none are required. Second, when the authority has received a proposed project for consideration, it shall so notify and send a copy of the project proposal to the Director of the Office of Energy Resources. Not later than 30 days after receipt of the notice and proposal, the director shall send his comments on the project to the authority. The authority shall take the comments into consideration in its consideration of the project. No director, agent or employee of the Office of Energy Resources may divulge or disclose any information obtained from the authority concerning the name of any applicant, lessee, or tenant or information supplied by an applicant, lessee, tenant, mortgagee, financial institution, municipality or local development corporation in relation to any project proposal.

Sec. 9. 10 MRSA § 876, as enacted by PL 1977, c. 489, § 12, is amended to read:

§ 876. Purpose

It is declared that there is a statewide need for industrial-commercial projects, pollution-control projects, recreational projects, energy generating systems, energy distribution systems, multi-level parking facilities and combined projects to provide enlarged opportunities for gainful employment by the people to generate and distribute energy to restore purity to the air, the water or the earth of the State which are fouled with, among other things, industrial and other waste materials and pollutants, to more adequately serve the working people of this State, and to provide a more healthy environment and thus to insure the preservation and betterment of the economy of the State and the living standards and health of its inhabitants.

Effective July 3, 1980

CHAPTER 675
H. P. 1832 — L. D. 1936

AN ACT to Create a Combination Nonresident Hunting and Fishing License.

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

Sec. 1. 12 MRSA § 7101, sub-§ 5, ¶H, as amended by PL 1979, c. 543, § 7, is further amended to read:

- H. Alien big game hunting license..... ~~\$105.00~~ \$105.50
(Permits hunting of all species, including deer and bear)

Sec. 2. 12 MRSA § 7101, sub-§ 5, ¶¶'s I, J and K are enacted to read: