

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

in a separate, dedicated, nonlapsing income-earning or interest-earning account and shall be used solely for fulfilling the purposes of this chapter.

§10205. Records

ETLM shall keep records of all tests conducted and of all moneys received and disbursed by it.

§10206. Exemptions

The following exemptions shall apply to ETLM:

1. Rulemaking. ETLM shall not be subject to the requirements of the Maine Administrative Procedure Act, Title 5, chapter 375, before it may adopt standards or policies to be utilized in carrying out its duties under this chapter, nor in establishing and setting fees to be charged for services provided by ETLM.

2. Freedom of access. Records maintained by ETLM relative to services provided to persons, corporations or any other body in accordance with this chapter are not public records as that term is defined in Title 1, section 402, subsection 3, except for the fiscal records maintained by ETLM.

Sec. 3. Transition period. Following the enactment of this Act, the Board of Directors of Energy Testing Laboratory of Maine will work with the Director of Southern Maine Vocational-Technical Institute to provide for a smooth and orderly transition of the administration of ETLM to the director of SMVTI. All records, equipment and other matters, whether tangible or intangible belonging to ETLM shall become the property of SMVTI.

Sec. 4. Effective date. Section 3 shall become effective immediately and sections 1 and 2 shall become effective July 5, 1983.

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

Effective May 24, 1983, unless otherwise indicated.

CHAPTER 321

H.P. 1053 - L.D. 1397

AN ACT to Make Corrections in the Maine
State Housing Authorities Law.

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

Sec. 1. 30 MRSA §4552, sub-§1, as amended by PL 1979, c. 521, §1, is further amended to read:

1. Area of operation. "Area of operation" of an authority of a town shall include all of the town for which it is created, and the area of operation of a housing authority of a city shall include the city and the area within 10 miles outside the territorial boundaries thereof. The area of operation of the housing authority of a city shall not include any area which lies within the territorial boundaries of any other city nor shall it include any portion of a town for which a housing authority has been organized, without the consent by resolution of the selectmen of the town or the governing body of the other city. No authority shall operate in any area in which an authority already established is operating without the consent by resolution of the authority already operating therein. The area of operation of the state authority is the entire State. The state authority shall not operate in any area in which an authority of a city or town already established pursuant to chapter 239, subchapters subchapter II or III, is operating without the consent by resolution of the authority operating therein. In the case of the state authority, the requirements of coordination and local approval specified in sections 4651, subsection 10 and 4701 may be complied with by passage by the local governing body of the following resolution:

The Maine State Housing Authority is authorized to seek and may contract for financial assistance from the Federal Government for the purpose of providing housing for low-income persons and families in (Name of Municipality).

Passage of such resolution is conclusive evidence of compliance with the referenced sections. The local governing body is entitled to repeal the resolution, provided that any contract for federal assistance entered into between the Maine State Housing Authority and any person, firm or corporation in or with respect to the municipality in question after passage of the original resolution and prior to its repeal shall not be affected by the repeal and provided further that the security of the authority's mortgage interest or the obligation or repayment of debt to bondholders is not affected by the repeal.

The authority shall meet and discuss with the local governing body concerning permissible and preferred developers, housing management entities and sites in

anticipation of a preliminary designation of a proposed project.

When the authority has received a proposed project for consideration, it shall so notify the municipality in question. When the authority has made a preliminary designation of a proposed project, it shall so notify the municipality within 30 days. If the local governing body of the municipality disapproves of the preliminary designation, it shall so notify the authority within the 45-day period following the notice of selection. The notice of disapproval shall have the effect of repealing the consent resolution for that proposed project.

Sec. 2. 30 MRSA §4651, sub-§1 is amended to read:

1. General. To sue and; to be sued on its written contracts or in accordance with the Maine Tort Claims Act, the Maine Administrative Procedure Act, Title 5, chapter 375, in the case of the state authority, Rule 80B or any successor rule of the Maine Rules of Civil Procedure in the case of a city or town authority or Title 1, section 409; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules and regulations not inconsistent with this subchapter, to carry into effect the powers and purposes of the authority;

Sec. 3. 30 MRSA §4724, as enacted by PL 1975, c. 522, §2, is repealed.

Sec. 4. 30 MRSA §4724-A is enacted to read:

§4724-A. Rules

The state authority shall establish rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, governing, without limitation, the following subjects and procedures for participating in the making of construction loans:

1. Submission, review and acceptance of requests. The submission, review and acceptance of requests from borrowers for construction loans under this section;

2. Qualifications. Qualifications of borrowers;

3. Limitation and standards. Limitation on and

standards for location and construction of housing units or housing projects;

4. Fees. Schedules of fees and other charges made by the authority and the financial institution to the borrower in accepting, reviewing and acting upon applications for construction loans under this Article; and

5. Restrictions. Restrictions on the interest rates charged by the financial institutions and the authority on such construction loans or the return on such loans to be realized by the financial institution.

Sec. 5. 30 MRSA §§4768 - 4770 are enacted to read:

§4768. Eligible conservation projects

The state authority in consultation with the Office of Energy Resources shall develop guidelines defining energy improvements which may be made with proceeds of home improvement notes.

§4769. Affidavits

The state authority shall require an affidavit in conjunction with an application for a residential energy loan home improvement note to ensure that the proceeds are used for purposes authorized under this subchapter.

§4770. Penalties

Anyone using the proceeds of a home improvement note for other than authorized purposes is subject to a civil penalty not to exceed \$5,000, payable to the State, to be recovered in a civil action.

Effective September 23, 1983.

CHAPTER 322

H.P. 717 - L.D. 908

AN ACT to Clarify the Fuel Charges of
Electric Utilities.

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