

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

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NON-EMERGENCY LAWS IS
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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
1995

CHAPTER 563

S.P. 610 - L.D. 1614

**An Act to Amend the Law as It
Pertains to Payment of Rent by a
Blind or Visually Impaired
Individual Who Operates a Vending
Facility**

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

Sec. 1. 20-A MRSA §18081, as amended by PL 1995, c. 322, §20, is repealed and the following enacted in its place:

§18081. Fees

1. Fees prohibited generally. Except as provided in subsection 2, a rental fee may not be required or received for the granting of authority to the division to operate a vending facility.

2. Fees authorized; limitation. A rental fee or other fee may be charged to the operator only if the vending facility is located on commercial municipal property, including a public airport, where the following conditions are met:

A. The vending facility generates revenue primarily from the general public at large rather than from public employees;

B. The vending facility occupies space for which there are other competing retail commercial uses and other retail users are, in fact, renting nearby public space on the property; and

C. The public owner depends on generating revenue from the space occupied by the vending facility.

Any rent or other fee charged to the operator must be less than what would otherwise be charged to a competing commercial tenant and must be pursuant to a written agreement. The terms of the agreement must adequately account for the value of investments made by the division to create or maintain the vending facility.

3. Application. This section applies to the rental of vending facilities and the renewal of any rental agreement after the effective date of this section.

See title page for effective date.

CHAPTER 564

H.P. 1221 - L.D. 1671

**An Act to Amend the Laws
Regarding the Revolving Loan Fund
for Wastewater Facilities**

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

Whereas, this legislation makes funding available to municipalities to remediate landfills that are a threat to groundwater and for certain other activities related to water quality; and

Whereas, funding for these projects may be needed during the upcoming spring construction season; 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. 30-A MRSA §5953-A, sub-§1, as amended by PL 1991, c. 605, §5, is repealed and the following enacted in its place:

1. Loan application. A municipality may apply for a loan from the revolving loan fund, the proceeds of which must be used for the following:

A. To acquire, design, plan, construct, enlarge, repair or improve a publicly owned sewage or water system or sewage or water treatment plant or to implement a related management program;

B. To remediate municipal landfills that affect groundwater; or

C. For any actions authorized under the federal Clean Water Act, 33 United States Code, Sections 1251 to 1387.

The bank may prescribe any application form or procedure required of a municipality for a loan under this section. The application must include any information that the bank determines necessary for the purpose of implementing this section and section 6006-A.

Sec. 2. 30-A MRSA §6006-A, sub-§1, ¶A, as enacted by PL 1989, c. 48, §§27 and 31, is repealed and the following enacted in its place:

A. There is established in the custody of the bank a special fund, to be known as the revolving loan fund, that must be used for the following purposes:

(1) To provide loans to municipalities for acquiring, designing, planning, constructing, enlarging, repairing or improving publicly owned sewage systems and sewage treatment plants as provided in Title 38, section 411 and for implementing related management programs;

(2) For remediation of municipal landfills that affect groundwater; or

(3) For any actions authorized under the federal Clean Water Act, 33 United States Code, Sections 1251 to 1387.

Sec. 3. 30-A MRSA §6006-A, sub-§3, ¶E, as enacted by PL 1989, c. 48, §§27 and 31, is amended to read:

E. Facility needs, including the availability of, or likely development of, cost-effective privately owned facilities or services to meet the municipal need; and

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

Effective March 25, 1996.

CHAPTER 565

H.P. 1237 - L.D. 1697

An Act to Amend the Unorganized Territory Tax Laws

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

Sec. 1. 36 MRSA §1603, as corrected by RR 1993, c. 1, §107, is amended to read:

§1603. Definition of "municipal cost component"

1. Definition. For the purposes of this chapter, "municipal cost component" means the cost of funding services in the Unorganized Territory Tax District ~~which that~~ would not be borne by the State if the Unorganized Territory Tax District were a municipality, but does not include a state cost allocation charge, including, without limitation, reimbursement to the General Fund for departmental functions such as accounting, personnel administration and supervision.

The "municipal cost component" ~~shall include~~ includes, but is not be limited to:

A. The cost of education, as would be determined by the Maine School Finance Act of ~~1985~~ 1995 if the unorganized territory were a municipality;

B. The cost of services the state funds in the unorganized territory that are funded locally by a municipality; the cost of forest fire protection to be included in the cost component ~~shall~~ must be determined in accordance with Title 12, section 9205-A and collected in the same manner as other portions of the municipal cost component; and

C. The cost of reimbursement by the State for services a county provides to the unorganized territory in accordance with Title 30-A, chapter 305. No county may be reimbursed for services provided on or after January 1, 1979, unless a legislative allocation is obtained pursuant to this chapter.

See title page for effective date.

CHAPTER 566

H.P. 1245 - L.D. 1707

An Act to Clarify the Landowner Liability Laws

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

Sec. 1. 14 MRSA §159-A, as amended by PL 1993, c. 622, §1, is further amended to read:

§159-A. Limited liability for recreational or harvesting activities

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms ~~shall~~ have the following meanings.

A. "Premises" means improved and unimproved lands, private ways, roads, any buildings or structures on those lands and waters standing on, flowing through or adjacent to those lands.

B. "Recreational or harvesting activities" means recreational activities conducted out-of-doors, including, but not limited to, hunting, fishing, trapping, camping, environmental education and research, hiking, sight-seeing, operating snow-traveling and all-terrain vehicles, skiing, hang-gliding, dog sledding, equine activities, boating, sailing, canoeing, rafting, biking, picnicking,