

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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

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PUBLIC LAWS
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5. Commercial applicator. "Commercial applicator" means any person, whether or not the person is a private applicator with respect to some uses, who uses or supervises the use of any limited or restricted-use pesticides on any property other than as provided by subsection 22, or who uses general-use pesticides in custom application on such property.

Sec. 2. 22 MRSA § 1471-C, sub-§ 5-A is enacted to read:

5-A. Custom application. "Custom application" means any application of any pesticide for hire.

Sec. 3. 22 MRSA § 1471-D, sub-§ 4, 3rd sentence, as enacted by PL 1975, c. 397, § 2, is amended to read:

Commercial applicators shall ~~and private applicators may~~ be required by the board to provide proof of financial responsibility in custom application as to such amounts as the board may, by regulation, designate; private applicators may also be required to provide such proof.

Sec. 4. 22 MRSA § 1471-E, first and 3rd sentences, as enacted by PL 1975, c. 397, § 2, are amended to read:

No person shall, for the purpose of controlling aquatic pests, apply pesticides to or in any river or stream or tributary thereof, or any great pond, without a permit from the board.

If, on the basis of the application for the permit, the board finds that the proposed application of pesticides will conform to applicable laws and regulations and is unlikely to ~~adversely affect any plant or animal life, other than that sought to be controlled,~~ exert a significant adverse impact on nontarget species it may grant the permit.

Effective October 24, 1977

CHAPTER 21

AN ACT to Clarify the Maine Municipal Securities Approval Act.

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

Whereas, the intent of this Act is to permit refunding of municipal securities without requiring the approval of a municipal election; and

Whereas, most municipal elections are held at town meeting time in the spring of each year; and

Whereas, if this Act does not take effect before 90 days after adjournment of the Legislature, many municipal bonds could not receive approval until the spring of 1978, by which time interest rates for bonds may have greatly increased; and

Whereas, the ability of municipalities to immediately issue refunding securities at present low interest rates will reduce the costs of industrial-commercial pollution control and other projects financed under the Act and thereby encourage location of additional projects and expansion of existing projects in the State; and

Whereas, new and expanded projects will increase employment opportunities and reduce environmental pollution, all to the benefit of the health and safety of the people of the State; and

Whereas, present low interest rates may not exist at the time the Act becomes effective unless it becomes effective immediately; 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 MRSA § 5337, last sentence, as enacted by P.L. 1965, c. 423, § 1, is amended to read:

The issuance of such securities, the maturities and other details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges, duties and obligations of the municipality and the municipal officers with respect to the same, shall be governed by the foregoing provisions of sections of this chapter insofar as the same may be applicable; provided, the requirement that voter approval be obtained of the general purpose and maximum principal amount of securities as set forth in section 5331, subsection 1, shall not be applicable to securities issued for refunding purposes under this section; and provided, further, that any action or proceeding in any court to set aside a resolution authorizing the issuance of revenue refunding securities under this chapter or to obtain any relief on the ground the resolution was improperly adopted, was adopted for unauthorized purposes or is otherwise invalid for any reason must be commenced within 30 days after publication by the clerk of the municipality in the state newspaper and in a newspaper of general circulation in the municipality of a notice stating that the resolution has been adopted, the principal amount of revenue refunding securities authorized to be issued and the purpose of that issuance.

Sec. 2. 30 MRSA § 5337, as last amended by PL 1971, c. 210, § 15, is further amended by adding at the end the following new sentence:

After the expiration of the period of limitation, no right of action or defense founded upon the invalidity of that resolution or any of its provisions shall be asserted nor shall the validity of that resolution or any of its provisions be open to question in any court upon any ground whatever.

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