

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

1981

CHAPTER 321

S. P. 481 — L. D. 1364

AN ACT to Amend the Definition of Home Improvement Note Set Forth in the Maine Housing Authorities Act.

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

Sec. 1. 30 MRSA § 4552, sub-§ 12, first sentence, is amended to read:

“Project” or, “housing project” or “single family or multi-unit residential housing” shall mean any work or undertaking:

Sec. 2. 30 MRSA § 4552, sub-§ 19, as enacted by PL 1979, c. 712, § 2, is amended to read:

19. Home improvement note. “Home improvement note” means an interest bearing obligation, secured in whole or in part by a mortgage, insurance or otherwise as may be agreed upon by the state authority from time to time, made to improve or rehabilitate ~~for the purpose of energy conservation, owner occupied one family to 4 family~~ **single family or multi-unit residential housing** in the State.

Effective September 18, 1981

CHAPTER 322

H. P. 1150 — L. D. 1398

AN ACT to Provide for Municipal Development of Energy Resources.

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

Whereas, the cost of energy is one of the most crucial problems facing the State; and

Whereas, existing institutions, including the Municipal Bond Bank, can be made available to help solve this problem by encouraging municipal governments to develop energy resources and to finance the acquisition, construction, reconstruction, maintenance, renewal or replacement of energy facilities; 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 § 4251, sub-§ 1, as amended by PL 1975, c. 770, § 167, is further amended to read:

1. Revenue producing facilities. To acquire, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain and operate any revenue producing municipal facility consisting of a water system or part thereof, a sewer system or part thereof, or airport or part thereof, within or without, or partly within and partly without, the corporate limits of the municipality or of a parking facility within the corporate limits of the municipality, or telecommunications system or part thereof, **or an energy facility or part thereof**, within or without, or partly within or without, the corporate limits of the municipality. **As used in the chapter, the term "energy facility" means an "energy generating system project" or "an energy distribution system project," as defined respectively in section 5326, subsections 1-A and 1-B, or a hydroelectric power facility, including any equipment and structures designed to distribute or transmit energy either from or to such facility, or any combination or part of the foregoing;**

Sec. 2. 30 MRSA § 4251, sub-§ 5, as last amended by PL 1975, c. 770, § 168, is further amended to read:

5. Pledge of revenues. To pledge the revenues derived from any water system or part thereof, sewer system or part thereof, or airport or part thereof, or telecommunications system, or part thereof, to the payment of such revenue or revenue refunding bonds issued with respect to such water or sewer system or part thereof, or airport or part thereof, or ~~telecommunications~~ **telecommunications** system, or part thereof, **or energy facility, or part thereof**, and, notwithstanding section 2151, subsection 2, paragraph D, subparagraph (1), to pledge the revenues derived from any parking facility or system to the payment of revenue or revenue refunding bonds issued with respect to any parking facility included within such system;

Sec. 3. 30 MRSA § 4251, sub-§ 10, as last amended by PL 1975, c. 770, § 169, is further amended to read:

10. Use of streets and highways. To enter upon, use, occupy and dig up any street, alley, road, highway or other public places necessary to be entered upon, used or occupied in connection with the acquisition, construction, reconstruction, improvement, maintenance or operation of any telecommunication system, **energy facility**, airport or parking facility or system, water system, sewer system or water and sewer system; when highways maintained by the State are affected, the municipality shall be subject to the same statutory provisions applicable to those corporations authorized to lay their pipes and conduits in the public ways;

Sec. 4. 30 MRSA § 4252, sub-§ 2, first sentence, as repealed and replaced by PL 1967, c. 429, § 5, is amended to read:

The bonds of each issue of revenue bonds shall be dated, shall mature at such time or times not exceeding ~~30~~ 40 years from their date or dates, and shall bear interest at such rate or rates as may be determined by the municipal officers, and may be made redeemable before maturity, at the option of the municipality, at such price or prices and under such terms and conditions as may be fixed by the municipal officers prior to the issuance of the bonds.

Sec. 5. 30 MRSA § 4254, first ¶, as last amended by PL 1975, c. 770, § 171, is further amended to read:

Any resolution providing for the issuance of revenue bonds for a water system or sewer system, water and sewer system and airport or parking facility or telecommunications system **or energy facility** under this chapter, or the trust agreement securing such bonds may include any or all of the following provisions, and may require the municipal officers to adopt such resolutions or take such other lawful action as shall be necessary to effectuate such provisions and the municipal officers are hereby authorized to adopt such resolutions and to take such other action:

Sec. 6. 30 MRSA § 4254, sub-§ 1, as last amended by PL 1975, c. 770, § 171, is further amended to read:

1. Deposits. That the municipality may require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay rates, fees or charges for the use of or for the services furnished by any water system or sewer system, water and sewer system and airport or parking facility or telecommunications system **or energy facility** owned or operated by the municipality to make a reasonable deposit with the municipality in advance to insure the payment of such rates, fees or charges and to be subject to application to the payment thereof if and when delinquent.

Sec. 7. 30 MRSA § 4255, first sentence, as last amended by PL 1975, c. 770, § 172, is further amended to read:

The resolution authorizing the issuance of revenue bonds under this chapter, or any trust agreement securing such bonds, may provide that all or a sufficient amount of the revenues derived from the water system, sewer system, water and sewer system, airport or parking facility or system, or telecommunications system, **or energy facility**, including the revenue producing municipal facility financed with revenue bonds issued under this chapter, after providing for the payment of the cost of repair, maintenance and operation and reserves therefor as may be provided in such resolution or trust agreement, shall be set aside at such regular intervals as may be provided in such resolution or trust agreement and deposited to the credit of a sinking fund for the payment of the interest on and the principal of revenue bonds issued under this chapter as the same shall become

due, and the redemption price or purchase price of bonds retired by call or purchase.

Sec. 8. 30 MRSA § 4256, first ¶, 2nd sentence, as last amended by PL 1975, c. 770, § 173, is further amended to read:

The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from the water system, sewer system, water and sewer system, airport or parking facility or system or telecommunications system, **or energy facility**, including the revenue producing municipal facility financed with revenue bonds issued under this chapter, but shall not convey or mortgage any revenue producing municipal facility or system including a revenue producing municipal facility.

Sec. 9. 30 MRSA § 5061, first ¶, first sentence, as repealed and replaced by PL 1975, c. 367, § 1, is amended to read:

No municipality shall incur debt which would cause its total debt outstanding at any time, exclusive of debt incurred for school purposes, for storm or sanitary sewer purposes, **for energy facility purposes** or for municipal airport purposes to exceed 7 1/2% of its last full state valuation.

Sec. 10. 30 MRSA § 5102, sub-§ 7 is amended to read:

7. Municipal services. Providing for a supply of water, gas and electricity for municipal use for a period of years **or for an energy facility**, as defined in section 4251, subsection 1.

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

Effective May 26, 1981

CHAPTER 323

S. P. 276 — L. D. 785

AN ACT to Amend the Maine Consumer Credit Code with Respect to Consumer Credit Sales.

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

9-A. MRSA § 2-202, sub-§ 6 is enacted to read: