

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
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Twin City Printery
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1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

CHAPTER 1

S.P. 15 — L.D. 3

AN ACT to Protect Undersea Cables.

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

Whereas, current statutes do not provide for immediate and effective law enforcement; and

Whereas, the current description of the prohibited area is incorrect; and

Whereas, the clear intent of the law is being violated by repeated dragging in cable areas; and

Whereas, the health and safety of island residents is placed in jeopardy by the repeated dragging in cable areas in the face of the unenforceability of the statutes; 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. 12 MRSA §6402-A, as enacted by PL 1983, c. 179, §1, is amended to read:

§6402-A. Suspension based on conviction of dragging in cable area

For any person convicted in court of violating section 6954 or 6954-A, the commissioner shall suspend the license authorizing the activity in which the person was engaged at the time of the violation. The suspension shall be for one year from the date of the conviction.

Sec. 2. 12 MRSA §6954, sub-§2, as enacted by PL 1983, c. 179, §3, is repealed and the following enacted in its place:

2. Penalty. A violation of this section is a Class D crime, except that the minimum fine shall be \$500 and may not be suspended.

Sec. 3. 12 MRSA §6954-A, as enacted by PL 1985, c. 317, is repealed and the following enacted in its place:

§6954-A. Dragging and scalloping prohibited in the Frenchboro area

1. Violation. It is unlawful to take scallops by any means or to operate any watercraft when towing a drag

or trawl within the following area: Starting at the easternmost point on Red Point, Swan's Island; thence in an easterly direction to the southernmost point of the western Sister's Island; thence in a southeasterly direction to the southernmost point of Crow Island; thence in a southerly direction to the northernmost point of Harbor Island, Frenchboro, Long Island; thence southerly to the state ferry terminal located on the eastern side of Lunt's Harbor, Frenchboro, Long Island, and then starting at the westernmost point of Gooseberry Point on Frenchboro, Long Island; westerly to the northeast point of John's Island; thence northwest to the easternmost point of the largest of the Baker Islands; thence northwesterly to the northeastern point of Harbor Island, Swan's Island; thence northerly to Quarry Wharf, Minturn, Swan's Island.

2. Penalty. A violation of this section is a Class D crime, except that the minimum fine shall be \$500 and may not be suspended.

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

Effective December 5, 1986.

CHAPTER 2

H.P. 4 — L.D. 4

AN ACT to Designate the Maine State Housing Authority as the Housing Credit Agency for Low-income Housing Credits.

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

Whereas, the Tax Reform Act of 1986 established a low-income housing credit which must be allocated by a designated housing credit agency; and

Whereas, there is an immediate need to designate the State's housing credit agency so that the State can fully use its credit allocation; and

Whereas, the inability to immediately allocate and use the credit will substantially diminish the ability of the State to redress the continuing problem of insufficient, decent, safe and sanitary housing in the State; 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 §4651, sub-§12, as amended by PL

1985, c. 594, §8, is further amended to read:

12. Mortgage assistance payments. Pursuant to the purposes of this Act to provide housing for persons of low-income, the State Housing Authority shall have the power to make payments and binding commitments, subject to the authority's receipt of sufficient funds to honor ~~said~~ these commitments from periodic appropriations from appropriate sources, to continue ~~said~~ these payments if necessary over the life of the mortgage to mortgagors or to mortgagees on behalf of low-income persons to reduce interest costs on market rate mortgages to as low as 1%. No commitment made by the authority under this subsection shall be construed to commit the faith and credit of the this State of Maine.

Persons benefiting from these mortgage assistance payments shall, according to guidelines to be included in ~~said~~ the mortgage agreements, be required to pay a larger interest payment as their ability to pay increases; ~~and~~

Sec. 2. 30 MRSA §4651, sub-§14, as enacted by PL 1985, c. 594, §9, is amended to read:

14. Allocation of federal ceilings. By rulemaking pursuant to Title 5, chapter 375, subchapter II, the state authority shall have the power to establish a process that is different from the federal formula for allocating that portion of the ceiling on the issuance of certain tax-exempt bonds established by the United States Code, Title 26, which has been allocated to the state authority pursuant to Title 10, section 363, and may also limit the types of projects which are eligible to receive allocations or carry-forward designations from the state authority; and

Sec. 3. 30 MRSA §4651, sub-§15 is enacted to read:

15. State housing credit agency. The state authority is designated the housing credit agency for the State and shall have the power to receive and allocate, according to a process established by rulemaking pursuant to Title 5, chapter 375, subchapter II, the annual state housing credit ceiling for the low-income housing credit established by the United States Code, Title 26.

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

Effective December 11, 1986.

CHAPTER 3

H.P. 5 — L.D. 5

AN ACT to Provide for Emergency Allocations of a Portion of the State Ceiling on Private Activity Bonds.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjourn-

ment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 10, section 363, subsection 3, enacted by Public Law 1985, c. 594, provides that the Governor, with the approval of the Legislature, shall provide an emergency allocation of the state ceiling on private activity bonds established under federal law, including the Internal Revenue Code of 1986, as amended, during the interim period prior to the effective date of legislation as provided in the Maine Revised Statutes, Title 10, section 363, subsection 2; and

Whereas, there is an immediate need to provide for an allocation of the state ceiling so that issues of certain tax exempt bonds by the State and issuers within the State can continue prior to the effective date of legislation pursuant to the Maine Revised Statutes, Title 10, section 363, subsection 2; and

Whereas, there is a statewide need to assure that state ceiling can be allocated in a timely and efficient manner beginning immediately after January 1, 1987; 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. 10 MRSA §363, sub-§3, as enacted by PL 1985, c. 594, §1, is amended to read:

3. Emergency allocation. With respect to any state ceiling established by federal formula which becomes effective applicable on or after January 1, 1987, and prior to the enactment effective date of legislation enacted after January 1, 1987, and prior to the enactment of legislation providing for the allocation of the state ceiling as provided in subsection 2, the Governor, with the approval of the Legislature, shall provide for emergency allocations for the interim period which shall be in effect until the allocation of the state ceiling is effective date of legislation enacted in accordance with the procedure established in subsection 2.

A. The Governor shall not allocate the state ceiling or any part of the state ceiling beginning January 1, 1987, except as provided in this section.

Sec. 2. 10 MRSA §363, sub-§8 is enacted to read:

8. Use of carryforward. In the event that any issuer has made a carryforward election under the United States Code, Title 26, Section 146(f), as amended, such issuer shall, to the extent possible and consistent with the purpose for which the carryforward was elected use the carryforward for issues subject to the state ceiling prior to allocating any portion of the state ceiling for the applicable calendar year to the issue.