

# 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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TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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the products or services are or will be sold or used outside the State, as determined by the authority; or

C. In any case where provision of housing is likely to be facilitated as a result of a project consisting of both housing and office space, as determined by the authority.

**Sec. 14.** 10 MRSA §1071, as enacted by PL 1981, c. 476, §2, is amended to read:

§1071. Tax exemption

Revenue obligation securities issued under this subchapter shall constitute a proper public purpose and the securities, their transfer and the income from ~~such securities, or from their transfer~~ them, including any profit made on their sale, shall at all times be exempt from taxation within the State, whether or not those securities, their transfer or the income from them, including any profits made on their sale, are subject to taxation under the United States Internal Revenue Code, as amended.

**Sec. 15.** 10 MRSA §1074, as enacted by PL 1985, c. 593, §7, is amended to read:

§1074. Taxable bond option

With respect to all or any portion of any issue of bonds or any series of bonds which any municipality may issue in accordance with the limitations and restrictions of this subchapter, the municipality may covenant and consent that the interest on the bonds shall be includable, under the United States Internal Revenue Code of 1954 or any subsequent corresponding internal revenue law of the United States, in the gross income of the holders of the bonds to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders under the United States Internal Revenue Code or any subsequent law. ~~The powers conferred by Bonds issued pursuant to this section shall not be subject to any limitations or restrictions of any law which may limit the municipality's power to so covenant and consent~~ issue those bonds or to the procedures set forth in section 1063 or in section 1064, subsection 1. Any bonds or issue or series of bonds with respect to which the municipality covenants and consents that the interest on the bonds shall be includable, under the United States Internal Revenue Code of 1954 or any subsequent corresponding internal revenue law of the United States in the gross income of the holders of the bonds to the same extent and in the same manner that interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders under the United States Internal Revenue Code or any subsequent law shall be a properly authorized, legal, valid, binding and enforceable obligation of the municipality, regardless of whether the bonds were authorized, executed, delivered or issued prior to or after the effective date of this section. The foregoing grant of power shall not be construed as limiting the in-

herent power of municipalities under any other provision of law to issue debt, the interest on which is includable in the gross income of the holders of the interest under the United States Internal Revenue Code or any subsequent law.

**Sec. 16.** 12 MRSA §404, as enacted by PL 1983, c. 458, §1, is amended to read:

§404. Finance Authority of Maine

~~The Maine Guarantee Finance Authority of Maine~~ may not finance any energy generating system project under Title 10, chapter 110, if that project is located in whole or in part on any river listed in section 403.

Effective September 29, 1987.

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## CHAPTER 394

H.P. 737 — L.D. 1000

### AN ACT Concerning Municipal Water Supplies.

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

Whereas, the trustees of public water supplies must take effective measures to protect the health and well-being of citizens who rely upon those water supplies; and

Whereas, nuisance growths of algae in public water supplies may most effectively be controlled by the application of copper sulfate during the summer months; and

Whereas, the Department of Environmental Protection lacks statutory authority to authorize the application of copper sulfate in a timely manner to control algae growth on public water supplies; 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.** 38 MRSA §413, sub-§8 is enacted to read:

8. Emergency public water utility license. An emergency license may be issued pursuant to section 414-A to a certified public water supply operator for the purpose of discharging or causing to be discharged copper sulfate or related compounds into a public water supply.

**Sec. 2.** 38 MRSA §414-A, sub-§1-A is enacted to read:

1-A. Emergency license for copper sulfate applications in public water supplies. The commissioner shall issue upon application, an emergency license within 48 hours of application to treat public water supplies with copper sulfate or related compounds. The board may not issue more than 2 consecutive licenses for the same body of water.

A. An emergency license may only be issued if the Department of Human Services, Division of Health Engineering has determined that:

(1) An abundant growth of taste or odor producing algae exists to such a degree that the water supply is in danger of becoming unhealthful or unpalatable;

(2) The abundance of algae is a sporadic event. For purposes of this section, "sporadic" means occurring not more than 2 years in a row; and

(3) The algae cannot effectively be controlled by other methods.

B. Any emergency license issued under this section is for one application or series of applications not to exceed 6 months, as provided in the terms of the license.

C. The board shall impose all conditions necessary to meet the requirements of this section and all other relevant provisions of law.

D. The Department of Environmental Protection and the Department of Human Services shall jointly adopt rules to carry out the purposes of this section.

**Sec. 3. Commencement of rulemaking.** Rulemaking concerning algae levels in public water supplies shall commence within 30 days of the effective date of this Act.

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

Effective June 22, 1987.

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## CHAPTER 395

S.P. 590 — L.D. 1743

### AN ACT Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of departments and agencies will become due and payable on or immediately after July 1, 1987; and

Whereas, certain independent agencies will terminate, unless continued by the Legislature, prior to June 30, 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:

### PART A

**Sec. 1.** 3 MRSA §505, sub-§3 is enacted to read:

3. Maine Historical Society. Notwithstanding the fact that the Maine Historical Society is a private, nonprofit corporation, it shall be reviewed by the joint standing committee of the Legislature having jurisdiction over audit and program review no later than June 30, 1987, and at least every 10 years thereafter, as long as it receives an appropriation from the State. The termination provisions of this chapter shall not apply to the Maine Historical Society.

**Sec. 2.** 3 MRSA §507, sub-§8, ¶B, as amended by PL 1985, c. 763, Pt. A, §4, is further amended to read:

B. Unless continued or modified by law, the following Group D-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1987:

- (1) Advisory Committee on Maine Public Broadcasting;
- (2) Real Estate Commission;
- (3) Maine Athletic Commission;
- (4) Electricians' Examining Board;
- (5) State Claims Board Commission;
- (6) Board of Examiners on Speech Pathology and Audiology;
- (7) State Board of Social Worker Registration Licensure;
- (8) Board of Accountancy;
- (9) Arborist Examining Board;
- (10) Maine State Board for Registration Licensure of Architects and Landscape Architects;