

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
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

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A. The facility is leaking or removal is required by applicable law;

B. The applicant demonstrates a reasonable likelihood that it will not be able to obtain a loan for the project on reasonable terms without insurance pursuant to this section;

C. The applicant demonstrates a reasonable likelihood that it will be able to repay the insured loan; and

D. The project will assist in creating or retaining jobs, providing a more healthy environment.

2. Limitation on mortgage insurance. The authority shall not at any time have, in the aggregate amount of principal and interest outstanding, mortgage insurance obligations pursuant to this section exceeding \$5,000,000 less the outstanding balance of any bonds issued under section 1024, subsection 2, with respect to obligations incurred under this section.

3. Mortgage eligibility. The authority, pursuant to Title 5, chapter 375, subchapter II, may adopt rules for determining eligibility, project feasibility, terms, conditions and security for insured mortgage loans under this section. Without limitation, the authority may establish a system for giving priority to applicants for facilities based on when removal or replacement is required by applicable law. The authority may accept less than adequate collateral when necessary to ensure the replacement of underground oil storage facilities required to be replaced under applicable law.

Sec. 9. 10 MRSA §1029, sub-§2, ¶A, as amended by PL 1985, c. 714, §27, is further amended to read:

A. Make the payment at the time and in the manner provided by the applicable contract or agreement, charging the payment to the Mortgage Insurance Fund or, Loan Insurance Reserve Fund, or, in the case of payments required under agreements issued pursuant to section 1026-F, to the Underground Oil Storage Facility Replacement Fund;

Sec. 10. 10 MRSA §1030, as amended by PL 1985, c. 344, §53, is further amended to read:

§1030. Incontestability

Any mortgage insurance commitment or contract executed and delivered by the authority under this subchapter shall be conclusive evidence of the eligibility of the mortgage for insurance subject to satisfaction of any conditions set forth in the mortgage insurance contract or commitment and that the requirements of sections 1026-A, 1026-B, 1026-C, 1026-D and 1026-E to 1026-F have, to the extent determined applicable by the authority, been satisfied or made conditions of the mortgage insurance commitment or contract, and the validity of any mortgage insurance commitment or contract so executed and delivered shall be incontestable in the hands of

an insured except for fraud or misrepresentation on the part of the insured.

Sec. 11. 38 MRSA §569, first ¶, as enacted by PL 1985, c. 496, Pt. A, §14, is amended to read:

The Ground Water Oil Clean-up Fund is established to be used by the department as a nonlapsing, revolving fund for carrying out the purposes of this subchapter. To this fund shall be credited all registration fees, fees for late payment or failure to register, penalties, transfer fees, reimbursements and other fees and charges related to this subchapter. To this fund shall be charged any and all expenses of the department related to this subchapter, including administrative expenses, payment of 3rd party damages covered by this subchapter, costs of removal of discharges of oil and costs of cleanup of discharges, including, but not limited to, restoration of water supplies and any obligations of the State pursuant to Title 10, section 1024, subsection 1.

Effective September 29, 1987.

CHAPTER 522

H.P. 190 — L.D. 234

AN ACT Relating to Taxation of Aircraft.

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

Whereas, the Legislature recognized the importance of resolving the disparity that existed in taxation treatment between leased and purchased aircraft; and

Whereas, the tax exemption provided by the Maine Revised Statutes, Title 36, section 1760, subsection 48, has allowed Maine's airline industry to compete effectively with other states; and

Whereas, the current tax exemption for leased aircraft is due to expire on July 1, 1987; and

Whereas, the repeal of the tax exemption on leased aircraft disrupts the development of the airline industry in Maine and places that industry at a severe competitive disadvantage with other states; and

Whereas, the repeal of the tax exemption places the repair and maintenance of aircraft in Maine at an economic disadvantage because of Maine's sales and use tax laws; 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. 36 MRSA §1760, sub-§48, as enacted by PL 1985, c. 504, §2, is repealed and the following enacted in its place:

48. Scheduled airlines. The sale or lease of an aircraft, or replacement or repair parts of an aircraft, used by a scheduled airline, based in this State, and which is regularly used in the performance of service under the regulations of the Civil Aeronautics Board, Part 298 or under the United States Code, Title 49, Section 1371. This subsection is repealed on October 1, 1989.

Sec. 2. Allocation. The following funds are allocated from the Local Government Fund for the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
TREASURER OF STATE, OFFICE OF		
State-Municipal Revenue Sharing		
All Other	\$(125,600)	\$(133,000)

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

Effective June 30, 1987.

CHAPTER 523

H.P. 1326 — L.D. 1810

AN ACT to Create the Post-secondary Enrollment Options Act.

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

Sec. 1. 20-A MRSA c. 208 is enacted to read:

CHAPTER 208

POST-SECONDARY ENROLLMENT OPTIONS ACT

§4751. Citation

This chapter may be cited as the "Post-secondary Enrollment Options Act."

§4752. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Course. "Course" means a course or program offered by an eligible institution.

2. Eligible institution. "Eligible institution" means a public 2-year or 4-year post-secondary institution in the State.

§4753. Eligibility; notification; rules

1. Students. Students may take courses at eligible institutions under this chapter if they meet the admissions requirements of the institution and the requirements of their school administrative unit, established under subsection 3.

2. Eligible institutions. Eligible institutions which admit students under this chapter shall send written notice to the student, the school administrative unit in which the student normally attends school and the commissioner of:

A. The notification shall include a description of the course, the number of course hours, the date and time of classes, examinations and vacations; and

B. Formally reported interim and final grades.

3. Participating school administrative units. School administrative units shall count credits earned in eligible institutions toward high school graduation requirements in accordance with the following.

A. The school administrative unit has adopted a policy to allow students to participate under this chapter.

B. The school unit shall establish rules governing the following:

(1) Criteria for student participation under this chapter. Participation may not be limited to gifted and talented students;

(2) The method of determining the high school credit given for the course;

(3) An attendance policy; and

(4) A needs-based method of paying for any or all of the cost of textbooks, course fees and transportation for students participating under this chapter.

C. The school unit shall provide counseling or guidance services to the students and their parents before the students enroll in a course. This shall include:

(1) Information on the Post-secondary Enrollment Options Act;

(2) An assessment of the students strengths and appropriateness of the student taking a course;

(3) Information on how courses fit in with the school unit's high school graduation requirements; and

(4) A plan as to how a particular course to be at-