

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

2. Traffic movement. The developer has made adequate provision for traffic movement of all types into, out of or within the development area. The board shall consider traffic movement both on-site and off-site. Before issuing a permit, the board shall determine that any traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development;

Sec. 2. Report; rules. The board shall adopt rules governing the traffic criteria of the Site Location of Development Law by January 15, 1989. The Commissioner of Environmental Protection shall submit the rules to the joint standing committee of the Legislature having jurisdiction over natural resources for review by January 15, 1989. At the time of submission, the commissioner shall report to the committee on efforts to revise the traffic criteria of the Site Location of Development Law.

Effective August 4, 1988.

CHAPTER 761

S.P. 841 — L.D. 2186

AN ACT Providing for the 1988 Amendments to the Maine Housing Authorities Act.

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

Sec. 1. 30 MRSA §4601-A, sub-§1, ¶L, as repealed and replaced by PL 1983, c. 414, §7, is amended to read:

L. Contract with any financial institution to make mortgage loans on behalf of the state authority. The mortgage loans shall be made pursuant to one or more mortgage loan programs governed by standards established in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. The state authority may, without contracting with a financial institution, make mortgage loans only with respect to the following:

- (1) To protect the security or likelihood of repayment of any mortgage loan held by the state authority when such a loan is not made within 10 business days of application through the originating financial institution on terms and conditions comparable to terms and conditions available from the state authority; or
- (2) In one or more areas of the State, to the extent that no financial institution, after both initial and such successive reasonable opportunities as the state authority may provide, has contracted with the state authority to participate in a mortgage loan program.

The state authority may make mortgage loans, construction loans, grants, noninterest-bearing loans,

deferred payment loans, unsecured loans and other similar types of loans to state public bodies or other public instrumentalities and private nonprofit corporations without contracting with a financial institution. Any mortgage loan made pursuant to this paragraph shall not pledge the faith and credit of the State. Any bonds issued by the state authority to finance mortgage loans authorized by this paragraph shall be subject to the limitations of sections 4760 and 4762;

Sec. 2. 30 MRSA §4723, as enacted by PL 1975, c. 522, §2, is amended to read:

§4723. Participation requirements

The state authority shall not participate in the making of construction loans unless a financial institution in the State shall agree to participate in such loan at least to the extent of 15% of the principal amount of the loan. Notwithstanding this paragraph, the state authority may make construction loans to state public bodies or other public instrumentalities and private nonprofit corporations without the participation of a financial institution. Notwithstanding any other provisions of law to the contrary, financial institutions in the State are hereby authorized and empowered to act as required by the provisions of this Article article.

Sec. 3. 30 MRSA §4732, sub-§2, as enacted by PL 1981, c. 702, Pt. W, §1, is repealed and the following enacted in its place:

2. Use of money. Money in the fund may be used as follows.

A. Money in the Housing Opportunities for Maine Fund may be applied to:

- (1) Reduce the rate of interest on or the principal amount of such mortgage loans as the state authority determines;
- (2) Reduce payments by persons of low income for rental of single family or multi-unit residential housing;
- (3) Make mortgage loans and such other types of loans or grants as the state authority determines;
- (4) Fund reserve funds for, pay capitalized interest on, pay costs of issuance of or otherwise secure and facilitate the sale of the state authority's bonds issued in accordance with this subchapter;
- (5) Pay the administrative costs of state public bodies or other public instrumentalities and private, nonprofit corporations directly associated with housing projects; and
- (6) Otherwise make the costs of single family or multi-unit residential housing affordable by persons of low income.

B. Notwithstanding the requirements of section 4552, subsection 18, mortgage loans made or assisted with money from the fund may be secured by a mortgage which does not constitute a first lien.

C. If any money in the Housing Opportunities for Maine Fund is used in conjunction with or as part of the issuance of any mortgage purchase bonds and the proceeds of the bonds are allocated by the state authority to assist in the acquisition of housing, the state authority may require that the purchaser of the housing make a minimum down payment in an amount determined by the state authority; except that any such requirement shall not apply to mortgage loans insured or guaranteed by the United States Veterans Administration, the Federal Housing Administration or any other agency of the Federal Government that allows for a lesser down payment than that required by the state authority. The state authority may not limit the maximum down payment that may be required.

Sec. 4. 30 MRSA §4762, as amended by PL 1985, c. 151, §11, is further amended to read:

§4762. Limitations

The state authority shall not at any time have, in the aggregate principal amount thereof outstanding, mortgage purchase bonds in excess of ~~\$635,000,000~~ \$885,000,000 secured by the Housing Reserve Fund or a Capital Reserve Fund to which section 4761, subsection 4 applies. Mortgage purchase bonds of the state authority secured by capital reserve funds to which section 4761, subsection 4, does not apply, bond or mortgage insurance, direct or indirect contract with the United States, purchase or repurchase agreement or guaranty with a banking or other financial organization, or other credit arrangements securing the bonds may be issued up to \$100,000,000 per calendar year in an aggregate principal amount not to exceed \$300,000,000. Mortgage purchase bonds shall be rated at or before issuance of the bonds in a rating category of A or its equivalent or better by a nationally recognized rating agency. A rating is not necessary for any issue or mortgage purchase bonds which is not subject to section 4761, subsection 4, and which is sold in its entirety to one or more financial institutions, insurance companies or similar finance entities for its own account and not with the present intention of resale.

Effective August 4, 1988.

CHAPTER 762

H.P. 1562 — L.D. 2129

AN ACT to Prohibit the Release of Dioxins in any State Rivers, Streams or Lakes.

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

Sec. 1. 38 MRSA §420-A is enacted to read:

§420-A. Dioxin monitoring program

In order to determine the nature of dioxin contamination in the waters and fisheries of the State, the department shall conduct a one-year monitoring program as described in this section.

1. Dioxin defined. As used in this section, the term "dioxin" means any polychlorinated dibenzo-para-dioxins, PCDD's, and any polychlorinated dibenzo-para-furans, PCDF's.

2. Monitoring locations and subjects. The department shall:

A. Select a representative sample of wastewater treatment plant sludges from municipal wastewater treatment plants and bleached pulp mills. These facilities shall be selected on the basis of known or likely dioxin contamination of their discharged effluent. The total number of facilities shall not exceed 12;

B. Sample and test the sludge of these facilities for dioxin contamination at least once during each season of the year. The department shall specify which congeners of dioxin will be analyzed; and

C. Sample and test for dioxin contamination a selection of fish representative of those species present in the receiving waters. Sufficient numbers of fish will be analyzed to provide a reasonable estimate of the level of contamination in the population of each water body affected.

3. Coordination of monitoring. The commissioner shall coordinate the monitoring program established under this section with other dioxin monitoring programs conducted by the department, the United States Environmental Protection Agency or dischargers of wastewater. The commissioner shall seek to integrate the results of these other programs, as relevant, into the reports required by this section.

4. Report. The department shall report by December 1, 1990 on the results of the monitoring program to the joint standing committee of the Legislature having jurisdiction over natural resources. The final report shall contain the department's conclusions as to the levels of dioxin contamination in the sample subjects and the likely scope of dioxin contamination in the State's waters.

5. Fees assessed. The commissioner shall assess the selected facilities for the costs of sample collection and analysis. Fees received under this section shall be credited to the Maine Environmental Protection Fund. Payment of these fees is a condition of the discharge license issued under this Title for continued operation of the selected facilities.