

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
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

7. Establish standards. To establish standards for the issuance and renewal of permits for the release into the environment of these by-products; and

8. Rules. To adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, and take such other actions as it determines appropriate to carry out the purposes of this chapter.

§234. Confidential information

All information submitted to and received by the commission pertaining to any ongoing experiment shall be confidential unless the commission determines that there is a compelling reason to make the information public. The commission shall notify the person providing the information, who may request a hearing conducted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. If no request is made within 7 days of notification, the information may be made public.

§235. Enforcement

This chapter and the rules promulgated under it shall be enforced by such personnel of the department as the commission may designate.

§236. Penalties

Any person who violates any provision of this chapter or any order, rule, decision or permit issued by the commission shall be punished by a fine of not more than \$2,500 for the first offense, and not less than \$2,500 for each subsequent offense. Each day that a person so operates shall be considered a separate offense.

Sec. 3. Appointment; convening of commission. Appointment of the members of the commission shall be made by July 1, 1988. The Governor shall call the commission together for its first meeting no later than August 15, 1988.

Sec. 4. Work plan. By January 15, 1989, the commission shall issue a plan to the Joint Standing Committee on Agriculture in which a work plan, time schedule, and staffing and budget requirements for performing the duties outlined in the Maine Revised Statutes, Title 7, section 233 are provided.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1988-89
<u>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</u>	
Bureau of Agricultural Production	
All Other	\$4,000
Provides funding for 6 meetings of the	

9-member Commission on Biotechnology and Genetic Engineering and for departmental staffing.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved; except that those portions of the Act which enact the Maine Revised Statutes, Title 7, sections 233, 235 and 236 shall take effect April 15, 1990.

Effective April 28, 1988, unless otherwise indicated.

CHAPTER 806

H.P. 1718 — L.D. 2357

AN ACT to Improve the Linked Investment Program for Agricultural Loans.

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

Whereas, the Maine Revised Statutes, Title 5, section 135, paragraph 5, as enacted by Public Law 1985, chapter 816, authorizes a program of investing state funds in lending institutions at below market rates linked to loans of an equivalent amount to agricultural enterprises; and

Whereas, experience with the program has demonstrated that the program will not be able to continue to work effectively unless certain changes are made to the program; and

Whereas, if such changes are not enacted on an emergency basis, agricultural enterprises will not be able to get loans at reduced interest rates under the program in time to prepare for the 1988 planting season; 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. 5 MRSA §135, 5th ¶, as enacted by PL 1985, c. 816, §1, is amended to read:

The Treasurer of State may deposit an amount not to exceed \$4,000,000 ~~at any time in each calendar year~~ with responsible financial institutions authorized to do business in the State at a rate of return not more than 2% per year below the rate of return otherwise obtainable had the funds been invested ~~in accordance with the first paragraph of this section~~ with such financial institutions for a similar term, as determined by the treasurer, for periods not to exceed one year, provided that each such finan-

cial institution covenants with the treasurer as a condition of the deposit to loan an amount at least equal to the amount so deposited with the financial institution by the treasurer under this paragraph to agricultural enterprises located within the State for agricultural purposes. All the loans shall be at interest rates which are below the interest rates the loans would have borne under existing market conditions and loan standards of the financial institution but for the deposit by the treasurer under this paragraph, and the interest rates shall fully reflect the savings to the financial institution due to the reduced interest rate paid on the deposit. Notwithstanding any provisions of this section to the contrary, the treasurer shall not be obligated to seek competitive bids for investments or deposits pursuant to this paragraph. The Finance Authority of Maine shall provide assistance to the treasurer in implementing this paragraph. For purposes of this section, "Agricultural agricultural enterprises" means a business involving cultivating soil, producing crops and raising livestock or their by-products. In adopting rules to implement this paragraph, the treasurer shall consider criteria targeting loans under the program to geographic areas of financial need, and may establish limits on deposits to any one financial institution and limits on deposits supporting loans to any one borrower.

Sec. 2. 5 MRSA §135, as amended by PL 1987, c. 247, §1, and c. 402, Pt. A, §10, is further amended by adding at the end a new paragraph to read:

The Treasurer of State may deposit an amount not to exceed \$4,000,000 in each calendar year with responsible financial institutions authorized to do business in the State at a rate of return not more than 2% per year below the rate of return otherwise obtainable had the funds been invested with such financial institutions for a similar term, as determined by the treasurer, for periods not to exceed one year, provided that each such financial institution covenants with the treasurer as a condition of the deposit to loan an amount at least equal to the amount so deposited with the financial institution by the treasurer under this paragraph to commercial enterprises approved by the treasurer pursuant to this paragraph. All the loans shall be at interest rates which are below the interest rates the loans would have borne under existing market conditions and loan standards of the financial institution but for the deposit by the treasurer under this paragraph, and the interest rates shall fully reflect the savings to the financial institution due to the reduced interest rate paid on the deposit. Notwithstanding any provisions of this section to the contrary, the treasurer shall not be obligated to seek competitive bids for investments or deposits pursuant to this paragraph. The Finance Authority of Maine shall provide assistance to the treasurer in implementing this paragraph. For purposes of this paragraph, eligible commercial enterprises are for-profit businesses with 20 or fewer employees or annual sales of less than \$2,500,000, whose sales of services or products are primarily out of state or which are manufacturers, which are primarily owned and operated by Maine residents or by corporations which are

primarily owned and operated by Maine residents, when the treasurer determines that not less than one job will be created or retained per \$20,000 of deposited funds. The maximum loan to any borrower for which a deposit may be applied under this paragraph is \$200,000, and businesses shall be eligible to receive subsidies pursuant to this paragraph for a maximum of an aggregate of 24 months. In adopting rules to implement this paragraph, the treasurer shall consider criteria targeting loans under the program to geographic areas of financial need, and may establish limits on deposits to any one financial institution, further limits on deposits supporting loans to any one borrower, and further restrictions on eligibility.

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

Effective April 28, 1988.

CHAPTER 807

S.P. 988 — L.D. 2616

AN ACT to Create the Maine Educational Loan Authority.

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

Whereas, students who are attending institutions of higher education and who are residents of the State or are attending such institutions in the State, and the families of these students, are in need of financial assistance; and

Whereas, it is desirable for the State to provide additional means of providing such financial assistance; and

Whereas, it is desirable to make such additional means available as soon as possible so that students and their families who are now beginning to plan for the 1988-89 academic year can depend on such additional means; 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. 5 MRSA §12004, sub-§7, ¶A, sub-¶(14) is enacted to read:

(14)	Maine Educational Loan Authority	Legislative Per Diem	20-A MRSA §11414
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