

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

The commission shall select a chairman from among its members. The members of the commission who are Legislators shall receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for days of attendance at commission meetings. All members of the commission shall receive reimbursement for expenses upon application to the Legislative Council.

2. Study. The commission shall undertake a study of the water supply of the State, including, but not limited to:

- A. The adequacy of the water supply for both commercial and noncommercial use relative to the current and projected population;
- B. The impact on the exportation of water from the State, including relevant transport issues;
- C. The adequacy of current regulation of the State's water supply relative to the future needs of the residents of the State; and
- D. A review of the appeals process regarding the restrictions on water transportation under the Maine Revised Statutes, Title 22, section 2660-A, including whether the appeals process is located within the appropriate state department and whether that process is adequate to fairly address the needs of both the people of the State and those who would seek an exception or appeal.

3. Staff. The commission shall request any necessary staff from the Legislative Council.

4. Report. The commission shall submit a report, together with any necessary implementing legislation, to the First Regular Session of the 114th Legislature by February 1, 1989.

Sec. 32. Resolve 1987, c. 69, last paragraph before the emergency clause, as amended by Resolves 1987, c. 83, is further amended to read:

Findings; report. Resolved: That the commission submit its findings and legislation, as necessary, to the ~~113th Legislature by June 30, 1988~~ First Regular Session of the 114th Legislature by March 1, 1989.

Sec. 33. Maine High Risk Insurance Organization; funding. Pursuant to Public Law 1987, chapter 347, section 5, funding for the Maine High Risk Insurance Organization for fiscal year 1988-89 is approved.

Sec. 34. Accountability for funds. Community agencies which receive funding under the Additional Support for People in Retraining and Education Program shall furnish an audit report which meets the guidelines under the Maine Revised Statutes, Title 5, chapter 148-B, the Maine Uniform Accounting and Auditing Practices Act for Community Agencies, and which also includes a complete analysis of administrative costs with alloca-

tions to each program or contract, for the entire agency for any year in which the funds were expended. A detailed description of the method used for this allocation will also be furnished.

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

Effective April 28, 1988.

CHAPTER 817

H.P. 1686 — L.D. 2315

AN ACT to Authorize a Bond Issue to Provide Funds to Create an Adaptive Equipment Loan Program for Disabled Maine Citizens.

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for loans which would allow disabled persons to purchase adaptive equipment.

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

Sec. 1. 5 MRSA §12004, sub-§8, ¶A, sub-¶(14-B) is enacted to read:

<u>(14-B)</u>	<u>Human Services</u>	<u>Adaptive Equipment Loan Program Fund Board</u>	<u>Expenses Only</u>	<u>10 MRSA §373</u>
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Sec. 2. 10 MRSA c. 11 is enacted to read:

CHAPTER 11

ADAPTIVE EQUIPMENT LOAN PROGRAM

§371. Definitions

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

1. Board. "Board" means the Adaptive Equipment Loan Program Fund Board.

2. Fund. "Fund" means the Adaptive Equipment Loan Program Fund.

3. Qualifying borrower. "Qualifying borrower" means any individual, nonprofit corporation or partnership which demonstrates that the loan will assist one or more persons with disabilities to improve their independence or become more productive members of the community. The individual corporation or partnership must demonstrate credit worthiness and repayment abilities to the satisfaction of the board.

§372. Fund established

1. Creation of fund. There is established an Adaptive Equipment Loan Program Fund which shall be used to provide funding for adaptive equipment loans to qualified borrowers within the State in order to acquire equipment designed to assist the borrower in becoming independent. The fund shall be deposited with, maintained and administered by the Finance Authority of Maine and shall contain appropriations provided for that purpose, interest accrued on the fund balance, funds received by the board to be applied to the fund and funds received in repayment of loans. This fund shall be a non-lapsing revolving fund. All money in the fund shall be continuously applied to carry out the purposes of this chapter.

2. Administrative expenses. Costs and expenses of maintaining, servicing and administering the Adaptive Equipment Loan Program Fund established by this chapter may be paid out of amounts in the fund.

§373. Board

1. Establishment; membership. There is established the Adaptive Equipment Loan Program Fund Board which shall consist of 9 members as follows: The Commissioner of Human Services or the commissioner's designee; the Treasurer of State or the Treasurer of State's designee; an experienced consumer lender; a certified public accountant; and 5 persons with a range of disabilities, all to be appointed by the Governor and confirmed by the Legislature. The board shall annually elect a chairman from among its members.

2. Terms. The members appointed by the Governor shall be appointed for terms of 4 years. All other members shall serve during their tenure in the position which they represent on the board. Any vacancy shall be filled in the same manner as the original appointment for the unexpired term of that position.

3. Compensation. Members shall be compensated according to Title 5, chapter 379.

§374. Duties of board

The board shall have the following powers and duties.

1. Receipt of money and property. The board may accept and receive gifts, grants, bequests or devises from any source, including funds from the Federal Government or any of its political subdivisions.

2. Contracts. The board may, with the approval of the Governor, enter into any necessary contracts and agreements with appropriate state or community-based groups dealing with disabled persons.

3. Administer loan program. The board shall administer the Adaptive Equipment Loan Program Fund established by this chapter and may contract with the

Finance Authority of Maine and state or community-based groups dealing with disabled persons for such assistance in administering the program as the board may require.

4. Rules. The board may promulgate rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to carry out the purposes of this chapter, which will ensure that individuals, profit and nonprofit corporations and partnerships will be eligible for loans.

§375. Loans

1. Demonstration of purpose of loan. The board may enter into loan agreements with any qualifying borrower, who must demonstrate that:

A. The loan will assist one or more persons with disabilities to improve their independence or become more productive members of the community; and

B. The applicant has the ability to repay the loan.

2. Loan limit. Any necessary loan limitation shall be determined by the board.

3. Terms. All loans must be repaid within such terms and at such interest rates as the board may determine to be appropriate in accordance with guidelines established by rulemaking pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375.

§376. Purposes for which loans may be awarded

The board may award loans to qualifying borrowers for purposes, including, but not limited to, the following:

1. Individual independence. To assist one or more persons with disabilities to improve their independence through the purchase of adaptive equipment; and

2. Productive members of community. To assist one or more persons with disabilities to become more independent members of the community and improve quality of life within the community through the purchase of adaptive equipment.

Sec. 3. Authorization of bonds to provide for loans for adaptive equipment. The Treasurer of State is authorized, under the direction of the Governor, to issue from time to time registered bonds in the name and behalf of the State in an amount not exceeding \$5,000,000 for the purpose of raising funds to create loans which would allow disabled persons to purchase adaptive equipment as authorized by section 9. The bonds shall be deemed a pledge of the full faith and credit of the State. The bonds shall not run for a period longer than 5 years from the date of the original issue of the bonds. Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with the approval of the Governor.

Sec. 4. Records of bonds issued to be kept by the State Auditor and Treasurer of State. The State Auditor shall keep an account of the bonds, showing the number and amount of each, the date when payable and the date of delivery of the bonds to the Treasurer of State who shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the same, the date of sale and the date when payable.

Sec. 5. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no such bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which shall be held by the Treasurer of State and paid by the treasurer upon warrants drawn by the State Controller, are appropriated to be used solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 9 shall lapse to the debt service account established for the retirement of these bonds.

Sec. 6. Taxable bond option. The Treasurer of State, at the direction of the Governor, shall covenant and consent that the interest on the bonds shall be includable, under the United States Internal Revenue Code, 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 this section shall not be subject to any limitations or restrictions of any law which may limit the power to so covenant and consent.

Sec. 7. Interest and debt retirement. Interest due or accruing upon any bonds issued under this Act and all sums coming due for payment of bonds at maturity shall be paid by the Treasurer of State.

Sec. 8. Disbursement of bond proceeds. The proceeds of the bonds set out in section 9 shall be expended under the direction and supervision of the Adaptive Equipment Loan Program Fund Board.

Sec. 9. Allocations from General Fund bond issue. The proceeds of the sale of bonds shall be expended as follows.

1988-89

FINANCE AUTHORITY OF MAINE

Adaptive Equipment Loan Program
Fund Board

All Other	\$5,000,000
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These funds will be used to create a revolving loan fund which will provide loans for persons with disabilities in order to enable these people to purchase adaptive equipment necessary for independent living.

Sec. 10. Contingent upon ratification of bond issue. Sections 1 to 9 and section 14, shall not become effective unless and until the people of the State have ratified the issuance of bonds as set forth in this Act.

Sec. 11. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money shall carry forward from year to year. Bond proceeds which have not been expended within 10 years after the date of the sale of the bonds shall lapse to General Fund debt service.

Sec. 12. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 13. Statutory referendum procedure; submission at general election; form of question; effective date. This Act shall be submitted to the legal voters of the State of Maine at the next general election in the month of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$5,000,000 bond issue for the establishment of an Adaptive Equipment Loan Program which would enable persons with disabilities to purchase adaptive equipment necessary to their independence?"

The legal voters of each city, town and plantation shall vote by ballot on this question and shall designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal voters are in favor of the Act, the Governor shall proclaim that fact without delay, and the Act shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Sec. 14. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

HUMAN SERVICES, DEPARTMENT
OFAdaptive Equipment Loan Program
Fund Board

All Other \$5,000

Provides funds for anticipated ex-
penses of the board.

Effective pending referendum.

CHAPTER 818

S.P. 958 — L.D. 2539

**AN ACT to Revise the Energy Building
Standards Act.**Be it enacted by the People of the State of Maine as
follows:

Sec. 1. 10 MRSA §1413, sub-§9-A is enacted to read:

9-A. Industrial building. "Industrial building" means a building and any addition to an existing building which houses an operation or integrated series of operations engaged in as a business or segment of a business which transforms or converts personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. The operation or operations are limited to those classified by the United States Department of Commerce with any standard industrial code of 20 through 39.

Sec. 2. 10 MRSA §1413, sub-§12, as enacted by PL 1979, c. 503, §2, is amended to read:

12. Commercial or institutional building. "Nonresidential building" "Commercial or institutional building" means any building with a conditioned space and any addition to an existing building which is not a residential or industrial building as defined herein.

Sec. 3. 10 MRSA §1413, sub-§16, as enacted by PL 1979, c. 503, §2, is repealed and the following enacted in its place:

16. Residential building. "Residential building" means a single-family or multifamily structure designed for year-round or winter seasonal use and additions to those buildings. This term includes modular homes as defined in Title 30, section 4965.

Sec. 4. 10 MRSA §§1415-C to 1415-E are enacted to read:

§1415-C. Mandatory standards for residential construction

1. Conformance. Any new conditioned space in a residential building built after January 1, 1989 shall be constructed to meet, at the minimum, the prescriptive ceiling, wall, floor, foundation and window thermal performance characteristics set out in this subsection.

A. Ceilings which face outdoor or unheated space must be insulated to R-38.

B. Walls which face outdoor or unheated space must be insulated to R-19.

C. Floors over unheated spaces must be insulated to R-19.

D. Slab-on-grade floors must have perimeter insulation of either:

(1) R-10 when the insulation extends downward from the top of the slab to the design frost line; or

(2) R-20 when the insulation extends around the perimeter itself and horizontally beneath the slab for a distance equivalent to the depth of the frost line.

E. Foundation walls below grade enclosing heated spaces must be insulated from the top of the foundation to the frost line to R-10.

F. All windows must be insulated to R-2.

2. Exemption. Any person constructing:

A. A single-family residential building for use as that person's residence is exempt from this section. The conditions of this paragraph are satisfied by any person who supervises the construction of that person's single-family residence or who contracts with a general contractor to supervise the construction of the single-family residence; or

B. A log home is exempt from this section.

§1415-D. Mandatory standards for commercial and institutional construction

Except as provided in this section, new construction of any commercial or institutional building undertaken after January 1, 1989 shall conform to the ASHRAE 90 standards under any of the compliance methods specified in the standards.

1. Construction in anticipation of future sale or rental. Any person who constructs any commercial or institutional building after January 1, 1989 with the intent to sell or lease the building to another party whose energy requirements are unknown at the time of construction is subject to the following provisions.

A. The person constructing the building shall employ construction techniques and design features that per-