

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 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
1989

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

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. 3. 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 in behalf of the State. The proceeds of the sale of the bonds, which shall be held by the Treasurer of State and paid by him 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 6 shall lapse to the debt service account established for the retirement of these bonds.

Sec. 4. 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. 5. Disbursement of bond proceeds. The proceeds of the bonds set out in section 6 shall be expended under the direction and supervision of the Commissioner of Environmental Protection.

Sec. 6. Allocations from General Fund bond issue; sewerage facilities construction. The proceeds of the sale of bonds shall be expended as designated in the following schedule.

Sewerage facilities construction \$12,000,000.

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 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. 8. 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. 9. 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. 10. Statutory referendum procedure; submission at general election; form of question; effective date. This Act shall be submitted to the legal voters of the State 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 \$12,000,000 bond issue for sewerage facilities construction?”

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.

Effective pending referendum.

CHAPTER 126

H.P. 1902 — L.D. 2598

AN ACT to Authorize a General Fund Bond Issue in the Amount of \$13,000,000 to Investigate, Abate, Clean Up and Mitigate Threats to Public Health and the Environment from Uncontrolled Hazardous Substance Sites, Solid Waste Landfills and Underground Oil Storage Tanks.

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 to investigate, abate, clean up and mitigate threats to public health and the environment from uncontrolled hazardous substance sites or other hazardous waste discharges.

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

Sec. 1. Issue of bonds to investigate, abate, clean up and mitigate threats to public health and the environment from uncontrolled hazardous substance sites, solid waste landfills and residential and commercial underground oil storage tanks. The Treasurer of State may, under the direction of the Governor, issue from time to time registered bonds in the name and be-

half of the State to an amount not exceeding \$13,000,000 for the purpose of raising funds to provide for the following: \$5,000,000 for the investigation, abatement, clean up and mitigation of threats to public health and the environment from uncontrolled hazardous substance sites or other hazardous waste discharges; \$5,000,000 for the remediation and closure of solid waste landfills, including municipal and abandoned landfills; \$2,000,000 for the removal of residential underground oil storage tanks which have been identified by the Department of Environmental Protection as leaking or posing an environmental threat, limited to the removal of tanks owned by low-income households or those which have been abandoned; and \$1,000,000 for the removal of commercial underground storage tanks which have been identified by the department as leaking or posing an environmental threat, limited to the removal of tanks owned by businesses that consume the contents of the tanks on the premises, schools, churches and other nonprofit organizations, as authorized by section 6. The bonds shall be deemed a pledge of the full faith and credit of the State. The bonds shall not run for a longer period than 10 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. 2. 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. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no 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 him upon warrants drawn by the Governor, are appropriated to be used solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the projects in section 6 shall lapse to the debt service account established for the retirement of these bonds.

Sec. 4. 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. 5. Disbursement of bond proceeds. The proceeds of the bonds set out in section 6 shall be expended under the direction and supervision of the Commissioner of Environmental Protection, the Maine State Housing Authority and the Finance Authority of Maine.

Sec. 6. Allocations from General Fund bond issue; disbursement of hazardous waste bond proceeds; remediation and closure of solid waste landfills; disbursement of residential and commercial underground oil storage tank bond proceeds. The proceeds of the bonds identified in section 1 shall be expended as designated in the following schedule.

1988-89

ENVIRONMENTAL PROTECTION,
DEPARTMENT OF

Investigation, abatement, clean up and mitigation of threats to public health and the environment from uncontrolled hazardous substance sites or other hazardous waste discharges. \$ 5,000,000

Remediation and closure of solid waste landfills, including municipal and abandoned landfills, \$1,000,000 to the Site Evaluation and Planning Program and \$4,000,000 to municipal implementation grants. \$ 5,000,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION
TOTAL

\$10,000,000

MAINE STATE HOUSING AUTHORITY

Removal of residential underground oil storage tanks which have been identified by the Department of Environmental Protection as leaking or posing an environmental threat, limited to the removal of tanks owned by low-income households or those which have been abandoned. \$ 2,000,000

FINANCE AUTHORITY OF MAINE

Provides funds for a revolving fund for low interest rate loans for removal of commercial and municipal underground oil storage tanks which have been identified by the Department of Environmental Protection as leaking or posing an environmental threat. Tanks must be used for oil consumed by the owner of the tank on the premises. Eligible borrowers are limited to businesses and nonprofit organizations which demonstrate financial need for reduced rate loans to remove their underground oil storage tanks, as determined by the Finance Authority of Maine, and units of local government, including schools. Loans may be made only to borrowers who demonstrate a reasonable likelihood of being able to repay the loan on terms established by the Finance Authority of Maine, and shall be used only for costs incurred in the excavation, removal and disposal of the underground tanks. \$ 1,000,000

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 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. 8. 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. 9. Bond authorized but not issued. Any bonds

authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of the ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of the 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. 10. 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 \$13,000,000 bond issue for the investigation, abatement, clean up and mitigation of uncontrolled hazardous substance sites, for cleaning up and closing solid waste landfills, and for the removal of underground oil storage tanks, all of which pose a hazard to public health, the environment and ground water quality?”

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.

Effective pending referendum.

CHAPTER 127

H.P. 1861 — L.D. 2559

AN ACT to Fund the Office of Child Welfare Services Ombudsman.

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

Whereas, many people have serious concerns and complaints regarding their involvement in Maine's child welfare services system; and

Whereas, thorough review of these concerns needs to occur; and

Whereas, no formal mechanism exists to highlight these concerns and facilitate their resolution; 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:

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

1988-89

EXECUTIVE DEPARTMENT

Office of Child Welfare Services Ombudsman

Positions	(2)
Personal Services	\$29,500
All Other	3,500
Capital Expenditures	2,000
Total	\$35,000

Provides funds for an ombudsman and one support position to the Office of Child Welfare Services Ombudsman, effective January 1, 1989.

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

Effective April 28, 1988.

CHAPTER 128

H.P. 1605 — L.D. 2196

AN ACT to Provide Funds for the Seed Potato Breeding Program.

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

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

1988-89

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF