

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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1989

- D. Low-vision services;
- E. Special aids and supplies needed to participate in the educational process; and
- F. Advocacy, counseling and guidance services to students and their parents.

Sec. 5. 22 MRSA §3504, as amended by PL 1975, c. 293, §4, is further amended to read:

§3504. Purpose

For the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of blind persons and stimulating blind persons to greater efforts to make themselves self-supporting with independent livelihoods, the officer, board or other authority in charge of any building or property of the State, any county or municipality shall grant to the Division of Eye Care for the Blind and Visually Impaired in the Department of Human Services authority to install in such buildings or such property a vending facility to be operated by a blind person duly licensed by the Division of Eye Care for the Blind and Visually Impaired whenever a vending facility may be properly and satisfactorily operated by a blind person.

Sec. 6. 22 MRSA §3505, sub-§2, as enacted by PL 1971, c. 88 is amended to read:

2. **Director.** "Director" means the Director of the Division of Eye Care for the Blind and Visually Impaired.

Sec. 7. 22 MRSA §3505, sub-§3, as amended by PL 1975, c. 293, §4, is further amended to read:

3. **Division.** "Division" means the Division of Eye Care for the Blind and Visually Impaired in the Department of Human Services.

Sec. 8. 22 MRSA §3505, sub-§5, as enacted by PL 1971, c. 88, is amended to read:

5. **Licensing agency.** "Licensing agency" means the Division of Eye Care for the Blind and Visually Impaired which is the state agency designated by the Vocational Rehabilitation Services Administration in the United States Department of Health, Education and Welfare to issue licenses to blind persons for the operation of vending facilities.

See title page for effective date.

CHAPTER 15

H.P. 17 - L.D. 10

An Act to Clarify the Automatic Public Intervenor Provisions of the Solid Waste Management Laws

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

Whereas, enacting the public participation provisions of the solid waste management laws in 1987, the Legislature intended to provide municipal officers or county commissioners automatic intervenor status and access to up to \$50,000 to fund their participation in permit proceedings for solid waste facilities; and

Whereas, there has been some confusion regarding when the municipal intervenor fee should be paid and when a municipality qualifies for intervenor status; and

Whereas, this legislation is necessary immediately to clarify the original intent of these provisions; 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. 38 MRSA §1310-S, sub-§1-A is enacted to read:

1-A. Preliminary notice. Sixty days prior to submitting an application with the department regarding a specific site for a solid waste disposal facility, the applicant shall notify by certified mail the municipal officers of the municipality in which the site is located or, in the unorganized territories, the county commissioners with jurisdiction over the site.

Sec. 2. 38 MRSA §1310-S, sub-§3, as enacted by PL 1987, c. 517, §25, is amended to read:

3. **Automatic municipal intervenor status.** ~~The~~ At its first meeting following the timely submission of a request for intervention, the board shall grant intervenor status to the municipal officers, or their designees, from the municipality in which the facility will be located. The intervenor status granted under this subsection shall apply in any proceeding for a license under this article. Immediately upon the board's automatic designation of intervenor status, the intervenors have all rights and responsibilities commensurate with this status. The board may grant this status only if requested by the municipal officers within 60 days of notification under subsection 1.

Sec. 3. 38 MRSA §1310-T, as enacted by PL 1987, c. 517, §25, is amended to read:

§1310-T. Application fee

In addition to any fees imposed pursuant to section 352, the applicant shall pay a fee of \$50,000 at the time of filing an application for a solid waste disposal facility. An application shall be considered incomplete and the department shall defer any review or processing of the application until the applicant has paid the full \$50,000 fee. The fee shall be deposited in the Maine Environmental Protection Fund and shall be used only to make reimbursements and grants

to the intervenor in the applicant's license proceedings pursuant to section 1310-S. The applicant releases all control over this money and does not retain any rights to audit the spending of these funds once the fee has been deposited in the Maine Environmental Protection Fund. Any portion of the fee not disbursed by the department for these purposes shall be reimbursed to the applicant, together with any interest that may have accrued on that portion. Upon request, the department shall provide an audit report to the applicant after all the application and appeal proceedings before the board have concluded.

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

Effective March 24, 1989.

CHAPTER 16

S.P. 66 - L.D. 49

An Act to Amend the Maine Banking Code

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

Sec. 1. 9-B MRSA §1013, sub-§1, ¶A and B, as enacted by PL 1985, c. 642, §5, are repealed and the following enacted in their place:

A. Acquisition of control of a Maine financial institution or any financial institution or financial institution holding company controlling, directly or indirectly, a Maine financial institution, by any person or company;

B. Acquisition of more than 5% of the voting shares of a Maine financial institution or any financial institution or financial institution holding company controlling, directly or indirectly, a Maine financial institution, by a financial institution or financial institution holding company; or

Sec. 2. 9-B MRSA §1015, sub-§1, ¶A, as amended by PL 1985, c. 642, §7, is repealed and the following enacted in its place:

A. Acquisition by a person or company of control of a Maine financial institution or any financial institution or financial institution holding company controlling, directly or indirectly, a Maine financial institution, or establishment by a person or company of a Maine financial institution or Maine financial institution holding company;

Sec. 3. 9-B MRSA §1015, sub-§1, ¶B, as amended by PL 1985, c. 642, §8, is repealed and the following enacted in its place:

B. Acquisitions by a financial institution or financial institution holding company of interests in a Maine financial institution or any financial institution

or financial institution holding company controlling, directly or indirectly, a Maine financial institution in excess of 5% of the voting shares of such financial institution or financial institution holding company;

See title page for effective date.

CHAPTER 17

S.P. 52 - L.D. 27

An Act to Revise the Negotiable Checks and Money Orders Law

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

Sec. 1. 32 MRSA §891, sub-§§4 to 6, as repealed and replaced by PL 1975, c. 767, §30, are amended to read:

4. Temporary certificate. Any person filing the maximum bond ~~and paying the maximum biennial license fee~~ may issue to a new agent a temporary certificate in a form approved by the superintendent. ~~Such~~ The temporary certificate shall authorize the new agent to act until the superintendent grants a certificate or refuses ~~such~~ the certificate. The principal dealer, on or before the 15th day of the first month of each calendar quarter, shall file with the superintendent a statement listing the names and business addresses, together with such other information as the superintendent may require, of new agents appointed during the previous calendar quarter and pay the appropriate fee.

5. Biennial fee. ~~There shall be~~ The superintendent shall establish, and modify from time to time, a fee of at least \$200, but not to exceed \$500, for the biennial certificate payable to the superintendent and ~~\$6~~ at least \$20, but not to exceed \$50, for each agent listed ~~therein on or for any addition thereto,~~ provided that the total biennial fee shall not exceed \$600 and such added to the certificate. These fees shall be credited and used as provided in Title 9-B, section 214.

6. Renewal of certificate. Each certificate shall expire on December 31st in even-numbered years. Prior to December 15th in the renewal year there shall be paid to the superintendent the fee provided in this section, for each certificate to a principal dealer or agent for the succeeding 2 years. The applicant shall file with the superintendent substantiation of the renewal of continuance of the bond provided for in this section.

Sec. 2. 32 MRSA §891, sub-§9 is enacted to read:

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

A. "Superintendent" means the Superintendent of Banking.

See title page for effective date.