

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST SPECIAL SESSION

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ONE HUNDRED AND FOURTEENTH LEGISLATURE

August 21, 1989 to August 22, 1989

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601.

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

Effective August 23, 1989.

CHAPTER 593

H.P. 1294 - L.D. 1787

An Act to Control the Installation of Underground Oil Tanks in the Shoreland Zone

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

Whereas, installation of underground oil storage tanks in close proximity to the surface waters of the State poses grave risks to water quality, the environment and public health; and

Whereas, remediation of underground oil contamination is substantially more expensive than prevention of this problem; 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 §564, sub-§1, ¶C, as amended by PL 1985, c. 626, §3, is further amended to read:

C. For new and replacement facilities in sensitive geologic areas or in the shoreland area, as defined in section 435, the owner shall install one of the following:

- (1) Secondary containment of all underground oil storage facility components;
- (2) Continuous electronic monitoring for free product in those monitoring wells installed in the excavated area around the tank or tanks, and additional wells with electronic monitoring to detect a leak or discharge of oil from the piping;
- (3) Continuous electronic monitoring in the unsaturated zone of all elements of the facility, using sufficient sampling points to detect

a leak or discharge of oil from any point in the facility; or

(4) A reasonable number of monitoring wells located around the tank or around the perimeter of the facility; sufficiently sampled and tested that are sufficient to detect any discharge of oil or contamination of ground water from a facility.

Sec. 2. 38 MRSA §565, sub-§1, ¶D is enacted to read:

D. For new and replacement facilities in sensitive geologic areas or in the shoreland area, as defined in section 435, the owner shall install one of the following:

(1) Secondary containment of all underground oil storage facility components; or

(2) A reasonable number of monitoring wells located around the tank or around the perimeter of the facility sufficiently sampled and tested to detect any discharge of oil or contamination of ground water from a facility.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on September 15, 1989.

Effective September 15, 1989.

CHAPTER 594

H.P. 1296 - L.D. 1789

An Act Permitting the Issuance of Certain Pending Revenue Obligation Securities

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

Whereas, the Legislature recently enacted Public Law 1989, chapter 552, effective September 30, 1989, providing for certain amendments to the Finance Authority of Maine Act, including sections 16 and 17, pertaining to the issuance of revenue obligation securities backed by capital reserve funds; and

Whereas, the Finance Authority of Maine is preparing to issue revenue obligation securities to finance the costs of 6 manufacturing projects within the State; and

Whereas, bond counsel to the authority has determined that the amendments effected by Public Law 1989, chapter 552, sections 16 and 17, must be in effect in order

for the revenue obligation securities to be issued with letters of credit securing the capital reserve fund obligation; and

Whereas, delaying the bond issue until the effective date of Public Law 1989, chapter 552, will result in increased costs to the beneficiaries of the bond issue and may have other adverse effects in the event that the current favorable market for issuing tax-exempt bonds changes before the bonds can be issued; 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. 10 MRSA §1053, sub-§2, as enacted by PL 1985, c. 344, §78, is amended to read:

2. Application. Money held in any capital reserve fund, except as provided in this section, shall be used solely with respect to revenue obligation securities, repayment of which is secured by any such fund and solely for the payment of principal of the securities, the purchase or redemption of the securities, including any fees or premiums or the payment of interest on the securities. In addition, if the authority obtains a letter of credit, insurance contract, surety bond or similar financial undertaking to establish and fund a capital reserve fund under subsection 1, money in the fund may be used to pay, as and when due, whether by acceleration or otherwise, all reimbursement obligations of the authority established in connection with that letter of credit, insurance contract, surety bond or similar financial undertaking, including, but not limited to, all fees, expenses, indemnities and commissions. Money in excess of the reserve requirement ~~set forth~~ established as provided in subsection 3 may be transferred to other funds and accounts of the authority.

Sec. 2. 10 MRSA §1053, sub-§§3 and 4, as amended by PL 1987, c. 697, §12, are further amended to read:

3. Reserve requirement. The authority may provide that money in any such fund shall not be withdrawn at any time in such amount as would reduce the amount of any such fund ~~to less than the maximum amount of principal and interest becoming due and payable under any applicable trust agreement or other agreement in the next succeeding 12-month period~~ below an amount established by the authority with respect to the fund, the amount established by the authority being referred to as the "capital reserve requirement," except for the purpose of paying the amount due and payable with respect to revenue obligation securities, repayment of which is secured by any such fund, or reimbursement obligations of the authority with respect to any letter of credit, insurance contract, surety bond or similar financial undertaking pertaining to any such fund.

4. Issuance limit. The authority may provide that it shall not issue revenue obligation securities if the capital reserve requirement established by the authority with respect to securities outstanding and then to be issued and secured by any such fund will exceed the amount of any such fund, including the amount available to be drawn on under any letter of credit, insurance contract, surety bond or other similar financial undertaking given to secure the capital reserve requirement, at the time of issuance, unless the authority, at the time of issuance of the securities, shall deposit in any such fund from proceeds of the securities so to be issued, or from other sources, an amount, which, together with the amounts then in any such fund and amounts available to be drawn under any letter of credit, insurance contract, surety bond or other similar financial undertaking, will not be less than the capital reserve requirement.

Sec. 3. PL 1989, c. 552, §§16 and 17 are repealed.

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

Effective August 23, 1989.

CHAPTER 595

S.P. 675 - L.D. 1796

An Act to Ensure Prompt Collection of Certain Outpatient Health Care Data

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

22 MRSA §394, sub-§2, ¶C, as amended by PL 1989, c. 565, §5, is further amended to read:

C. A completed uniform hospital discharge data set, or comparable information, for each patient discharged from the facility after June 30, 1983; and for each major ambulatory service listed pursuant to subsection 11, occurring after January 1, ~~1994~~ 1990.

See title page for effective date.

CHAPTER 596

S.P. 680 - L.D. 1798

An Act to Make Supplemental Appropriations and Allocations for Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991