

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
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

H. Nothing in this subchapter may be construed to prevent a municipality from enacting an ordinance under its home rule authority which expands the definition of subdivision to include the division of a structure for commercial or industrial use or which otherwise regulates land use activities.

Sec. 3. 30-A MRSA §4404, sub-§14, as enacted by PL 1989, c. 404, §2, is amended to read:

14. Freshwater wetlands. All ~~potential~~ freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

Sec. 4. 30-A MRSA §4406, sub-§1, ¶E, as enacted by PL 1989, c. 497, §10, is amended to read:

E. Any person who, after receiving approval from the municipal reviewing authority and recording the plan at the registry of deeds, constructs or develops the subdivision, or transfers any lot, in a manner other than depicted on the approved plans or amendments shall be penalized in accordance with section ~~4552~~ 4452.

See title page for effective date.

CHAPTER 773

H.P. 1342 - L.D. 1859

An Act Concerning the Definition of Security Guard

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

Sec. 1. 32 MRSA §9417, sub-§§1 and 2, as enacted by PL 1981, c. 113, §2, are amended to read:

1. Law enforcement officers. Any person currently employed either full time or part time, who has the permission of ~~his~~ that person's appointing authority; ~~;~~ provided that this chapter ~~shall apply~~ applies to any law enforcement officer who is employed as a security guard by a contract security company licensed under this chapter; ~~and~~

2. Public officials. Any person employed by the United States, the State, or any political subdivision thereof, or any public instrumentality, while in the performance of ~~his~~ that person's official duties; ~~;~~ and

Sec. 2. 32 MRSA §9417, sub-§3 is enacted to read:

3. Locksmiths. Any person while employed or doing business as a locksmith provided that this chapter applies to any locksmith who is employed as a security

guard by or doing business as a contract security company licensed under this chapter. For the purposes of this chapter, a "locksmith" is a person engaged in the sale and service of locks.

See title page for effective date.

CHAPTER 774

H.P. 1638 - L.D. 2271

An Act to Create Low-interest Loans for Businesses to Purchase Furnaces or Boilers That Burn Waste Motor Oil

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

Sec. 1. 10 MRSA §964, sub-§1, ¶H, as amended by PL 1989, c. 559, §3, is further amended to read:

H. Such other programs as the authority may by law be authorized to administer; ~~and~~

Sec. 2. 10 MRSA §964, sub-§1, ¶I, as enacted by PL 1989, c. 559, §4, is amended to read:

I. Student financial assistance programs; and

Sec. 3. 10 MRSA §964, sub-§1, ¶J is enacted to read:

J. Waste oil furnace loan program.

Sec. 4. 10 MRSA c. 110, sub-c. V-A is enacted to read:

SUBCHAPTER V-A

WASTE OIL FURNACE LOAN PROGRAM

§1099-A. Definitions

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

1. Authority. "Authority" means the Finance Authority of Maine.

2. Effective interest rate. "Effective interest rate" means an annual percentage interest rate paid by the borrower.

3. Eligible business. "Eligible business" means any business, corporation, association, firm, partnership or other organization located in this State, but does not include any agency of this State.

4. Fund. "Fund" means the Waste Oil Furnace Loan Fund established by this subchapter.

5. NFPA. "NFPA" means the National Fire Protection Association.

6. Program. "Program" means the Waste Oil Furnace Loan Program established by this subchapter.

7. Properly installed. "Properly installed" means a boiler or furnace installed in accordance with NFPA Standard 31 or subsequent NFPA installation standards adopted by the state Oil and Solid Fuel Board.

8. Qualified boiler or furnace. "Qualified boiler or furnace" means any new or replacement boiler or furnace fueled wholly or in part by waste oil that produces energy for space heating or cooling or for use in a manufacturing process and is listed by the Oil and Solid Fuel Board as a waste oil boiler or furnace.

9. Waste oil. "Waste oil" means a petroleum-based oil that, through use or handling, has become unsuitable for its original purpose due to the presence of impurities or the loss of original properties. Waste oil includes, but is not limited to, the following:

- A. Automotive crankcase and lubricating oils;
- B. Industrial lubricating oils including metal working oils, railroad and marine oils and turbine lubricating oils;
- C. Industrial nonlubricating oils including hydraulic, transmission, and quenching oils, and transformer oils with polychlorinated biphenyl concentrations less than 50 parts per million;
- D. Oil recovered from oil tank cleaning operations and deballasting operations; and
- E. Oil spilled on land or water.

Waste oil does not include oily waste debris generated during the cleanup of oil spills, water residue generated from oil and water separation processes at waste oil facilities or mineral spirits having a flash point less than 140° Fahrenheit.

§1099-B. Waste Oil Furnace Loan Program

1. Program established. There is established the Waste Oil Furnace Loan Program to be administered by the authority through approved lenders. The program subsidizes interest costs of loans made to eligible businesses purchasing and properly installing qualified waste oil boilers and furnaces. The program subsidizes loan interest rates made by approved lenders to achieve an effective interest rate to borrowers of 3%. Loan amounts are limited to the purchase price of the boiler or furnace but may not exceed \$5,000 for any boiler or furnace. The term of loans made under this subchapter may not exceed 5 years.

2. Fund established. There is established the Waste Oil Furnace Loan Fund which is managed by the

authority but held separate from other funds of the authority and used by the authority to carry out this subchapter. Payments to approved lenders equal to the present value of the difference between the total interest costs charged by the lenders over the terms of the loans and the interest costs paid by the borrowers at the program effective interest rate of 3% are charged to the fund.

3. Lenders. Lenders may not participate in the program without the authority's approval. As a condition of approval by the authority, the lender must agree to originate and administer all loans made under the program and to receive the interest payment for loans made under the program from the authority in an amount equal to the present value of the interest due over the term of the loan. The lender shall determine the interest rate of the loan.

4. Businesses. Businesses participating in the program are responsible for repayment of the principal borrowed plus 3% interest, subject to conditions established by the authority and the lenders. As a condition of the loan, businesses must:

- A. Properly install the boiler or furnace and consent to post-installation inspection procedures established by the authority; and
- B. Agree to burn only self-generated waste oil or waste oil that has the characteristics of specification waste oil as defined by rule of the Department of Environmental Protection.

5. Rulemaking. The authority shall adopt rules to carry out this subchapter no later than January 1, 1991. The rules must be adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, and must include:

- A. A list of approved lenders;
- B. Procedures governing the transfer of money from the fund to the lenders;
- C. Procedures to determine the amount charged to the fund for each loan; and
- D. Loan applications, program evaluation or program administration forms and procedures that the authority considers necessary to implement this subchapter.

Sec. 5. P&SL 1987, c. 119, Pt. A, §1, under the caption "EXECUTIVE DEPARTMENT" under that part relating to "Office of Energy Resources Licensed Adult Care," 3rd line is amended to read:

All Other	\$800,000	\$700,000
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Sec. 6. Allocation. The following funds are allocated from the Stripper Well Fund, as established in Public Law 1987, c. 533, §2, for the fiscal year ending June 30, 1991.

FINANCE AUTHORITY OF MAINE

1990-91

Waste Oil Furnace Loan Fund

All Other \$100,000

Reallocates funds to capitalize the Waste Oil Furnace Loan Fund previously allocated to the Boarding Homes Demonstration Program under the Executive Department.

See title page for effective date.

CHAPTER 775

H.P. 1421 - L.D. 1973

An Act to Protect Consumer Privacy by
Regulating Automated Telephone Solicitations

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

10 MRSA c. 225 is enacted to read:

CHAPTER 225AUTOMATED TELEPHONE SOLICITATION§1498. Automated telephone solicitation prohibited; exceptions; penalties

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

A. "Automated telephone calling device" means any system or equipment that selects, dials or calls telephone numbers and plays recorded messages.

B. "Solicitation calls" means calls the purpose of which is any of the following:

(1) To offer real property, goods or services for sale or rent;

(2) To convey information on real property, goods or services to solicit sales or purchase;

(3) To promote or solicit charitable contributions; or

(4) To gather data or statistics or solicit information.

2. Prohibition. A person may not use an automated telephone calling device to make solicitation calls to:

A. Any emergency telephone numbers in this State including, but not limited to, the emergency telephone numbers of any hospital, physician, health care facility, ambulance service, or fire or law enforcement officer or facility;

B. Any paging or cellular phone within the State; or

C. Any unlisted, unpublished, toll-free long distance or direct inward dial telephone number within the State.

3. Restriction. A person may not use an automated telephone calling device to make solicitation calls to any telephone number in the State except weekdays between 9 a.m. and 5 p.m., according to the time in this State. In addition, the person using the device to place the call shall ensure that the device disconnects no more than 5 seconds following the disconnection of the telephone number called.

4. Caller identification. Persons making calls restricted under the provision of subsection 3 shall, within the first minute of the call, identify the name, address and telephone number of the organization for whom the call is being made.

5. Prima facie violation. Use of any automated calling device that calls telephone numbers sequentially and cannot distinguish the telephone numbers of those authorized to be contacted from those it is unlawful to contact is prima facie evidence of intent to violate this section.

6. Exceptions. This section does not prohibit the use of an automated telephone calling device to:

A. Inform purchasers of the receipt, availability or delivery of goods or services or any other pertinent information on the status of any purchased goods or services;

B. Respond to a telephone inquiry initiated by the person to whom the automated call is directed; or

C. Carry out the duties of any state or local governmental unit.

7. Registration. Any person intending to use an automated telephone calling device for making solicitation phone calls shall first register with the Secretary of State on forms designated by the Secretary of State which include, but are not limited to, the following information:

A. The name, address and telephone number of the registrant, any person employed by the registrant or employing the registrant in conjunction with the calling program;