

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

the purpose of acquiring student loan notes incurred under the federal Higher Education Act of 1965, 20 United States Code, Chapter 28, Title IV, Part B, as amended. A nonprofit corporation formed under this section shall report annually on its activities during the previous fiscal year to the joint standing committee of the Legislature having jurisdiction over economic development matters. That report must include a listing of the current directors and officers of the corporation, a summary of the corporation's purchases of loans in the secondary market during the previous fiscal year, a listing of the institutions from which loans were purchased during the previous fiscal year, a summary of the organization's direct student loans and a complete financial statement of the corporation's operations for the previous fiscal year, including a breakdown of income and costs, a breakdown of the administrative and operating costs of the corporation, a breakdown of the assets and liabilities of the corporation, total excess revenues over expenditures for the previous fiscal year and the total accumulation of these revenues, total income derived from investments during the previous fiscal year and a breakdown showing the disposition and use of excess revenues and the proceeds from investments. That report must be provided annually in writing to the committee by December 1st.

Sec. 4. Allocation to Treasurer of State. Five million dollars of the state ceiling for calendar year 1990 previously allocated to the Treasurer of State remains allocated to the Treasurer of State. Ten million dollars of the state ceiling for calendar year 1991 is allocated to the Treasurer of State to be used in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 5.

Sec. 5. Allocation to Finance Authority of Maine. The \$25,000,000 in state ceiling for calendar year 1990 previously allocated to the Finance Authority of Maine, plus an additional \$83,000,000, is allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 6. Twenty-five million dollars of the state ceiling for calendar year 1991 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6.

Sec. 6. Allocation to Maine Municipal Bond Bank. The \$10,000,000 of the state ceiling previously allocated to the Maine Municipal Bond Bank for calendar year 1990, plus an additional \$7,000,000 of the state ceiling for calendar year 1990 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 7. Ten million dollars of the state ceiling for calendar year 1991 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with Title 10, section 363, subsection 7.

Sec. 7. Allocation to Maine Educational Loan Authority. None of the state ceiling for calendar year 1990 previously allocated to the Maine Educational Loan

Authority is allocated to the Maine Educational Loan Authority. None of the state ceiling for calendar year 1991 is allocated to the Maine Educational Loan Authority.

Sec. 8. Allocation to Maine State Housing Authority. Ten million dollars of the state ceiling for calendar year 1990 previously allocated to the Maine State Housing Authority, plus an additional \$10,000,000, is allocated to the Maine State Housing Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 4. Twenty-five million dollars of the state ceiling for calendar year 1991 is allocated to the Maine State Housing Authority for the same uses.

Sec. 9. Allocation to Maine Educational Loan Marketing Corporation. Twenty-five million dollars of the state ceiling for calendar year 1991 is allocated to the Maine Educational Loan Marketing Corporation to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8.

Sec. 10. Unallocated state ceiling. Fifty-five million dollars of the state ceiling for calendar year 1991 is unallocated and must be reserved for future allocation in accordance with applicable law.

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

Effective April 10, 1990.

CHAPTER 813

H.P. 1592 - L.D. 2205

An Act to Amend the Law Concerning Public Drains and Sewers Crossing Railroad Rights-of-way

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

Whereas, drain and sewer construction under railroad tracks should be coordinated with maintenance work being done on the railroad tracks and the railroad bed, whenever possible, to minimize disruption to the rail lines; and

Whereas, before this Act becomes effective, railroad maintenance will be conducted in certain areas where municipal sewer and drain construction is needed; 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:

30-A MRSA §3408, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§3408. Crossing railroad right-of-way

Whenever a public drain or sewer is located and about to be constructed across or under the right-of-way of any railroad, the Public Utilities Commission shall determine the place, manner and conditions of the crossing, using current engineering standards and practices, upon petition of either party and after notice and hearing, unless the municipal officers or committee of the municipality ~~which~~ that located the drain or sewer agrees with the corporation operating the railroad as to the place, manner and conditions of the crossing. All the work within the limits of the railroad location ~~shall~~ must be done under the supervision of the officers of the corporation operating the railroad and to the satisfaction of the commission. The municipality in which the drain or sewer is located shall bear the expense of the work. Any additional expense in the construction of that part of the sewer or drain within the limits of the railroad's right-of-way caused by the commission's determination ~~shall~~ must be borne by the railroad company or by the municipality in which the drain or sewer is located, or ~~shall be~~ apportioned between the company and the municipality as the commission determines. The commission shall make a report of their decision in the same manner as in the case of highways located across railroads and subject to the same right of appeal.

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

Effective April 10, 1990.

CHAPTER 814

S.P. 894 - L.D. 2276

An Act to Amend the Natural Resources Protection Act

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

Whereas, the current review process for Department of Transportation permits under the natural resources protection laws is lengthy and duplicative; and

Whereas, limited funds and resources can be used more efficiently to serve the public interest; 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 §480-B, sub-§8-A is enacted to read:

8-A. Transportation reconstruction or replacement project. "Transportation reconstruction or replacement project" means the improvement of an existing transportation facility to modern design standards without expanding its function or creating any additional roadways, facilities or structures. These projects are limited to:

A. Highway or bridge alignment changes not exceeding a distance of 200 feet between the old and new center lines in any protected natural resource;

B. Replacement or rehabilitation of the roadway base, pavement and drainage;

C. Replacement or rehabilitation of bridges or piers;

D. The addition of climbing lanes, and turning lanes of less than 1,000 feet in length in a protected natural resource; and

E. Rehabilitation or repair of state-owned railroads.

Sec. 2. 38 MRSA §480-H, as enacted by PL 1987, c. 809, §2, is amended to read:

§480-H. Rules; performance and use standards

In fulfilling its responsibilities to adopt rules pursuant to section 343-A, the board shall, to the extent practicable, adopt performance and use standards for activities regulated by this article. These standards, at a minimum, must include:

1. Department of Transportation projects. By February 15, 1991, requirements for projects that are under the direction and supervision of the Department of Transportation that do not affect coastal wetlands or coastal sand dune systems and that involve only maintenance or repair of public transportation facilities or structures, or transportation reconstruction or replacement projects.

A. The Department of Transportation shall meet the following conditions for any project undertaken pursuant to this subsection after February 15, 1991.

(1) All projects must be performed in a manner consistent with this article and in compliance with rules adopted by the board.