

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

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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

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

CHAPTER 69**S.P. 494 - L.D. 1368****An Act to Authorize a Bond Issue in the Amount of \$12,000,000 to Deal with Asbestos and other Health Related Indoor Air Quality Hazards in Public School Facilities, Vocational-Technical Institutes and State Facilities**

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 of Maine to provide funds to identify and correct asbestos problems in public school and state facilities.

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

Sec. 1. Authorization of bonds to provide funds to identify and correct health-related indoor air quality problems in public school facilities and state facilities. The Treasurer of State is authorized, under the direction of the Governor, to issue from time to time registered bonds in the name and behalf of the State to an amount not exceeding \$12,000,000 for the purpose of raising funds to identify and correct health-related indoor air quality problems in public schools, Maine's Vocational-Technical Institute System facilities and state facilities as authorized by section 6. For purposes of this Act, the term "public school" includes private schools approved for tuition purposes that have school enrollments of at least 60% publicly funded students. 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 the Treasurer of State 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 Director of Public Improvements. In expending these funds the director shall ensure that:

1. All asbestos abatement and management activities undertaken with these funds are consistent with priorities and recommendations set forth in the adopted management plans for accessible asbestos containing materials in the facilities.

2. All asbestos abatement and management activities undertaken with these funds are conducted in accordance with the requirements of Public Law 1987, chapter 448, and the United States Asbestos Hazard Emergency Response Act of 1986, and regulations adopted thereto and the appropriate regulations adopted by the United States Occupational Safety and Health Administration and the Maine Board of Occupational and Safety and Health.

3. All activities related to radon, chemical and biological contaminant detection and elimination shall be conducted in accordance with provisions of the Toxic Substances Control Act, United States Code, Title 15, Section 2601, as amended.

4. Funds provided by this bond issue are expended through a process which ensures that indoor air quality problems which affect, or have the potential for affecting, the health of building occupants will receive the highest priority, whether located in a state, Maine Vocational-Technical Institute System or public school facility.

5. Consistent with the provisions of subsection 4, the following asbestos management services are provided to state and public school facilities and are listed below in priority order:

A. Abatement of imminent hazards;

B. Abatement of priority 1 and priority 2 hazards as identified by the adopted management plans;

C. Abatement of friable asbestos-containing materials in inaccessible areas impacted by facility construction projects conducted after January 1, 1989;

D. Provision of engineering and hygiene activities specifically related to asbestos abatement conducted after January 1, 1989; and

E. For any portion of a project that is not eligible under paragraph A, B or C above, provision of services or financial support equivalent to 25% of the costs, up to a maximum of \$100,000 for any one school district, of abating asbestos-containing mate-

rials in public school areas impacted by facility construction projects conducted after January 1, 1989.

6. Funds provided by this bond issue may be expended for training, assistance and equipment which is directly related to preventing the development of indoor air quality hazards in state and public school facilities.

7. Of the funds provided by this bond issue, \$150,000 shall be allocated to the Department of Educational and Cultural Services to be disbursed as matching funds to school administrative units for the removal of hazardous chemicals as defined in rules promulgated by the Department of Educational and Cultural Services. The Department of Educational and Cultural Services, in consultation with the Department of Administration, shall coordinate the removal of hazardous chemicals on a regional basis and shall oversee and ensure the cost effectiveness of removal efforts.

Sec. 6. Allocations from General Fund bond issue; air quality hazards in public schools and state facilities. The proceeds of the sale of bonds shall be expended as designated in the following schedule:

Identification and Correction of Health Related Indoor Air Quality Hazards in Public Schools, including asbestos, radon, chemicals and biological hazards.	\$10,000,000
Identification and Correction of Health Related Indoor Air Quality Hazards in State and Maine Vocational-Technical Institute System Facilities, including asbestos, radon, chemicals and biological hazards.	\$2,000,000
Total	<u>\$12,000,000</u>

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 statewide election; form of question; effective date. This Act shall be submitted to the legal voters of the State of Maine at a statewide election to be held on the Tuesday following the first Monday 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 detection and removal of asbestos and other health-related indoor air quality hazards in state facilities and public schools and removal of hazardous chemicals from public schools?”

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 70

H.P. 1219 - L.D. 1691

An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations

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.

1989-90

**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF**