

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
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**1991**

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institutions subject to regulations of the Federal Home Loan Bank Board or a successor federal regulatory agency, provided that the superintendent first determines that that type of loan complies with chapter 24.

**Sec. 12. 9-B MRSA §534, sub-§2**, as repealed and replaced by PL 1987, c. 405, §7, is amended to read:

**2. Limitations.** Loans made pursuant to this section ~~shall be~~ are subject to ~~individual borrower loan limitations~~ lending limits set forth in section ~~534-B~~ 439-A. The aggregate amount of loans made pursuant to this section and section 535 ~~shall~~ may not exceed 40% of deposits.

**Sec. 13. 9-B MRSA §534-B**, as enacted by PL 1987, c. 405, §9, is repealed.

**Sec. 14. 9-B MRSA §535, sub-§3**, as amended by PL 1987, c. 405, §10, is further amended to read:

**3. Limitations.** Total participations in loans to any one borrower ~~shall~~ may not exceed the ~~limitations~~ lending limits set forth in section ~~534-B~~ 439-A. Loans made pursuant to this section ~~shall~~ must be included with those made pursuant to section 534 for purposes of determining the limit as set forth in section 534.

**Sec. 15. 9-B MRSA §539-A, sub-§1**, as amended by PL 1987, c. 405, §13, is further amended to read:

**1. Authorization; limitations.** A savings bank may grant to any person or syndicate a commercial line of credit to an amount not exceeding the limits set forth in section ~~534-B~~ 439-A, subject to the restrictions set forth in section 465.

**Sec. 16. 9-B MRSA §612**, as enacted by PL 1975, c. 500, §1, is repealed.

**Sec. 17. 9-B MRSA §633**, as amended by PL 1987, c. 405, §§17 and 18, is repealed.

**Sec. 18. 9-B MRSA §636, sub-§1**, as amended by PL 1987, c. 405, §19, is further amended to read:

**1. Authorization; limitations.** A trust company may grant to any person or syndicate a line of credit to an amount not exceeding ~~20% of its total capital and reserves~~ the limits set forth in section 439-A, subject to the restrictions, if applicable, as to the vote of the entire board and the rights of interested persons to vote on the same, set forth in ~~sections~~ section ~~465 and 633~~.

**Sec. 19. 9-B MRSA §713**, as enacted by PL 1975, c. 500, §1, is repealed.

**Sec. 20. 9-B MRSA §732, sub-§11**, as enacted by PL 1979, c. 661, §5, is amended to read:

**11. Loans made in conformity with federal regulations.** Without regard to any other law, but subject to

the lending limitations prescribed under section 439-A, savings and loan associations may make any loan secured by a first mortgage of real estate if that type of loan is authorized for financial institutions subject to regulations of the Federal Home Loan Bank Board or a successor federal regulatory agency, provided that the superintendent first determines that that type of loan complies with chapter 24.

**Sec. 21. 9-B MRSA §734, sub-§2**, as repealed and replaced by PL 1987, c. 405, §24, is amended to read:

**2. Limitations.** Loans made pursuant to this section ~~shall be~~ are subject to the ~~individual borrower loan limitations~~ lending limits set forth in section ~~734-B~~ 439-A. The aggregate amount of loans made pursuant to this section and section 735 ~~shall~~ may not exceed 40% of deposits.

**Sec. 22. 9-B MRSA §734-B**, as enacted by PL 1987, c. 405, §26, is repealed.

**Sec. 23. 9-B MRSA §735, sub-§3**, as amended by PL 1987, c. 405, §27, is further amended to read:

**3. Limitations.** Total participations in loans to any one borrower ~~shall~~ may not exceed the limitations set forth in section ~~734-B~~ 439-A. Loans made pursuant to this section ~~shall~~ must be included with those made pursuant to section 734 for purposes of determining the limit as set forth in section 734.

**Sec. 24. 9-B MRSA §739-A, sub-§1**, as amended by PL 1987, c. 405, §30, is further amended to read:

**1. Authorization; limitations.** A savings and loan association may grant to any person or syndicate a commercial line of credit to an amount not exceeding the limits set forth in section ~~734-B~~ 439-A, subject to the restrictions set forth in section 465.

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

Effective April 16, 1991.

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## CHAPTER 35

H.P. 849 - L.D. 1215

### An Act to Extend the Reporting Deadline of the Maine Water Resources Management Board

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

Whereas, the Maine Water Resources Management Board has completed its finding; and

**Whereas**, these findings are complex and difficult to summarize; 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:**

**5 MRSA §6305**, as enacted by PL 1989, c. 571, Pt. B, §2, is amended to read:

**§6305. Report; reporting deadline**

The board shall submit a report summarizing its findings and recommendations, including any suggested legislation, to the Legislature by ~~January~~ February 1, 1991.

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

Effective April 16, 1991.

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## CHAPTER 36

### H.P. 2 - L.D. 2

#### An Act Concerning Open Burning

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

**Whereas**, the Maine Revised Statutes, Title 38, section 599, was inadvertently repealed by Public Law 1989, chapter 890; and

**Whereas**, this Act restores the authority and responsibility of the Maine Forest Service to enforce open-burning restrictions and to issue permits; 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. 12 MRSA §9321, sub-§1, 1D**, as repealed and replaced by PL 1983, c. 504, §1, is amended to read:

D. The matter and type of burning proposed, giving due consideration to prohibitions and permissible open-

burning ~~regulations~~ rules of the Department of Environmental Protection ~~under Title 38, section 599;~~

**Sec. 2. 12 MRSA §9321, sub-§4**, as repealed and replaced by PL 1983, c. 504, §3, is amended to read:

**4. Conditions.** The director may issue a permit with stated conditions or restrictions to insure adequate control of permitted fires in accordance with criteria of subsection 1 and conformity to ~~regulations~~ rules of the Department of Environmental Protection ~~under Title 38, section 599.~~

**Sec. 3. 12 MRSA §9324, sub-§5**, as enacted by PL 1983, c. 504, §4, is amended to read:

**5. Permit required.** No person, firm or corporation may burn out of doors without a permit from a ~~municipal fire chief~~, town forest fire warden or forest ranger, except as provided in sections 9322 and 9324 and ~~Title 38, section 599~~ 9325.

**Sec. 4. 12 MRSA §9325** is enacted to read:

**§9325. Open burning**

**1. Permissible open burning with permit.** When not prohibited by statute, rule of any state agency or local ordinance, the types of burning described in this subsection are allowed provided that a permit has been obtained from the town forest fire warden or from the forest ranger having jurisdiction over the location where the fire is to be set. The burning must be conducted according to the terms and conditions of the permit and may not create a nuisance. A permit is required for:

A. Recreational campfires kindled when the ground is not covered by snow;

B. Fires in conjunction with holiday and festive celebrations;

C. Burning of solid or liquid fuels and structures for research or bona fide instruction and training of municipal, volunteer and industrial firefighters when conducted under the direct control and supervision of qualified instructors;

D. Burning for agricultural purposes including, but not limited to, open burning of blueberry fields, potato tops and hayfields and prescribed burning for timberland management;

E. Residential open burning of highly combustible household trash such as paper, cardboard cartons and wooden boxes where a trash collection service supported by municipal property taxes is not available or does not accept those materials;

F. Residential open burning of leaves, brush, deadwood and tree cuttings accrued from normal property maintenance by the individual landowner or lessee of