

# 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**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
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**1991**

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~~expire expires~~ each calendar year and appointments for terms of less than 3 years may be made in order to comply with this limitation. ~~No A person may be is not~~ eligible to serve more than 3 full consecutive terms, provided that for this purpose only a period actually served ~~which that exceeds 1/2 of the 3-year term shall be deemed~~ is determined a full term. Upon expiration of a member's term, ~~he the member~~ shall serve until ~~his the member's~~ successor is qualified and appointed. The successor's term ~~shall be is~~ 3 years from the date of that expiration, regardless of the date of ~~his the successor's~~ appointment.

Any vacancy in the board caused by death, resignation or removal of any members ~~shall must~~ be filled by the appointment of a person qualified, as was the board member being replaced, to hold office during the unexpired term of the member whose place is thus filled.

Any appointive member of the board may be removed from office for cause by the Governor.

The members of the board ~~shall each be compensated~~ are entitled to compensation according to the provisions of Title 5, chapter 379.

**Sec. 2. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

|   | 1991-92 | 1992-93 |
|---|---------|---------|
| <b>PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF</b>         |         |         |
| <b>Electricians' Examining Board</b>                                |         |         |
| Personal Services   | \$420   | \$420   |
| All Other   | 1,000   | 1,000   |
| Provides funds for the per diem and expenses of a new board member. |         |         |
| <b>DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION</b>          |         |         |
| <b>TOTAL</b>  | \$1,420 | \$1,420 |

See title page for effective date.

**CHAPTER 439**

**S.P. 386 - L.D. 1063**

**An Act to Broaden the Availability of Loans under the Finance Authority of Maine to Improve the Environment**

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

**Whereas,** the availability of loan relief must coincide with the onset of the current construction season; 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 §963-A, sub-§10, ¶J,** as amended by PL 1989, c. 585, Pt. C, §4, is further amended to read:

J. Any underground oil storage facility replacement project, including equipment installed to meet requirements for gasoline service station vapor control and petroleum liquids transfer vapor recovery;

**Sec. 2. 10 MRSA §963-A, sub-§10, ¶K,** as amended by PL 1989, c. 585, Pt. C, §5, is further amended to read:

K. Any overboard discharge replacement project; or

**Sec. 3. 10 MRSA §963-A, sub-§10, ¶L,** as enacted by PL 1989, c. 585, Pt. C, §6, is amended to read:

L. Any hazardous waste or solid waste recycling or reduction project; or

**Sec. 4. 10 MRSA §963-A, sub-§10, ¶M** is enacted to read:

M. Any aboveground oil replacement or upgrade project, including equipment installed to meet requirements for gasoline service station vapor control and petroleum liquids transfer vapor recovery.

**Sec. 5. 10 MRSA §1023-D, sub-§3,** as amended by PL 1989, c. 543, §3, is further amended to read:

**3. Application of fund.** Money in the fund may be applied to carry out any power of the authority under this section or under or in connection with section 1026-F, including, but not limited to, to pledge or transfer and deposit money in the fund as security for and to apply money in the fund in payment of principal, interest and other amounts due on insured loans. Money in the fund may be used for direct loans or grants for all or part of underground oil storage facility replacement projects or underground oil storage tank replacement projects when the authority determines that:

A. The underground oil storage facility or tank is leaking or; has been identified by the Department of Environmental Protection as posing an environmen-

tal threat, or removal is required by applicable law within 2 years from the date of application to the authority for a loan;

B. The applicant, if the applicant is not a unit of local government, demonstrates financial need for the assistance;

C. There is a reasonable likelihood that the applicant will be able to repay the loan; and

E. The applicant is ~~an eligible enterprise which does not own or use directly or indirectly, by 50% or more common ownership, more than one location, excluding personal residences, at which an underground oil storage facility or tank is located, or the applicant is a unit of local government, which for the purposes of this section includes a public school~~ required to install equipment related to the improvement of air quality pursuant to requirements for gasoline service station vapor control and petroleum liquids transfer vapor recovery.

The authority, pursuant to Title 5, chapter 375, subchapter II, shall adopt rules for determining eligibility, feasibility, terms, conditions and security for the loans and grants. In the case of loans, the authority may charge an interest rate which may be as low as 0% and which may be greater, depending on the financial ability of the applicant to pay as determined by the authority, up to a maximum of ~~2%~~ below the prime rate of interest charged by major Boston banks. The maximum the authority may loan or grant to any one borrower, including related entities as determined by the authority, is \$300,000. Money in the fund not needed currently to meet the obligations of the authority as provided in this section may be invested in such a manner as permitted by law.

**Sec. 6. 38 MRSA §569, sub-§4-B**, as enacted by PL 1989, c. 865, §16 and affected by §§24 and 25, is amended to read:

**4-B. Allocation from Ground Water Oil Clean-up Fund.** From the fees assessed in subsection 4-A, 6¢ per barrel of gasoline, refined petroleum products and their by-products, other than liquid asphalt, must be transferred by the department upon receipt as follows.

A. Sixty-two and one half percent of the 6¢ per barrel fee must be transferred to the Finance Authority of Maine for deposit in the Underground Oil Storage Replacement Fund. After \$3,000,000 has been transferred to the Maine State Housing Authority pursuant to paragraph B, 100% of the 6¢ per barrel fee must be transferred to the Finance Authority of Maine.

B. Thirty-seven and one half percent of the 6¢ per barrel fee must be transferred to the Maine

State Housing Authority for deposit in the Housing Opportunities for Maine Fund to be used initially for loans and grants to finance the costs of removal, disposal, replacement or abandonment of underground oil storage facilities and tanks located on owner-occupied or residential rental property, which facilities and tanks have been identified by the department as leaking or posing an environmental threat or as having been abandoned. After \$3,000,000 has been transferred, the Maine State Housing Authority does not receive a percentage of the 6¢ per barrel fee.

After an aggregate sum of ~~\$5,000,000~~ \$10,000,000 has been transferred to the Finance Authority of Maine and an aggregate sum of \$3,000,000 has been transferred to the Maine State Housing Authority pursuant to this subsection, the per barrel fee assessed pursuant to subsection 4-A must be reduced by 6¢ per barrel.

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

Effective June 20, 1991.

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## CHAPTER 440

H.P. 1154 - L.D. 1695

### An Act to Allow the Officers of a Municipality the Option to Designate the State Police as That Municipality's Issuing Authority for Concealed Weapons

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

**25 MRSA §2002-A** is enacted to read:

#### §2002-A. Assignment of authority

Any municipality without a full-time chief of police may designate, if the Chief of the State Police agrees, the State Police as the issuing authority for that municipality. The designation must be made by written agreement with the Chief of the State Police. The agreement must include provisions for termination of the agreement. During the term of an agreement, the State Police shall perform all the functions of the issuing authority, including suspension and revocation of permits. The State Police are entitled to receive any fees authorized for performing the functions of an issuing authority.

See title page for effective date.

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