

# 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**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**Sec. 3. 25 MRSA §3705**, as enacted by PL 1983, c. 819, Pt. A, §56, is repealed.

**Sec. 4. 25 MRSA §3706**, as enacted by PL 1989, c. 653, is repealed.

**Sec. 5. Legislative intent.** It is the intent of the Legislature to repeal all exceptions to the prohibition against solicitation by law enforcement agencies, officers and associations. The Legislature finds that the various exceptions to the prohibition enacted over the years, in fact, have led to inherently coercive solicitations and that those exceptions ultimately undermine the integrity of law enforcement. As a consequence, the Legislature repeals these exceptions and reenacts the prohibition on solicitations by or on behalf of law enforcement. The Legislature further finds that solicitations for charitable purposes unrelated to law enforcement activities are not inherently coercive because the person solicited will know that law enforcement agencies or officers do not gain any tangible benefit and, consequently, will not be concerned with who donates. This Act clarifies and reaffirms that the primary and compelling purpose underlying the laws governing solicitation by law enforcement officers is to eliminate the coercion that is inherent in solicitations by and on behalf of law enforcement officers by prohibiting such solicitations. When a law enforcement officer solicits from a prospective donor, the donor may not feel totally free to reject the request in light of the officer's position. This occurs regardless of the subjective intent of the officer to coerce the prospective donor. In addition to the effect on the prospective donor, the appearance of the transaction to 3rd persons may undermine public confidence in the integrity of the public office. At least the appearance of coercion inheres in every solicitation that tangibly benefits law enforcement agents and the appearance undermines the integrity of the office. The Legislature finds that the State has a compelling interest in preserving the integrity of law enforcement officers and finds that regulating all law enforcement solicitations that tangibly benefit law enforcement is necessary to promote this compelling state interest.

See title page for effective date.

## CHAPTER 511

H.P. 1149 - L.D. 1674

### An Act Concerning Amendments to the Laws Affecting the Finance Authority of Maine and the Maine State Housing Authority

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

**Whereas**, some categories of intermediate care facilities for persons who are mentally retarded are not eligible for financial assistance by the Maine State Housing Authority; and

**Whereas**, this legislation will expand the ability of the Maine State Housing Authority to help finance all categories of intermediate care facilities, some of which are in immediate need of assistance; 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:**

#### PART A

**Sec. A-1. 10 MRSA §965, sub-§1**, as amended by PL 1989, c. 698, §5, is further amended to read:

**1. Selected board members.** Six members of the authority ~~shall~~ to consist of:

A. Two veterans ~~who shall be~~ selected by the Governor from the ~~at-large~~ members of the Maine Veterans' Small Business Loan Board;

B. Two members ~~who shall be~~ selected by the Governor from the public members of the Natural Resource Financing and Marketing Board; and

C. Two members ~~who shall be~~ selected by the Governor from the appointed members of the Maine Education Assistance Board.

**Sec. A-2. 10 MRSA §969-A, sub-§2-A**, as enacted by PL 1985, c. 818, §1, is amended to read:

**2-A. Interest subsidies; grants.** Provide grants or interest rate subsidies on commercial loans ~~or grants~~ to businesses, farms and nonprofit organizations and provide or participate in interest rate cap agreements and other agreements providing businesses with protection against interest rate fluctuations;

**Sec. A-3. 10 MRSA §969-A, sub-§5**, as amended by PL 1985, c. 714, §7, is further amended to read:

**5. Mortgage transactions.** Purchase, sell, service, pledge, invest in, hold, trade, accept as collateral or otherwise deal in, acquire or transfer, on such terms and conditions as the authority may specify, any mortgage loan, mortgage pass-through certificate, pledge including any pledge of mortgage revenue, mortgage participation certificate, revenue obligation security or other mortgage-backed or mortgage-related security. Any such transaction may be conducted by public or private offering, with or without public bidding. In connection with the purchase or sale of a mortgage loan or of a beneficial interest or participation in a mortgage loan, the authority may enter into one or more agreements providing for the custody, control and adminis-

tration of the mortgage loan. Any such agreement may provide that the authority, a financial institution or other person shall act as trustor, trustee or custodian under the agreement. Any such agreement may provide that, with respect to mortgage loans governed by the agreement, title to a mortgage loan, or to a beneficial interest or participation in a mortgage loan, ~~shall be~~ is deemed to have been transferred on terms and to the extent specified in that agreement and that the effect of a sale of a beneficial interest or participation in a mortgage loan is the same as a sale of a mortgage loan.

The authority may issue or cause to be issued certificates or other instruments evidencing the holder's fractional interest in a pool of mortgage loans, which interest may be undivided or limited to one or more specific loans. Whether or not the certificates or instruments are of such form or character as to be negotiable instruments under Title 11, article 8, the certificates or instruments ~~shall be and are made~~ negotiable instruments within the meaning of and for all the purposes of Title 11, article 8, subject only to such registration requirements as the authority may establish.

In connection with the exercise of the powers authorized in this subsection and those powers otherwise granted to the authority, the authority may create and operate a secondary market and warehousing facility or facilities for mortgage loans or the insured portion of mortgage loans that provide liquidity to lenders making mortgage loans;

**Sec. A-4. 10 MRSA §980-B, sub-§1**, as repealed and replaced by PL 1989, c. 857, §46, is amended to read:

**1. General.** The Maine Veterans' Small Business Loan Board, as established by Title 5, section 12004-I, subsection 27, and in this section referred to as the "board," consists of ~~7~~ 9 members including the Director of Veterans' Services ~~and~~ and 6 members appointed by the Governor from nominations submitted by the Maine Veterans' Coordinating Committee ~~and 2 members, who must be veterans, appointed by the Governor.~~ The coordinating committee shall provide at least 2 nominations for each seat being filled. Terms are for 4 years, except that, of the members first appointed, one is appointed for a term of 2 years; ~~and one for a term of 3 years and 2 for terms of 4 years.~~ In making its appointments, the coordinating committee shall consider the need for the board to possess expertise in banking, business-related technical assistance and counseling. ~~Each member organization represented by the coordinating committee must be represented on the board.~~ Two members of the board must be appointed by the Governor to serve as members of the authority. A vacancy in the office of an appointed member, other than by expiration, must be filled by the same process as the original appointment, but only for the remainder of the term of the retiring member. The coordinating committee may recommend to the Governor the removal of any appointed member for cause. The board shall elect one of its members as chair, and may elect other officers as necessary. ~~Three~~ Five members of the board constitute a quorum. The affirmative vote of a majority of

members present and voting, but not less than 3, is necessary for any action taken by the board. A vacancy in the membership of the board may not impair the right of the quorum to exercise all rights and perform all the duties of the board.

**Sec. A-5. 10 MRSA §1026-B, sub-§2**, as amended by PL 1987, c. 581, §§1 and 2, is further amended to read:

**2. Insurance.** Any mortgage insurance provided pursuant to this section ~~shall be~~ is subject to the following:

A. The original principal amount of mortgage insurance ~~shall must~~ not exceed \$500,000; and

B. The authority may insure no more than 85% of the mortgage payments.

**Sec. A-6. 10 MRSA §1026-B, sub-§4, ¶B**, as enacted by PL 1985, c. 714, §21, is amended to read:

B. The project includes only one retail store that is not attached or does not adjoin another retail store ~~which that~~ that has received an insured mortgage loan under this chapter; and

**Sec. A-7. 10 MRSA §1026-B, sub-§5, ¶C**, as amended by PL 1987, c. 393, §4, is further amended to read:

C. Notwithstanding paragraph B, in the event that the project proposes that more than 35% of the project will be professional office space, the project is not attached or adjoined to any other professional office building, ~~which that~~ that has received an insured mortgage loan under this chapter; and

## PART B

**Sec. B-1. 30-A MRSA §4722, sub-§2, ¶C**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

C. Any nursing home or related institution licensed or subject to license by the Department of Human Services under Title 22, section 1817, except intermediate care facility ~~group homes~~ facilities for the mentally retarded and persons with related conditions or the construction, substantial rehabilitation or improvement of homeless shelter facilities that may be related to an institution licensed or subject to license by the Department of Human Services under Title 22, section 1817.

**Sec. B-2. 30-A MRSA §4933, sub-§5, ¶¶A to C**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

A. The Treasurer of State or Deputy Treasurer of State;

B. The director or deputy director of the Maine State Housing Authority;

C. The Commissioner of Finance or the State Budget Officer; and

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

Effective June 24, 1991.

## CHAPTER 512

S.P. 660 - L.D. 1736

### An Act to Authorize Municipal Guarantees of Council of Government Obligations

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

**Whereas,** certain municipalities in the State are willing to lend financial support to councils of government by guaranteeing loans for them; and

**Whereas,** there is some question as to whether such a guarantee may be made under the State's existing law; and

**Whereas,** the councils of government provide important services to the State's municipalities; and

**Whereas,** it is in the best interests of the State and its municipalities to support the councils of government; 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 §2316, sub-§5 is enacted to read:

5. Guarantees. Notwithstanding any law, charter, ordinance or limitation to the contrary, any one or more member municipalities of the Greater Portland Council of Governments may guarantee notes or other indebtedness or obligations of the Greater Portland Council of Governments.

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

Effective June 24, 1991.

## CHAPTER 513

H.P. 1193 - L.D. 1746

### An Act to Establish a Budget Process for Sagadahoc County

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

**Whereas,** the adjournment date of the First Regular Session of the 115th Legislature is uncertain; and

**Whereas,** the notification to county municipal officers to caucus to elect the budget advisory committee membership must be made before September 15th; 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 c. 3, sub-c. I, art. 9 is enacted to read:

#### ARTICLE 9

#### SAGADAHOC COUNTY BUDGET ADVISORY COMMITTEE

##### §881. Budget; appropriations; approval

Notwithstanding sections 2, 701 and 702, in Sagadahoc County the county commissioners may appropriate money according to a budget that must be approved by a majority of the county commissioners.

##### §882. Interim budget

If the budget is not approved before the start of a fiscal year, until a budget is finally adopted, the county shall operate on an interim budget that may not exceed 80% of the previous year's budget.

##### §883. Advisory committee

There is established a Sagadahoc County Budget Advisory Committee as provided in this section.

1. Budget advisory committee membership. The municipal officers from each county commissioner district shall choose the budget advisory committee members by the following procedure.

A. The budget advisory committee consists of 9 members: two municipal officers from each of the 3