

# 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

**FIRST SPECIAL SESSION**

July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

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 SPECIAL SESSION**

**of the**

**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**JULY 11, 1991 to JULY 18, 1991**

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(2) Whether any adverse economic effect of the project on existing business or other municipalities is outweighed by the contribution that the project will make to the economic growth and vitality of the State.

The application has the burden of demonstrating a reasonable likelihood that the project will not result in a substantial detriment to existing business or other municipalities, except in cases where no interested parties object to the project, in which event the requirements of this paragraph are deemed satisfied. Interested parties must be given an opportunity, with or without a hearing at the discretion of the department, to present their objections to the project on grounds that the project will result in a substantial detriment to existing business or other municipalities. If any such party presents such objections with reasonable specificity and persuasiveness, the department may divulge whatever information concerning the project that it deems necessary for a fair presentation by the objecting party and evaluation of such objections. If the department finds that the applicant has failed to meet its burden of proof as specified in this paragraph, the application must be denied.

2. Loan terms and conditions. The department may establish prudent terms and conditions for loans, including limits on the amount of loans for any one project and requiring adequate collateral for the loans. Loan terms may not exceed 20 years in the case of loans primarily secured by real estate, 10 years in the case of loans primarily secured by machinery and equipment and 7 years for other loans. The interest rate charged on each loan is determined on a case-by-case basis.

3. Rulemaking. The department shall establish rules for the implementation of the program established by this section.

**Sec. G-2. Repeal.** Unless the referendum for a bond issue in an amount not to exceed \$7,500,000 for the purposes of capitalizing the Economic Investment Fund and other funds is approved by the voters in November 1991, this Part is repealed on November 15, 1991.

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

Effective July 30, 1991, unless otherwise indicated.

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**CHAPTER 607**

**S.P. 365 - L.D. 967**

**An Act to Eliminate the Lobster Management Task Force**

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

**Sec. 1. PL 1991, c. 591, Pt. B, §1, under that part designated "LEGISLATURE," that part relating to "Lobster Management Task Force" is repealed.**

**Sec. 2. PL 1991, c. 591, Pt. B, §1, under that part designated "LEGISLATURE," last line is amended to read:**

TOTAL	<del>(2,872,361)</del>	(1,005,206)
	(2,881,361)	

**Sec. 3. PL 1991, c. 591, Pt. B, §1, last line is amended to read:**

TOTAL		
APPROPRIATIONS	<del>(148,869,369)</del>	(211,749,901)
	(148,869,369)	

Effective October 17, 1991.

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**CHAPTER 608**

**S.P. 466 - L.D. 1249**

**An Act Relating to the Education of Homeless Students**

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

**Sec. 1. 20-A MRSA §1, sub-§13-A is enacted to read:**

**13-A. Homeless student.** "Homeless student" means a person eligible to attend elementary or secondary school pursuant to section 5201 who:

A. Lacks a fixed, regular and adequate nighttime residence;

B. Has a primary nighttime residence that is:

(1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters and transitional housing for the mentally ill;

(2) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or