

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION
December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION
January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

at the time of sentencing, inform the sex offender of the duty to register under subsection 1.

3. Change of address. If a sex offender required to register under this chapter changes address, that person shall register the new address with the State Bureau of Identification within 5 days of moving to the new address.

4. Waiver of registration. Registration may be waived only if:

A. The conviction is vacated;

B. A full and free pardon is granted;

C. A certificate of rehabilitation is issued by a licensed counselor certified by the Forensic Evaluation Unit at the Department of Mental Health and Mental Retardation who deals with sex offenders; or

D. The sentencing court, for good cause shown, waives the registration requirement.

5. Violation. A person who fails to register or update the information required under this chapter is guilty of a Class E crime.

§11004. Access to records

The Criminal History Record Information Act, Title 16, chapter 3, subchapter VIII governs access to records maintained under this chapter.

Sec. 2. Costs not funded. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandates subject to that section and the State is not required to fund those costs.

See title page for effective date.

CHAPTER 810

H.P. 1584 - L.D. 2234

An Act to Protect Children from Lead Poisoning

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

Sec. 1. 22 MRSA §1314-A is enacted to read:

§1314-A. Goal

The goal of the State in the area of lead poisoning is to eradicate childhood lead poisoning by the year 2010

through the elimination of potential sources of environmental lead. By January 1, 1997, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over human resource matters regarding progress made toward this goal. The report must include any recommendations the department may have to revise the goal, along with any necessary legislation.

Sec. 2. 22 MRSA §1315, sub-§1, as amended by PL 1975, c. 293, §4, is repealed.

Sec. 3. 22 MRSA §1315, sub-§§1-A and 1-B are enacted to read:

1-A. Child; children. "Child" or "children" means a person or persons up to 6 years of age.

1-B. Children's home. "Children's home," as defined in section 8101, means a children's home, emergency shelter, family foster home, residential child care facility or specialized children's home.

Sec. 4. 22 MRSA §1315, sub-§2, as enacted by PL 1973, c. 367, is amended to read:

2. Dwelling. "Dwelling" means a structure, all or part of which is designed or used for human habitation, including a dwelling unit.

Sec. 5. 22 MRSA §1315, sub-§§3-A to 3-C are enacted to read:

3-A. Environmental lead hazard. "Environmental lead hazard" means the presence of lead in any form that exceeds the permissible concentration and that exists in an unacceptable condition. "Permissible concentration" and "unacceptable condition" are defined by rules adopted by the department. "Environmental lead hazard" may include, but is not limited to, lead in dust, paint, soil or water.

3-B. Environmental lead inspection. "Environmental lead inspection" means an assessment performed by a lead inspector to identify lead-based substances.

3-C. Environmental lead investigation. "Environmental lead investigation" means a detailed and extensive investigation to determine the cause of a confirmed case of lead poisoning in a child.

Sec. 6. 22 MRSA §1315, sub-§4, as enacted by PL 1973, c. 367, is repealed.

Sec. 7. 22 MRSA §1315, sub-§§4-A to 4-F are enacted to read:

4-A. Health care provider. "Health care provider" means a physician, clinic, hospital, health maintenance organization, home health agency, private clinical labo-

ratory and any other person or entity that provides primary health care services and is registered or licensed by the State.

4-B. Lead abatement. “Lead abatement” means the removal, renovation, enclosure, repair, encapsulation, handling, transportation or disposal of materials that contain lead.

4-C. Lead abatement contractor. “Lead abatement contractor” means a person who performs lead abatement for consideration and who employs or contracts with at least one lead abatement project supervisor or lead abatement design consultant.

4-D. Lead abatement design consultant. “Lead abatement design consultant” means a person who prepares and supervises the implementation of plans for lead abatement. The activities of a lead abatement design consultant include, but are not limited to, assessing air quality, advising dwelling owners, lead abatement contractors and lead abatement project supervisors regarding lead abatement and overseeing lead abatement training.

4-E. Lead abatement project supervisor. “Lead abatement project supervisor” means a person responsible for the supervision of lead abatement. A lead abatement project supervisor may supervise lead abatement workers.

4-F. Lead abatement worker. “Lead abatement worker” means an employee of a lead abatement contractor who is engaged in lead abatement.

Sec. 8. 22 MRSA §1315, sub-§5, as enacted by PL 1973, c. 367, is repealed and the following enacted in its place:

5. Lead-based substance. “Lead-based substance” means any substance that contains lead at a level that constitutes or potentially constitutes an environmental lead hazard.

Sec. 9. 22 MRSA §1315, sub-§§5-A to 5-F are enacted to read:

5-A. Lead-free. “Lead-free” means that a children’s home, preschool facility, dwelling or premises contains no lead that is injurious or that could be injurious in the future.

5-B. Lead inspector. “Lead inspector” means a person licensed by the department to perform environmental lead inspections.

5-C. Lead poisoning. “Lead poisoning” means a confirmed elevated level of blood lead that is injurious, as defined in rules adopted by the department.

5-D. Lead-safe. “Lead-safe” means that a children’s home, preschool facility, dwelling or premises does not contain lead at a level or in a condition that constitutes an environmental lead hazard.

5-E. Occupant. “Occupant” means a person who resides in or uses regularly a dwelling, children’s home or preschool facility.

5-F. Owner. “Owner” means any person who individually, jointly or in common with others:

A. Has legal title to any dwelling or premises or, if the person having legal title can not be located through reasonable efforts, is the owner’s agent, as described in Title 14, section 6023;

B. Is the guardian of the owner or is the executor, administrator or trustee of the estate of the owner;

C. Is the chief executive officer of the municipality, school administrative unit or state agency that controls the use of publicly owned property; or

D. Is a mortgagee who has taken actual possession in accordance with applicable law. A mortgagee who has not taken actual possession is not the owner.

Sec. 10. 22 MRSA §1315, sub-§6, as enacted by PL 1973, c. 367, is amended to read:

6. Person. “Person” includes means any individuals, firms, corporations, associations, trusts individual, firm, corporation, association or partnership and partnerships the State and any political subdivision of the State.

Sec. 11. 22 MRSA §1315, sub-§§6-A and 6-B are enacted to read:

6-A. Premises. “Premises” means a plotted lot or part of a plotted lot, an unplotted lot or a parcel of land, including developed and undeveloped land and any structure that exists on the land, if the lot, parcel or structure is used by children.

6-B. Preschool facility. “Preschool facility” means a day care facility as defined in section 8301, a home baby-sitting service as described in section 8305 or a nursery school as defined in section 8401.

Sec. 12. 22 MRSA §1315, sub-§7, as enacted by PL 1973, c. 367, is repealed.

Sec. 13. 22 MRSA §1315, sub-§7-A is enacted to read:

7-A. State investigator. “State investigator” means a lead inspector who is employed or authorized by the department to conduct environmental lead investigations.

Sec. 14. 22 MRSA §1315, sub-§8, as enacted by PL 1973, c. 367, is repealed.

Sec. 15. 22 MRSA §1315, sub-§9, as enacted by PL 1975, c. 239, §1, is repealed.

Sec. 16. 22 MRSA §1315, sub-§10, as amended by PL 1975, c. 293, §4, is repealed.

Sec. 17. 22 MRSA §1315, sub-§11, as enacted by PL 1975, c. 239, §1, is repealed.

Sec. 18. 22 MRSA §1315-A is enacted to read:

§1315-A. Authority of the department

The commissioner may take any action that is in accordance with the purposes of this chapter and is within the powers granted in this Title to protect children from lead poisoning. That action may include, but is not limited to, the following:

1. Reduction and abatement program. The establishment of programs to reduce lead-based substances and abate environmental lead hazards; and

2. Interagency agreements. The development of interagency agreements with any pertinent federal, state or local agency, including, but not limited to, public housing authorities, energy efficiency programs and home maintenance and improvement programs.

Sec. 19. 22 MRSA §1316, as amended by PL 1975, c. 239, §2, is further amended to read:

§1316. Restrictions on use of lead-based substances

~~No~~ A person shall may not use or apply lead-base lead-based substances:

1. Interiors. In or upon any exposed surface of a dwelling, ~~dwelling unit children’s home~~ or ~~child-care preschool~~ facility;

2. Fixtures. In or upon any fixtures or other objects used, installed or located in or upon any exposed surface of a dwelling, ~~dwelling unit children’s home~~ or ~~child-care preschool~~ facility or intended to be so used, installed or located; and

3. Toys and furniture. In and upon toys or household furniture.

Sec. 20. 22 MRSA §1317, as amended by PL 1975, c. 239, §3, is repealed.

Sec. 21. 22 MRSA §1317-A, as amended by PL 1981, c. 470, Pt. A, §63, is repealed and the following enacted in its place:

§1317-A. Early diagnosis program

The commissioner shall establish a program for early screening and diagnosis of cases of lead poisoning. To the extent that resources permit, the program must include at least the following:

1. Systematic examination. The systematic examination for lead poisoning of all children in the State. Examinations must be conducted in a manner and at intervals established in rules adopted by the department;

2. Inspections. Comprehensive environmental lead inspections and technical assistance and advice regarding the appropriate reduction of environmental lead hazards to families with children who have lead poisoning. By July 1, 1993, the department shall adopt rules defining lead poisoning and establishing priorities for inspections and technical assistance based on the degree of lead poisoning; and

3. Funding. By July 1, 1993, as resources permit and in accordance with rules adopted by the department, payment by the department for lead screening, screening-related services and diagnostic evaluations when a patient is unable to pay and is not covered by insurance.

Nothing in this chapter authorizes or requires the physical examination of any child whose parent or guardian objects on the grounds that the examination is contrary to the parent’s or guardian’s religious beliefs.

Sec. 22. 22 MRSA §1317-B, as amended by PL 1989, c. 331, is further amended to read:

§1317-B. Educational and publicity program

The commissioner shall institute an educational and publicity program in order to inform the general public, health care providers and other appropriate groups of the dangers, frequency and sources of lead poisoning; and; the methods of preventing such lead poisoning; and methods to abate lead-based substances and other environmental lead hazards from dwellings and premises. The program shall include, but not be limited to, information warning the public that fire hazards and toxic and harmful fumes may be created by the use of gas, propane gas, electricity or other heat generating mechanisms to remove lead-based substances from painted surfaces.

Sec. 23. 22 MRSA §1317-C is enacted to read:

§1317-C. Screening by health care providers

1. Screening. Beginning January 1, 1994, all health care providers must advise parents of the availability and

advisability of screening their children for lead poisoning. By January 1, 1994, any health care program that receives funds from the State and has a child health component must provide screening of children for lead poisoning in accordance with rules adopted by the department.

2. Data. At least annually, the department shall analyze and summarize lead-screening information provided by health care providers, facilities and programs and provide the information to other state and local agencies involved in lead-poisoning issues. The information must also be provided to interested parties on request in a format that is easily understood by the general public. The department may not release any information under this subsection if that information identifies or could lead to the identification of individuals.

Sec. 24. 22 MRSA §1318, as enacted by PL 1973, c. 367, is repealed.

Sec. 25. 22 MRSA §1319, as amended by PL 1975, c. 239, §5, is further amended to read:

§1319. Report by physicians of suspected lead poisoning

Whenever any physician knows or has reason to believe that any person he the physician examines or treats has or is suspected of having lead poisoning, such the physician shall within 7 5 days give notice thereof of the poisoning to the department. The department shall specify adopt rules specifying the procedure to be followed in making such the reports and shall provide necessary forms for the use of by physicians. When such the reports are received, the department shall, by laboratory work and otherwise, assist the attending physician in determining whether the case is one of lead poisoning, and if so, the source of the poison.

Sec. 26. 22 MRSA §§1319-A and 1319-B are enacted to read:

§1319-A. Laboratory testing

Beginning January 1, 1993, any blood sample taken from a child by a health care provider to test for blood lead level must be sent to the State Health and Environmental Testing Laboratory for analysis. By January 1, 1993, the department shall adopt rules regarding lead-related testing conducted by the State Health and Environmental Testing Laboratory. Whenever possible, the laboratory shall bill 3rd-party payors for services provided under this chapter and shall deposit all fees received into the State Health and Environmental Testing Laboratory dedicated account. The laboratory shall use the funds to:

1. Lead testing program. Administer a child blood and environmental lead testing program that includes processing, analyzing and reporting child blood lead samples and materials that may contain lead; and

2. Data; report. Gather data and report laboratory results.

§1319-B. Inspection of children's homes and preschool facilities

By July 1, 1994, the department shall adopt rules that require all children's homes and preschool facilities to have environmental lead inspections at least every 3 years except that environmental lead inspections are not required if the children's home or preschool facility has been certified by a lead inspector as lead-safe within the previous 3 years or has been certified as lead-free. As of July 1, 1994, a children's home or preschool facility may not be licensed, registered, certified or otherwise approved or receive any state funds unless it is in compliance with this section.

Sec. 27. 22 MRSA §1320, as repealed and replaced by PL 1975, c. 239, §6, is amended to read:

§1320. Inspection of dwelling units and child care facilities by department

Any authorized representative of the department, upon presenting the appropriate credentials to the owner and occupant, or their representatives, may inspect any dwelling unit or child care facility at reasonable times for the purpose of ascertaining the presence of lead base lead-based substances, and may remove samples or objects necessary for laboratory analysis. Such inspections shall Inspections may be made only where when there are reasonable grounds to suspect that there are lead base lead-based substances in or upon the exposed surfaces of any dwelling unit or child care facility, or upon the request of either the owner or the occupant with whom children under 6 years of age reside, or where when a case of lead poisoning has been reported.

Sec. 28. 22 MRSA §1321, as amended by PL 1981, c. 470, Pt. A, §65, is further amended to read:

§1321. Notice and removal

If the department determines that an environmental lead base substances exist hazard exists in or on exposed surfaces of any dwelling, dwelling unit premises, children's home or child care preschool facility and is a health hazard:

1. Notice posted. The department shall post in or upon the dwelling, dwelling unit premises, children's home or child care preschool facility, in a conspicuous place or places, notice of the existence of the substances environmental lead hazard. Notice shall may not be removed until the department states that the environmental lead base substances hazard no longer constitute a health hazard: exists;

2. Notice to persons. The department shall give notice of the existence of the substances environmental

~~lead hazard to all persons residing in the dwelling or dwelling unit; occupants;~~

3. Notice to owner; removal. The department shall give notice of the existence of the ~~substance environmental lead hazard~~ to the owner ~~or managing agent~~ and order that the ~~lead-based~~ lead-based substances be removed, replaced or securely and permanently covered within 30 days of receipt of the notice. The ~~commissioner~~ department shall ~~establish regulations~~ adopt rules for removal, replacement or covering of the ~~lead-based~~ lead-based substance. If, at the discretion of the ~~commissioner~~, the ~~lead-based~~ lead-based substances ~~cannot~~ can not be removed, replaced or securely and permanently covered within 30 days, ~~the department may grant~~ an extension of reasonable time ~~may be granted~~; and

4. Sale of dwelling, children's home or preschool facility. If, before the end of the 30-day period or extension, the owner sells the dwelling, premises, children's home or ~~child care~~ preschool facility, ~~he~~ the owner must notify the prospective buyer of the ~~environmental lead problem~~ hazard and the new owner must assume the responsibility of carrying out the requirements of this section within the specified time period.

Sec. 29. 22 MRSA §1322, as amended by PL 1975, c. 293, §4, is further amended to read:

§1322. Child occupants

~~No~~ A person ~~shall~~ may not knowingly rent a dwelling ~~or dwelling unit which~~ that has been posted and ordered cleared of harmful ~~lead-based~~ lead-based substances in accordance with section 1321 to be occupied by children ~~6 years of age or younger~~. In circumstances where the presence of ~~lead-based~~ lead-based paint or building materials is unsuspected and becomes known when the dwelling ~~or dwelling unit~~ is already rented to a family with children ~~6 years of age or younger~~, the family of the children ~~shall~~ may not be evicted for that reason and the owner and occupant of the dwelling ~~or dwelling unit shall~~ must be given written notice by the ~~Commissioner of Human Services~~ department advising of the existence of ~~such~~ lead-based substances in the dwelling ~~or dwelling unit~~ and ordering that within 30 days ~~such~~ lead-based the lead-based substances be removed, replaced or securely and permanently covered.

Sec. 30. 22 MRSA §§1322-A to 1322-D are enacted to read:

§1322-A. Licensure of lead inspectors and lead abatement personnel

1. Prohibition. A person may not conduct environmental lead inspections or lead abatement ~~unless that person is licensed by the department under this chapter or unless the person is at least 18 years of age and is performing lead abatement on or in the dwelling unit of~~

which the person is an occupant. This prohibition includes persons located in other states who offer lead-related services to residents of the State directly or through the mail.

2. Rules. The department shall adopt rules regarding the licensure of lead inspectors and lead abatement personnel. The rules must specify at least the following:

A. The qualifications, standards of conduct, tests and fees required to obtain or renew a license and the circumstances under which a license may be revoked; and

B. That the State may grant reciprocal licenses to applicants who hold valid licenses from other states with comparable licensing requirements.

3. Violations. The commissioner may order by written notice that any person violating this section cease that violation. The department may impose a fine not to exceed \$1,000 for each violation of this section. The department may seek enforcement of this section in district court.

Any person who conducts lead inspections or lead abatement without a license in violation of this section commits a civil violation for which a penalty of up to \$1,000 may be adjudged. Any person who engages in lead testing or abatement or who advertises those services in violation of this chapter also violates Title 5, chapter 10.

Nothing in this subsection limits the authority of the department or any other state agency under any law.

§1322-B. Training program certification

The department shall adopt rules regarding the certification of training programs for lead abatement contractors, design consultants, project supervisors and workers, lead inspectors and other persons engaged in the reduction of environmental lead hazards. The rules must address at least the length of training programs, mandatory topics of instruction and qualifications of instructors and sponsoring programs.

§1322-C. Laboratory certification

By July 1, 1993, the department shall adopt rules regarding the analysis of lead in environmental media, including, but not limited to, air, dust, soil, paint, pewter, pottery and water and shall establish a program to certify laboratories that perform lead analysis to ensure that those laboratories comply with the rules adopted under this section.

§1322-D. Reports and records

All lead inspectors shall report the results of their inspections to the department within 45 days of the in-

pections. Any records received or maintained by the department under this chapter that contain information that identifies, or could lead to the identification of, an individual are confidential.

Sec. 31. 22 MRSA §1323, as repealed and replaced by PL 1977, c. 694, §336, is amended to read:

§1323. Rules

The Commissioner of Human Services is authorized to department shall adopt rules and regulations for carrying to carry out the purposes of this chapter. The rules may address, but are not limited to, the following:

1. Lead-based substances. Prohibiting the sale or use of lead-based substances;

2. Screening. Screening children for lead poisoning;

3. Inspections; tests; abatement. Inspecting, testing and abating lead in dwellings where children are at risk of lead poisoning, in children's homes and in preschool facilities;

4. Training programs. Certifying training programs for lead inspectors and lead abatement personnel;

5. Licenses. Licensing lead inspectors and lead abatement personnel and establishing fees for those licenses;

6. Laboratory certification. Certifying laboratories to conduct analysis of lead-based substances;

7. Notice. Notifying owners and occupants of environmental lead hazards and posting lead hazard warnings;

8. Records. Keeping records of lead poisoning investigations;

9. Fees. Establishing fees for services performed under this chapter; and

10. Advisory boards. Establishing boards or commissions to advise the department regarding lead poisoning.

Sec. 32. 22 MRSA §1324-A, as enacted by PL 1975, c. 239, §11, is amended to read:

§1324-A. Liability of owners; damages

The owner of any residential property dwelling, premises, children's home or child-care preschool facility shall be is liable for all damages caused by his failure to perform the duties required of him pursuant to under this chapter.

The owner of any residential property dwelling, premises, children's home or child-care preschool facility who is notified pursuant to has received notice under this chapter of a dangerous level of an environmental lead in paint, plaster or other material present upon his premises hazard and who does not satisfactorily correct or remove said dangerous conditions shall the environmental lead hazard is in addition to the preceding paragraph be subject to punitive damages, which shall be are treble the actual damages found.

Sec. 33. 22 MRSA §1325, as amended by PL 1975, c. 239, §12, is further amended to read:

§1325. Violation

Any In addition to any other penalty imposed under this chapter, any person who violates any section of this chapter shall may be punished for each violation by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both. Violations existing within individual dwelling units or child-care facilities shall be are considered separate violations.

Sec. 34. 22 MRSA §1326, as enacted by PL 1975, c. 239, §13, is amended to read:

§1326. Injunction requiring removal

If the lead-base lead-based substance remains a health an environmental lead hazard at the expiration of 30 days or at the expiration of an extension given by the commissioner; pursuant to section 1321, the State may, in addition to any other remedies it has, may seek a mandatory injunction ordering the health environmental lead hazard removed by a suitable 3rd party at the expense of the owner of the dwelling, dwelling unit premises, children's home or child-care preschool facility.

Sec. 35. Mandated benefits study. The Bureau of Insurance shall conduct a study that meets the requirements of the Maine Revised Statutes, Title 24-A, section 2751 regarding the following:

1. Whether all policies, plans and contracts provided by nonprofit medical service organizations and by insurers, except for policies, plans or contracts designed to cover only dental procedures, supplemental policies that only provide coverage for specific diseases, hospital indemnity Medicare supplements or other supplemental policies, should provide coverage for screening for lead poisoning, services related to lead screening and diagnostic evaluations for lead poisoning for children, including, but not limited to, confirmatory blood lead testing.

The study must be submitted by January 1, 1993 to the joint standing committee of the Legislature having jurisdiction over human resource matters and the joint standing committee of the Legislature having jurisdiction over insurance matters. A copy of the study must

be submitted to the Office of the Executive Director of the Legislative Council.

Sec. 36. Brochure. When the Real Estate Commission reprints the brochure entitled "Buyer-Seller Information," it shall include in the brochure a revised section addressing the dangers of lead poisoning. In preparing the revised section, the Real Estate Commission shall consult with the Director of the Bureau of Health, Department of Human Services.

Sec. 37. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1992-93

HUMAN SERVICES, DEPARTMENT OF

Health - Bureau of

Positions - Other Count	(1.0)
Personal Services	\$31,955
All Other	17,500
Capital Expenditures	83,000

Provides for the allocation of funds for one Environmental Specialist II position, general operating expenses and testing equipment to implement the inspection and licensure provisions related to lead poisoning control.

DEPARTMENT OF HUMAN SERVICES	
TOTAL	<u>\$132,455</u>

See title page for effective date.

CHAPTER 811

S.P. 919 - L.D. 2358

An Act Concerning Liability for Uncontrolled Hazardous Substance Sites

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

Whereas, municipalities and regulated lending institutions should not be held liable for uncontrolled hazardous substance sites beyond certain limits if their involvement with the property has been minimal; 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. 38 MRSA §1362, sub-§§1-A, 1-B and 1-C are enacted to read:

1-A. Federal banking or lending agency. "Federal banking or lending agency" means the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, the Board of Governors of the Federal Reserve System, a federal reserve bank, a federal home loan bank, the United States Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, the Farm Credit Administration, the Farm Credit System Insurance Corporation, the Small Business Administration, the Farmers' Home Administration, the Rural Electrification Administration or the RECOLL Management Corporation.

1-B. Lender. "Lender" means a financial institution or credit union authorized to do business in this State, as defined in Title 9-B, section 131, subsections 12-A and 17-A, a financial institution that is acting through a service corporation pursuant to Title 9-B, section 445, subsection 5 or any federal or state banking or lending agency that provides loans, guarantees or other financial assistance. For the purpose of this subsection and section 1367-A the phrase "acting through" includes the assignment or transfer of an interest in real property acquired in satisfaction of a debt.

1-C. Political subdivision. "Political subdivision" means any city, town, plantation, county, administrative entity or instrumentality created pursuant to Title 30-A, chapter 115 or 119, or quasi-municipal corporation or special purpose district, including, but not limited to, any water district or sanitary district.

Sec. 2. 38 MRSA §1362, sub-§2, ¶D, as enacted by PL 1983, c. 569, §1, is amended to read:

D. Any person who accepted a hazardous substance for transport, provided that the substance arrived at the uncontrolled site. After April 1, 1992, any person who accepts a hazardous substance for transport and delivers that substance to a licensed hazardous waste storage or disposal facility according to the manifest signed by the generator is not a responsible party.

Sec. 3. 38 MRSA §1362, sub-§2-A is enacted to read:

2-A. State banking or lending agency. "State banking or lending agency" means any state agency that provides loans, guarantees or other financial assistance, including the Finance Authority of Maine, the Department