

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR  
FIRST REGULAR SESSION  
NON-EMERGENCY LAWS IS  
OCTOBER 13, 1993

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  
1993

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

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

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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enforcement action any period of time that the continuous opacity monitoring system was not recording accurate and reliable data during that quarter unless the licensee can demonstrate to the satisfaction of the department that the failure of the system to record accurate and reliable data was due to the performance of established quality assurance and quality control procedures or unavoidable malfunctions.

**Sec. 2. 38 MRSA §603-A, sub-§4**, as amended by PL 1989, c. 501, Pt. CC, §2, is further amended to read:

**4. Flue gas desulfurization.** Any source that installs any approved flue gas desulfurization system or other prescribed sulfur removal device ~~shall~~ **must** be permitted to use fuel with a sulfur content in excess of the limitations of subsection 2 such that, after control, total sulfur dioxide emissions do not exceed ~~2.4 pounds of sulfur dioxide per million British Thermal Units in any 24-hour period until November 1, 1991, and 1.92 pounds of sulfur dioxide per million British Thermal Units in any 24-hour period thereafter;~~ or emission rates corresponding to the fuel sulfur limitations required for sources on the Portland peninsula.

Except for lime kilns at pulp and paper mills, the department may require any person achieving compliance by means of an approved flue gas desulfurization system or other prescribed sulfur removal device to operate a continuous emission monitoring device for sulfur dioxide.

See title page for effective date.

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## CHAPTER 465

H.P. 415 - L.D. 534

### An Act Establishing University of Maine System License Plates

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

**Sec. 1. 20-A MRSA c. 419-B** is enacted to read:

#### **CHAPTER 419-B UNIVERSITY OF MAINE SYSTEM SCHOLARSHIP FUND**

##### **§11631. University of Maine System Scholarship Fund**

The University of Maine System Scholarship Fund is created and established as a nonlapsing fund under the jurisdiction and control of the Finance Authority of Maine. All revenues credited to this fund must be distributed as need-based scholarships for students attending the University of Maine System. These scholarships

may only be awarded to those students who are residents of the State, who pay tuition and who otherwise meet the eligibility requirements for a scholarship under the student incentive scholarship program. The Finance Authority of Maine shall award the scholarships and adopt rules for determining eligibility, terms and conditions for the scholarships. The fund may not be used for the costs of administering the scholarships.

**Sec. 2. 29 MRSA §252-J** is enacted to read:

##### **§252-J. University of Maine System; special registration plates**

**1. University of Maine System plate.** The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the registration fee required by section 242 and the administrative fee and voluntary contribution provided for in subsection 2, shall issue a registration certificate and a set of University of Maine System designating plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters. The number of characters appearing on a plate may not exceed 7.

**2. Administrative fee and contribution to University of Maine System Scholarship Fund.** University of Maine System special registration plates are not required for registration of a motor vehicle. A person may contribute to the University of Maine System Scholarship Fund by applying for the special registration plates and submitting, in addition to the regular motor vehicle registration fee, a sum of \$20, which is credited as follows:

A. Ten dollars to the University of Maine System Scholarship Fund established in Title 20-A, section 11631; and

B. Ten dollars to the General Highway Fund for administrative and production costs.

**3. Design.** The Secretary of State shall determine a design for the special University of Maine System plates. If the design accommodates the use of numbers and letters as provided in section 192, the Secretary of State shall, upon request, issue University of Maine System plates that are also vanity plates. University of Maine System vanity plates are issued in accordance with the provisions of this section and section 192.

**4. Not transferable.** Special designating plates issued under this section are not transferable.

**Sec. 3. Design of plates.** Prior to final determination of a design for the University of Maine System plates, the Secretary of State shall develop one or more designs and present the design or designs to the Joint Standing Committee on Transportation or a subcommittee of the Joint Standing Committee on Transportation for review and recommendations.

**Sec. 4. Date of availability.** The Secretary of State shall begin to issue the special University of Maine System plates no later than April 1, 1994.

**Sec. 5. Allocation.** The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1993-94	1994-95
<b>SECRETARY OF STATE, DEPARTMENT OF THE</b>		
<b>Administration - Motor Vehicles</b>		
Positions	(1.0)	(1.0)
Personal Services	\$17,691	\$24,582
All Other	56,952	29,312
Capital Expenditures	2,500	
Provides funds for a Clerk Typist II position and general operating expenses to manufacture and issue the University of Maine System license plates.		
<b>DEPARTMENT OF THE SECRETARY OF STATE TOTAL</b>		
	\$77,143	\$53,894

**Sec. 6. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1993-94	1994-95
<b>FINANCE AUTHORITY OF MAINE</b>		
<b>University of Maine System Scholarship Fund</b>		
All Other	\$100,000	\$150,000
Provides funds for scholarships under the student incentive scholarship program.		

See title page for effective date.

**CHAPTER 466**

**H.P. 819 - L.D. 1105**

**An Act to Authorize State Agencies to Accept Funds for an Alternative-fueled Vehicle Demonstration Project**

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

**Sec. 1. 5 MRSA §1675** is enacted to read:

**§1675. Acceptance of funds for alternative-fueled vehicles program**

An agency or agencies of the State designated by the Governor to establish an alternative-fueled vehicle demonstration program under the National Energy Policy Act of 1992, Public Law 102-486, Section 409 may accept funds to implement that program from the Federal Government or from any person.

See title page for effective date.

**CHAPTER 467**

**H.P. 1084 - L.D. 1450**

**An Act Concerning the Operation of Aircraft under the Influence of Intoxicating Liquor or Drugs**

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

**Sec. 1. 6 MRSA §202, sub-§9**, as amended by PL 1971, c. 404, §26, is further amended to read:

**9. Reckless operation.** For any person to operate an aircraft in the air, ~~or on the ground or water, while under the influence of intoxicating liquor, narcotics or other incapacitating drug, or to operate an aircraft in the air~~ or on the ground or water; in careless or reckless manner so as to endanger the life or property of another. In any proceeding charging careless or reckless operation of aircraft in violation of this section, the court in determining whether the operation was careless or reckless shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics;

**Sec. 2. 6 MRSA §202, sub-§10**, as amended by PL 1971, c. 404, §27, is further amended to read:

**10. Trespass.** For any person to trespass upon the landing area of any licensed or registered airport;

**Sec. 3. 6 MRSA §202, sub-§§11 and 12** are enacted to read:

**11. Operating an aircraft under the influence or with excessive blood-alcohol level.** For any person to operate or attempt to operate an aircraft under the influence of intoxicating liquor or drugs or a combination of liquor and drugs or with excessive blood-alcohol level. Notwithstanding section 203, a person is guilty of a Class D crime if that person operates or attempts to operate an aircraft:

A. While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs; or