

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

Positions - Other Count	(1.0)	(1.0)
Personal Services	\$11,800	\$53,700
All Other	18,900	55,000
Capital Expenditures	8,500	
TOTAL	\$39,200	\$108,700

Allocates funds to reflect the elimination of one vacant Bank Examiner position and the transfer of one Senior Consumer Credit Examiner position and one Consumer Credit Examiner position from the Bureau of Consumer Credit Protection and associated operating costs necessary for the Bureau of Banking to administer the Maine Consumer Credit Code for financial institutions.

Bureau of Consumer Credit Protection

Positions - Other Count	(-16.0)	(-16.0)
Personal Services	(438,630)	(741,264)
All Other	(50,000)	(182,487)
TOTAL	(\$488,630)	(\$923,751)

Transfers one Senior Consumer Credit Examiner position and one Consumer Credit Examiner position to the Bureau of Banking and deallocates funds to reflect the elimination of the remainder of the bureau as of January 1, 1996.

Office of Consumer Credit Regulation

Positions - Other Count	(11.0)	(11.0)
Personal Services	260,850	468,800
All Other	61,350	125,450
TOTAL	\$322,200	\$594,250

Allocates funds to establish the Office of Consumer Credit Regulation as of January 1, 1996 with one Director position, one Deputy Superintendent position, 2 Principal Examiner positions, 2 Senior Examiner positions, one

Consumer Outreach Specialist position, one Examiner position, one Administrative Secretary position, one Clerk Typist II position and one Clerk Typist III position and associated operating costs. The Deputy Superintendent position is eliminated as of October 1, 1996.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

TOTAL	(\$127,230)	(\$220,801)
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Sec. 29. Effective date. This Act takes effect January 1, 1996.

Effective January 1, 1996.

CHAPTER 310

H.P. 950 - L.D. 1339

An Act to Create Fair School Bus Driver Licensing

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

Sec. 1. 29-A MRSA §2303, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Requirements. The Except as provided in subsection 6, the Secretary of State may not issue a school bus operator endorsement unless the applicant:

- A. Holds a valid driver's license for operation of the class vehicle and has at least one year's experience as a licensed motor vehicle operator;
- B. Is at least 21 years of age and has held a driver's license for at least one year;
- C. Meets all training, physical, mental and moral requirements of the Commissioner of Education, as certified to the Secretary of State in writing;
- D. Is qualified as a driver under the motor carrier safety regulations of the Federal Highway Administration, if that person or that person's employer is subject to those regulations;
- E. Passes an examination of the person's ability to operate the specific vehicle that will be driven as a school bus or a vehicle of comparable type;

F. Has not had a license revoked pursuant to chapter 23, subchapter V, within the preceding 6-year period; and

G. Has not received an OUI conviction, as defined in section 2401, subsection 9, within the preceding 6-year period.

Sec. 2. 29-A MRSA §2303, sub-§6 is enacted to read:

6. Waiver of skill and road test. The Secretary of State may waive the skill and road tests for an applicant who has a valid authorization from another state to operate a school bus. The applicant for whom the skill and road tests are waived must comply with all other applicable state and federal requirements governing the issuance of school bus operator endorsements.

See title page for effective date.

CHAPTER 311

S.P. 436 - L.D. 1204

An Act to Wind Up the Affairs of the Maine Medical and Hospital Malpractice Joint Underwriting Association

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

Sec. 1. 24 MRSA c. 20, as amended, is repealed.

Sec. 2. Decision of Superintendent of Insurance ratified. The decision of the Superintendent of Insurance to approve the assumption agreement between the Maine Medical and Hospital Malpractice Joint Underwriting Association and Healthcare Underwriters Mutual Insurance Company, dated March 31, 1995, and the distribution of the net surplus of the joint underwriting association is ratified by this section. The Maine Medical and Hospital Malpractice Joint Underwriting Association is authorized to wind up its affairs in accordance with the decision of the Superintendent of Insurance.

Sec. 3. Effective date. Section 1 of this Act takes effect December 31, 1995.

See title page for effective date, except as otherwise indicated.

CHAPTER 312

S.P. 328 - L.D. 909

An Act to Establish Temperature Limits for Certain Existing Discharges

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

Whereas, industrial dischargers may be affected by the application of an existing temperature rule in June 1995 with which, after application of best practicable treatment, they are unable to comply; 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 §464, sub-§4, ¶I is enacted to read:

I. Temperature limits for certain facilities are governed by the following provisions.

(1) Dischargers licensed by the department prior to January 11, 1989 that raise the temperature of the receiving water more than 0.5°F when the receiving water temperature is above 66°F, as measured outside a mixing zone, and that have demonstrated to the satisfaction of the department that they are unable to meet the standards in the existing temperature rule after application of best practicable treatment, are limited to discharging heat in an amount not exceeding the heat that has been discharged since January 11, 1989. The quantity of heat discharged during a 7-day period may not exceed the maximum heat discharged in any 7-day period between January 11, 1989 and January 11, 1995. The 7-day maximum quantity of heat discharged must be used to establish the interim license effluent limit that protects existing uses. The amount of heat discharged on any single day may not exceed 1.15 times the maximum 7-day average.

(2) The department shall develop, in consultation with the affected dischargers, facility-specific solutions and, no later than January 1, 1996, appropriate amendments