

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

curs before the beneficiary's normal retirement age.

Sec. 16. Actuarial report; implementation. Results of the actuarial investigation required in that section of this Act that amends the Maine Revised Statutes, Title 4, section 1353, subsection 2, must be submitted by January 1, 1997, or as soon as possible after that time. Reports of subsequent investigations must be submitted at 6-year intervals following January 1, 1997.

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

Effective May 31, 1997.

CHAPTER 385

H.P. 1280 - L.D. 1817

An Act to Amend the Laws Governing the Maine Health and Higher Educational Facilities Authority

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

Whereas, the activities authorized in this legislation will allow eligible borrowers under the Maine Health and Higher Educational Facilities Authority to obtain cost savings; and

Whereas, the cost savings available to eligible borrowers under the Maine Health and Higher Educational Facilities Authority are benefits that can have an immediate impact on the cost of the provision of health care and higher education services in the State; and

Whereas, the timely availability of any cost-saving measures can increase the benefit to both the State and the eligible borrowers; 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. 22 MRSA §2053, sub-§3-B is enacted to read:

3-B. Eligible entity. "Eligible entity" means a facility or institution eligible to participate in financing or other borrowing services authorized by this chapter and includes a participating community health or social service facility, a participating health care facility or a participating institution for higher education.

Sec. 2. 22 MRSA §2055, sub-§14, as amended by PL 1993, c. 390, §17, is further amended to read:

14. Apportionment. To charge to and equitably apportion among participating health care facilities and participating institutions for higher education its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter; and

Sec. 3. 22 MRSA §2055, sub-§15, as amended by PL 1993, c. 390, §18, is further amended to read:

15. Other acts. To do all things necessary or convenient to carry out the purposes of this chapter. In carrying out the purposes of this chapter, the authority may undertake a project for 2 or more participating health care facilities jointly or 2 or more participating institutions for higher education jointly, and, upon undertaking the project, all other provisions of this chapter apply to and for the benefit of the authority and such joint participants;

Sec. 4. 22 MRSA §2055, sub-§§16 and 17 are enacted to read:

16. Bulk purchases. To purchase, lease or otherwise acquire, finance, sell and transfer for, to or on behalf of itself and any eligible entities organized pursuant to the United States Internal Revenue Code, Section 501 or in partnership with any of its eligible entities organized pursuant to the United States Internal Revenue Code, Section 501 commodities necessary for the daily operation of the facilities of the eligible entities and for their employees, including, but not limited to, electricity, petroleum products, fuel oil and natural gas. For purposes authorized in this subsection, the University of Maine System and its colleges and universities are eligible participating institutions under the definition of eligible participant for the authority; and

17. Nonprofit corporation. In accordance with the limitations and restrictions of this chapter, to cause any of its powers, duties, programs or operations to be carried out by one or more nonprofit corporations. Nonprofit corporations acting at the direction of the authority must be organized and operated under the Maine Nonprofit Corporation Act. For the purposes authorized in this section the University of Maine System and its colleges and universities are eligible

participating institutions under the definition of eligible participant for the authority.

Sec. 5. 22 MRSA §2077 is enacted to read:

§2077. Lease finance program

1. Establishment; administration. A lease finance program under the jurisdiction and direction of the authority is established to provide for or assist with financing leases for eligible entities to acquire the use of personal or real property. The lease finance program must provide methods of direct or indirect financing, insurance, borrowing, credit enhancement and other financial tools for the lease, lease-purchase, rental or right of use of any real or personal property or other authorized activity of an eligible entity. For the purposes authorized in this section the University of Maine System and its colleges and universities are eligible participating institutions under the definition of eligible participant for the authority.

2. Eligible entity defined. For purposes of this section "eligible entity" means an eligible entity, as defined in section 2053, subsection 3-B, that is organized pursuant to the United States Internal Revenue Code, Section 501.

3. Powers. The authority may make loans or borrow money on behalf of any eligible entity for any of the purposes of this section. The authority may purchase, refinance or enter into leases with or on behalf of any eligible entity. The authority may purchase or refinance for or on behalf of any eligible entity any lease that is held or issued by a 3rd party. The authority may issue its bonds or notes for the purchase of leases on behalf of any eligible entity or any group of those entities or for the establishment of a pool of funds to be used for the purchase, financing or other means of acquisition of leases. The authority shall establish prudent standards for the terms and conditions of any lease financing made available to any eligible entity or any group of those entities. Terms and conditions include, but are not limited to, the general obligation of the eligible entity, liens on any real or personal property held by the eligible entity whether financed by the specific lease or not and sinking funds held by or available to the eligible entity.

4. Application; eligibility. The authority may prescribe and require an application or procedure for an eligible entity to participate in any form of lease financing assistance made available under this section. An application must include any information that the authority decides is necessary for implementing this section, including, but not limited to, supporting documents, certifications, feasibility studies, financial data, utilization studies or other applicable information. An eligible entity may not participate in any lease finance assistance made available under this

section unless, in the sole judgment of the authority, the eligible entity has satisfactorily demonstrated that it will pay the principal, interest, fees and related charges on the bond, debt, or other instrument issued by the authority on its behalf or purchased by the bank from the eligible entity as well as the costs for operation and maintenance of any real or personal property acquired or made available for use by the eligible entity by virtue of the lease assistance. Satisfactory assurance can be demonstrated if an eligible entity has:

A. Established a method of payment by fee, rate, charges, assessment or other mechanism satisfactory to the authority; or

B. Provided collateral sufficient to ensure payment.

5. State not liable. Bonds, notes, leases or other forms of debt or liability entered into or issued by the authority under this section are not in any way a debt or liability of the State and do not constitute a loan of the credit of the State or create any debt or debts, liability or liabilities on behalf of the State or constitute a pledge of the faith and credit of the State. Each bond, note, lease or other evidence of debt or liability entered into by the authority must contain a statement to the effect that the authority is obligated to pay the principal, interest, redemption premium, if any, and any other amounts payable solely from the sources pledged for that purpose by the authority and that neither the faith and credit nor the taxing power of the State is pledged to the payment of the principal, interest, premium, charge, fee or other amount of the bond, note, lease or other form of indebtedness, as the case may be.

6. Lease finance agreement. Lease financing and refinancing, lease purchase, loans and other forms of indebtedness or obligations incurred by an eligible entity due the authority under the terms of this section must be evidenced by and be made in accordance with the terms and conditions specified in a lease finance agreement to be executed by the authority and any eligible entity or any group of those entities. The lease finance agreement must specify, among other things, the terms and conditions for the disbursement of lease finance proceeds, the term and interest rate of the lease, the scheduling of lease payments or bond payments, as the case may be, and any other terms and conditions determined necessary or desirable by the authority.

7. Utilization of municipal lease finance program. The authority, for the benefit of its eligible entities, may utilize the municipal lease finance program created in Title 30-A, section 6006-C for the purposes of this section.

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

Effective May 31, 1997.

CHAPTER 386

S.P. 634 - L.D. 1851

**An Act to Amend the Laws
Regarding Proposed Unaccepted
Streets**

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

Sec. 1. 23 MRSA §3032, sub-§1, as enacted by PL 1987, c. 385, §2, is repealed.

Sec. 2. 23 MRSA §3032, sub-§1-A is enacted to read:

1-A. Deemed vacation. A proposed, unaccepted way or portion of a proposed, unaccepted way laid out on a subdivision plan recorded in the registry of deeds prior to September 29, 1987 is deemed to have been subject to an order of vacation under section 3027 if, by the later of 15 years after the date of the recording of the subdivision plan laying out the way or portion of the way or September 29, 1997, both of the following conditions have been met:

A. The way or portion of the way has not been constructed or used as a way; and

B. The way or portion of the way has not been accepted as a town, county or state way or highway or as a public, utility or recreational easement.

A way or portion of a way considered vacated under this subsection is subject to section 3033.

See title page for effective date.

CHAPTER 387

H.P. 446 - L.D. 596

**An Act to Require the Department of
Labor to Ensure That Housing
Provided as an Incident of
Employment by Agricultural
Employers Meets Minimum
Standards of Habitability**

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

Sec. 1. 22 MRSA §454, as amended by PL 1989, c. 487, §4, is repealed and the following enacted in its place:

§454. Duties

1. Reporting; action on complaints. In a book kept for that purpose, the local health officer shall make and keep a record of all the proceedings, transactions, doings, orders and regulations of that local health officer. The local health officer shall assist in the reporting, prevention and suppression of diseases and conditions dangerous to health, and that local health officer is subject to the supervision and direction of the department.

The local health officer shall report promptly to the Commissioner of Human Services, or the commissioner's designee, facts that relate to communicable diseases occurring within the limits of the health officer's jurisdiction, and shall report to the commissioner, or the commissioner's designee, every case of communicable disease as the rules of the department require. Those diseases that the rules of the department may require to be reported are known, under the terms of this Title, as notifiable diseases.

The local health officer shall receive and evaluate complaints made by any of the inhabitants concerning nuisances posing a potential public health threat within the limits of the health officer's jurisdiction. With the consent of the owner, agent or occupant, the local health officer may enter upon or within any place or premises where nuisances or conditions posing a public health threat are known or believed to exist, and personally, or by appointed agents, inspect and examine the same. If entry is refused, the municipal health officer shall apply for an inspection warrant from the District Court, pursuant to Title 4, section 179, prior to conducting the inspection. When the local health officer has reasonable cause to suspect the presence of a communicable disease, the local health officer shall consult with the commissioner, or a designee. The health officer shall then order the suppression and removal of nuisances and conditions posing a public health threat found to exist within the limits of the health officer's jurisdiction. For purposes of this section, "public health threat" means any condition or behavior that can reasonably be expected to place others at significant risk of exposure to infection with a communicable disease.

2. Departmental intervention. If the local health officer, or individual designated as the local health officer pursuant to section 451, fails to perform the duties of the local health officer as those duties are described under this section, the department may intervene to perform those duties.

Sec. 2. 26 MRSA c. 6, sub-c. III is enacted to read: