

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

are applicable to a blind, visually handicapped or otherwise physically disabled person.

Sec. 3. 17 MRSA §1312, sub-§5, as enacted by PL 1987, c. 104, §1, is amended to read:

5. Housing accommodations; persons with guide or personal care dogs. Every blind or visually handicapped or otherwise physically disabled individual who has a sight-assistance or assistance animal, such as a guide or personal care dog, is entitled to full and equal access to all housing accommodations provided for in this section. Blind or visually impaired or otherwise physically disabled individuals may not be required to pay extra compensation to keep sight-assistance or personal care animals. A blind or visually impaired or otherwise physically disabled person ~~shall be~~ is liable for any damages done to the premises by the animal.

Sec. 4. 17 MRSA §1312, sub-§7 is enacted to read:

7. Personal care dog; definition. As used in this section, "personal care dog" means a dog that provides assistance with activities of daily living for a person who is physically disabled.

Sec. 5. 17 MRSA §1313, as enacted by PL 1971, c. 58, §1, is amended to read:

§1313. Motor vehicle drivers

The driver of a vehicle approaching a totally or partially blind or otherwise physically disabled pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide or personal care dog as defined in section 1312 shall take all necessary precautions to avoid injury to ~~such~~ that blind or otherwise physically disabled pedestrian, and any driver who fails to take such precautions ~~shall be~~ is liable in damages for any injury caused ~~such~~ the pedestrian. A totally or partially blind or otherwise physically disabled pedestrian, not carrying such a cane or using a guide or personal care dog in any of the places, accommodations or conveyances listed in section 1312, ~~shall have~~ has all of the rights and privileges conferred by law upon other persons, and the failure of a totally or partially blind or otherwise physically disabled pedestrian to carry such a cane or to use a guide or personal care dog in any such places, accommodations or conveyances ~~shall may~~ not be held to constitute nor be evidence of contributory negligence.

See title page for effective date.

CHAPTER 612

S.P. 788 - L.D. 2115

An Act to Allow the Department of Transportation to Provide Privately Contracted Ferry Services

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

Whereas, extensive repairs to facilities that support the Maine State Ferry Service are scheduled for April and May of 1998; and

Whereas, the Department of Transportation needs to ensure that ferry routes of the Maine State Ferry Service are maintained while these repairs are made; 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. 23 MRSA §4401, as amended by PL 1989, c. 544, §1, is further amended to read:

§4401. Ferry service for North Haven, Vinalhaven, Islesboro, Matinicus Isle, Swan's Island and Frenchboro

It is the duty of the Department of Transportation to operate a ferry route or routes between the mainland and the towns of North Haven, Vinalhaven, Islesboro, Matinicus Isle and Swan's Island for the purpose of transporting vehicles, freight and passengers to and from these towns, and the department may operate the ferry route or routes to and from Frenchboro. Ferry service to Matinicus Isle ~~shall~~ must be at least 12 times per year and may be up to 24 times per year and may be provided by state-owned or ~~privately contracted~~ privately contracted vessels. These ferry routes ~~shall be~~ are designated as the "Maine State Ferry Service." During periods of facility repair or maintenance or during periods of extraordinary demand, the department may carry out its responsibilities by utilizing privately contracted vessels to provide additional or substitute service to islands served by the Maine State Ferry Service as long as the use of privately contracted vessels is in accordance with an agreement between the department and the State's collective bargaining agent as defined in Title 26, section 979-A, subsection 1.

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

Effective March 23, 1998.

CHAPTER 613

S.P. 778 - L.D. 2105

An Act to Reduce Groundwater Contamination from Leaking Oil Storage Tanks

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

Whereas, leaks and spills from aboveground oil storage facilities are reported to the Department of Environmental Protection at a rate of one per day; and

Whereas, these leaks and spills often adversely affect public health by contaminating drinking water supplies and polluting indoor air; and

Whereas, clean-up costs for these leaks and spills average \$19,000 per incident; and

Whereas, these clean-up costs are paid from the Ground Water Oil Clean-up Fund and the number of claims against the fund for cleanup from home heating oil tanks has doubled since 1993; and

Whereas, fund expenditures for oil cleanup could be reduced by using the fund to pay for tank improvements that prevent leaks and spills; and

Whereas, statutory authorization is needed to disburse money from the fund for such pollution prevention measures; 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. 10 MRSA §1023-D, sub-§3, as repealed and replaced by PL 1993, c. 601, §2, is amended to read:

3. Application of fund. Money in the fund may be applied to carry out any power of the authority under this section or under or in connection with section 1026-F, including, but not limited to, to pledge or transfer and deposit money in the fund as security

for and to apply money in the fund in payment of principal, interest and other amounts due on insured loans. Money in the fund may be used for direct loans or grants for all or part of underground oil storage facility replacement projects, underground oil storage tank replacement projects, aboveground oil storage tank or facility construction or replacement projects or gasoline service station vapor control or petroleum liquids transfer vapor recovery projects as described in paragraph A when the authority determines that:

A. One or more of the following circumstances exists:

(1) The underground oil storage facility or tank is leaking or has been identified by the Department of Environmental Protection as posing an environmental threat, or removal is required by applicable law;

(2) The applicant is required to install equipment related to the improvement of air quality pursuant to requirements for gasoline service station vapor control and petroleum liquids transfer vapor recovery; or

(3) The applicant is constructing, replacing or renovating a tank or facility used for the aboveground storage of oil and the work is supervised by a state-registered professional engineer with training and experience in aboveground oil storage facility installation;

B. The applicant, if the applicant is not a unit of local government, demonstrates financial need for the assistance; and

C. If the assistance includes a loan, there is a reasonable likelihood that the applicant will be able to repay the loan.

Applicants demonstrating the requirement to install equipment related to the improvement of air quality pursuant to section 1026-F and who own fewer than 15 service stations, and who are not able to repay a loan, are eligible to receive no more than \$35,000 per service station in grants for the payment of expenses relating to the installation of this equipment.

The authority, pursuant to Title 5, chapter 375, subchapter II, shall adopt rules for determining eligibility, feasibility, terms, conditions and security for the loans and grants. In the case of loans, the authority may charge an interest rate that may be as low as 0% and may be greater, depending on the financial ability of the applicant to pay as determined by the authority, up to a maximum of the prime rate of interest charged by major ~~Boston~~ New York banks. The maximum the authority may loan or grant to any