

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

3. Delivery to customers. Each community water system shall mail a copy of the consumer confidence report to each customer of the system. The Governor may waive the mailing requirement for community water systems serving fewer than 10,000 persons and require those systems to publish the consumer confidence report in a newspaper of general circulation to inform customers that the report will not be mailed and to make the report available upon request. If the Governor waives the mailing requirement for systems serving fewer than 10,000 persons, community water systems serving 500 or fewer persons have the option of posting the consumer confidence report in an appropriate public location.

Each community water system serving 100,000 or more persons shall also post its current year's report to a publicly accessible site on the Internet.

4. Rulemaking. The commissioner shall adopt rules establishing the requirements with respect to the form, content and delivery of consumer confidence reports under this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 2. 30-A MRSA §5953-B, sub-§2, ¶A, as amended by PL 1997, c. 555, §3, is further amended to read:

A. The bank may make loans from the fund to a public water system for one or more of the purposes set forth in subsection 1. Each of the loans is subject to the following conditions.

(1) The total amount of loans outstanding at any one time from the fund may not exceed the balance of the fund, provided that the proceeds of bonds or notes of the bank deposited in the fund, revenues from other sources deposited in the fund and binding financial commitments of the United States to deposit money in the fund are included in determining the fund balance.

(2) The loan must be evidenced by a municipal bond or other debt instrument in a form acceptable to the bank, payable by the public water system over a term not to exceed 20 years from completion of construction of the project, or 30 years from completion of construction of the project in the case of a public water system that the bank and the Department of Human Services have determined serves a disadvantaged community, with annual principal or interest payments commencing not later than one year after the project being financed is completed.

(3) The rate of interest charged for the loans must be at or below market interest rates, including an interest-free loan.

(4) Subject to the limitations of subparagraph (3), the rate of interest charged for the loans made to public water systems under this section or the manner of determining the rate of interest must be established from time to time by direction of the bank, taking into consideration the current average rate on outstanding marketable obligations and the policies of the Department of Human Services.

See title page for effective date.

CHAPTER 78

H.P. 515 - L.D. 722

An Act to Increase Adoptions

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

Sec. 1. 18-A MRSA §9-308, §(b), ¶(2), as enacted by PL 1995, c. 694, Pt. C, §7 and affected by Pt. E, §2, is amended to read:

(2) The capacity and disposition of the adopting person or persons, the biological parent or biological parents or the putative father to educate and give the adoptee love, affection and guidance and to meet the needs of the adoptee, ~~taking into account the adoptee's cultural, ethnic or racial background.~~ An adoption may not be delayed or denied ~~solely~~ because the adoptive parent and the child do not share the same race, color or national origin; and

See title page for effective date.

CHAPTER 79

H.P. 549 - L.D. 770

An Act to Make the Laws Governing State Ambient Air Quality for Ozone and Particulate Matter Consistent with Federal Requirements

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

Sec. 1. 38 MRSA §584-A, sub-§1, ¶A, as repealed and replaced by PL 1989, c. 155, §1, is amended to read:

A. The level of the 24-hour particulate matter ambient air quality standard is 150 micrograms per cubic meter, as measured in the ambient air as PM₁₀, based on methods contained in 40 Code of Federal Regulations, Part 50, Appendix J ~~M~~.

The standards are attained when the ~~expected number of days per calendar year with a 24 hour average concentration above average of the 99th percentile of the 24-hour concentrations measured each calendar year for a 3-year period does not exceed~~ 150 micrograms per cubic meter, as determined in accordance with 40 Code of Federal Regulations, Part 50, Appendix ~~K~~, is equal to or less than one ~~N~~; and

Sec. 2. 38 MRSA §584-F, sub-§1, as enacted by PL 1995, c. 306, §3, is amended to read:

1. Dissemination of warnings to media. Whenever monitored data demonstrates or the department predicts that ground-level ozone concentrations have exceeded or will exceed ~~84 .08~~ parts per billion ~~million averaged over an 8-hour period~~, the department shall disseminate a health warning to the mass media, including television, radio and print media, and shall urge the media to issue the warning to the general public. The department shall use best efforts to educate the media as to the need to broadly disseminate health warnings to the public.

See title page for effective date.

CHAPTER 80

S.P. 419 - L.D. 1208

An Act to Amend the Enhanced 9-1-1 Laws

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

Whereas, calls to the 9-1-1 system from automatic dialing devices in cases where there is no emergency pose an immediate danger to public safety; 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. 25 MRSA §2931, as enacted by PL 1997, c. 291, §3, is repealed and the following enacted in its place:

§2931. Misuse of E-9-1-1 system

1. Prohibited use. A person is guilty of misuse of the E-9-1-1 system if without reasonable cause the person, after having been forbidden to do so by a public safety answering point manager or administrator or a law enforcement officer:

A. Makes repeated telephone calls to a public safety answering point by dialing 9-1-1 to make nonemergency reports or inquiries; or

B. Causes telephone calls to be made to a public safety answering point using an alarm or other alerting device that automatically dials 9-1-1 and transmits a prerecorded signal or message.

2. Penalty. Violation of subsection 1, paragraph A is a Class E crime. Violation of subsection 1, paragraph B is:

A. For the first offense, a civil offense for which a civil forfeiture of up to \$500 may be adjudged; or

B. For a 2nd or subsequent offense, a Class E crime.

Emergency clause. In view of the emergency cited in the preamble, that section of this Act that enacts the Maine Revised Statutes, Title 30-A, section 7501, subsection 9 takes effect when approved.

Effective April 16, 1999, unless otherwise indicated.

CHAPTER 81

H.P. 509 - L.D. 716

An Act to Amend the Law Relating to School Construction and School Facilities

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

Sec. 1. 20-A MRSA §1303, sub-§1, ¶C, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

C. Include the proposed school budget and other articles the school board chooses to place before the voters, excluding authorization to borrow money for school construction purposes unless the alternate voting procedures of section 1305 are employed;