

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

respondent is in any way encouraged to do so by the person initiating the call.

A person may not state or imply false or fictitious names or telephone numbers when providing the disclosures required under this subsection.

All oral disclosures required by this subsection must be made in a clear and intelligible manner and must be repeated in that fashion upon request of the call respondent. Disclosures made by any telephonic device must offer respondents a procedure to have the disclosures repeated.

This subsection does not apply to a push poll or political telephone solicitation or contact if the individuals participating in the call know each other prior to the call.

A person who violates this subsection may be assessed a forfeiture of \$500 by the commission.

3. Registered agents; requirements; registration. Persons conducting push polling shall register and comply with the requirements of this subsection.

A. A person who conducts a paid push poll or political telephone solicitation or contact, prior to conducting that poll, solicitation or contact, must have and continuously maintain for at least 180 days following the cessation of business activities in this State a designated agent for the purpose of service of process, notice or demand required or permitted by law, and shall file with the commission identification of that designated agent. Conducting business in this State includes both placing telephone calls from a location in this State and calls from other states or nations to individuals located within this State. The designated agent must be an individual resident of this State, a domestic corporation or a foreign corporation authorized to do business in this State. This paragraph does not apply to any entity already lawfully registered to conduct business in this State.

B. The commission shall create and maintain forms for the designation of agents required pursuant to paragraph A and require, at a minimum, the following information:

(1) The name, address and telephone number of the designated agent; and

(2) The name, address and telephone number of the person conducting business in this State.

C. The person conducting push polling shall notify the commission of any changes in the design-

ated agent and the information required by paragraph B.

D. A person who violates this subsection may be assessed a forfeiture of \$500 by the commission.

4. Permitted practices. This section does not prohibit legitimate election practices, including but not limited to:

A. Voter identification;

B. Voter facilitation activities; or

C. Generally accepted scientific polling research.

See title page for effective date.

CHAPTER 417

H.P. 1259 - L.D. 1694

An Act to Amend the Finance Authority of Maine Act

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

Sec. 1. 5 MRSA §12004-I, sub-§18-A, as corrected by RR 1993, c. 1, §13, is repealed.

Sec. 2. 10 MRSA §963-A, sub-§31-A, as amended by PL 1999, c. 504, §8, is further amended to read:

31-A. Major business expansion project. "Major business expansion project" means any building, structure, system, machinery, equipment or facility proposed to be constructed, developed, rehabilitated, expanded, modernized or acquired in the State by a business entity that has a projected cost of \$1,000,000 or more, that is projected to result in a net gain of at least 50 job opportunities within the State or the retention of at least 50 jobs, directly or indirectly, and that benefits from financing assistance from the authority including use of a capital reserve fund pursuant to section 1053. A major business expansion project does not include electric rate stabilization projects or projects primarily involved in the provision of housing or retail sales to consumers.

Sec. 3. 10 MRSA §963-A, sub-§51-A, as enacted by PL 1997, c. 489, §5, is amended to read:

51-A. Wartime veteran. "Wartime veteran" means any person who served in the United States Armed Forces during any federally recognized period of conflict ~~as defined in Title 37-B, section 504, subsection 4, paragraph A 1, subparagraph (3) or was eligible for an Armed Forces Expeditionary Medal or~~

~~campaign medal, who is certified to be a wartime veteran by the Bureau of Maine Veterans' Services and was not dishonorably discharged. A veteran of the Vietnam War must have served on active duty for a period of more than 90 days unless that veteran was discharged for a service-connected disability, and any part of that active duty service occurred after December 22, 1961 and before May 7, 1975.~~

Sec. 4. 10 MRSA §964, sub-§2, as amended by PL 1989, c. 698, §4, is further amended to read:

2. Divisions. The Finance Authority of Maine ~~shall contain~~ contains such divisions as may be of assistance to implement the programs and perform the duties as defined in this chapter and as required by the authority. The divisions ~~shall~~ include:

~~A. The Division of Maine Business Development;~~

~~B. The Division of Natural Resources Financing and Marketing;~~

~~C. The Division of Lending~~ Business Assistance;

~~D. The Division of Finance and Administration;~~ and

~~E. The Maine Education Assistance Division;~~ and

F. Legal.

Sec. 5. 10 MRSA §965, sub-§1, as repealed and replaced by PL 1993, c. 359, Pt. C, §2, is repealed.

Sec. 6. 10 MRSA §965, sub-§3, as amended by PL 1993, c. 359, Pt. C, §3, is further amended to read:

3. At-large members. ~~Seven~~ Nine members appointed by the Governor in accordance with the following and subject to review by the joint standing committee of the Legislature having jurisdiction over economic development matters and subject to confirmation by the Legislature must be appointed from at large. ~~Two of the at-large members must be veterans and 2 of the at-large members must be knowledgeable in the field of natural resource enterprises or financing.~~

A. Two of the at-large members must be veterans.

B. Two of the at-large members must be knowledgeable in the field of natural resource enterprises or financing.

C. One of the at-large members must be knowledgeable in the field of student financial assistance.

D. One of the at-large members must be knowledgeable in the field of higher education.

Sec. 7. 10 MRSA §966, first ¶, as enacted by PL 1983, c. 519, §6, is amended to read:

The terms of office for the designated and at-large members defined in section 965, subsections 2 and 3, ~~shall be~~ are for 4 years, except for initial appointees. ~~The terms of office for the appointees who are selected board members, as defined in section 965, subsection 1, shall be coterminous with their terms of office with the boards from which they are selected.~~

Sec. 8. 10 MRSA §973, as repealed and replaced by PL 1995, c. 462, Pt. A, §16, is amended to read:

§973. Conflicts of interest

Notwithstanding Title 5, section 18, subsection 1, paragraph B, each member of the authority, ~~each member of the Maine Education Assistance Board~~ and each employee, contractor, agent or other representative of the authority is deemed an "executive employee" solely for purposes of Title 5, section 18, and for no other purpose, except that the chief executive officer in addition is deemed an "executive employee" for purposes of Title 5, section 19. Title 17, section 3104 does not apply to any of those representatives.

Sec. 9. 10 MRSA §984, sub-§2, ¶L, as amended by PL 1987, c. 534, Pt. B, §§9 and 23, is further amended to read:

L. Receive advice and assistance from, and coordinate its programs with, the Department of Economic and Community Development, the Maine State Housing Authority, the Maine Development Foundation, ~~the Maine Capital Corporation, the Maine Natural Resource Capital Corporation~~ and other state agencies with relevant expertise. In addition, programs authorized in this subchapter may be coordinated or combined with other public and private national, state, regional or local programs that the agency determines will facilitate the purposes of this subchapter; and

Sec. 10. 10 MRSA §985, as amended by PL 1989, c. 4, §2, is repealed.

Sec. 11. 10 MRSA §1013, sub-§15, as amended by PL 1997, c. 732, §2, is further amended to read:

15. Scholarships for Maine Fund. The Scholarships for Maine Fund, as established in Title 20-A, chapter 419-C; ~~and~~

Sec. 12. 10 MRSA §1013, sub-§16, as enacted by PL 1997, c. 732, §3, is amended to read:

16. Maine College Savings Program. The Maine College Savings Program, as established in Title 20-A, chapter 417-E; and

Sec. 13. 10 MRSA §1013, sub-§17 is enacted to read:

17. Maine Dental Education Loan Program.
The Maine Dental Education Loan Program as established in Title 20-A, chapter 426.

Sec. 14. 10 MRSA §1016, as amended by PL 1995, c. 519, §4, is repealed.

Sec. 15. 10 MRSA §1026-D, sub-§3, ¶B, as amended by PL 1987, c. 697, §8, is further amended to read:

B. The original principal amount of the mortgage loan, including any mortgage loan secured by a coordinate or priority lien or security interest in the same eligible collateral ~~which that~~ is proposed to secure repayment of the insured mortgage loan, ~~shall may~~ not exceed the sum of the following percentages of the cost or value, as determined by the authority at the time of application for mortgage insurance, of eligible collateral held, owned, controlled or used by any eligible enterprise:

- (1) One hundred percent of the cost or value of real estate designed as an industrial park or 100% of the value of cash, deposits of money, certificates of deposit or other cash equivalents, irrevocable letters of credit issued by financial institutions acceptable to the authority or loan guarantees from insurance companies or other institutions satisfactory to the authority;
- (2) Ninety percent of the cost or value of real estate or 90% of the amount of accounts receivable determined by the authority to be eligible;
- (3) Eighty percent of the cost or value of eligible collateral consisting primarily of one or more fishing or other vessels;
- (4) Seventy-five percent of the cost or value of eligible collateral consisting primarily of machinery and equipment;
- (5) Notwithstanding subparagraph (2), 75% of the cost or value of eligible collat-

eral held, owned, controlled or used by a recreational enterprise; or

(6) ~~Sixty~~ Seventy percent of the cost or value of other eligible collateral.

Sec. 16. 10 MRSA §1076, sub-§4, as enacted by PL 1997, c. 518, §2, is amended to read:

4. Establishment of accounts. A financial institution approved by the authority may establish family development accounts pursuant to this subchapter. The financial institution shall certify to the authority in the manner required by the authority that accounts have been established pursuant to the provisions of this subchapter and that deposits have been made on behalf of account holders. A financial institution establishing a family development account shall:

A. Keep the account in the name of the account holder;

B. Permit deposits to be made into the account by the account holder or a community development organization on behalf of the account holder, including money deposited to match the account holder's deposits. Matching contribution deposits may not exceed \$2000 per year and must be approved in writing by the community development organization. An account with a balance exceeding \$10,000 is ineligible for matching contribution deposits;

C. Credit interest to the account at a rate equal to or higher than the rate applicable to comparable accounts within the financial institution; ~~and~~

D. Permit the account holder, ~~after obtaining the eesignature of the administrator of the community development organization,~~ to withdraw money from the account for any of the purposes listed in section 1077, subsection 1; and

E. Require the account holder to allow the financial institution to provide all account information to the community development organization.

Sec. 17. 10 MRSA §1079, sub-§1, as amended by PL 1999, c. 628, §1, is further amended to read:

1. Committee membership. The committee consists of ~~45~~ 12 members as follows:

A. ~~Five~~ Four members appointed by the Governor, including one representative of the Maine State Housing Authority, ~~one representative of the Department of Economic and Community Development,~~ one representative of the Depart-

ment of Human Services and 2 representatives of financial institutions participating in the program;

B. ~~Five~~ Four members appointed by the Speaker of the House of Representatives, including ~~2 persons~~ one person who ~~are~~ is ~~an~~ an account holders ~~holder~~ or ~~are~~ is eligible to be ~~an~~ an account holders ~~holder~~, 2 representatives of contributors of matching funds to the program and one representative of a community development organization; and

C. ~~Five~~ Four members appointed by the President of the Senate, including one representative of a contributor of matching funds to the program, one representative of a statewide community development foundation, one person who is an account holder or is eligible to be an account holder and ~~2 representatives~~ one representative of a community development ~~organizations~~ organization.

Members from state departments serve at the pleasure of their appointing authorities. All other members serve 3-year terms and may continue to serve beyond their terms until their successors are appointed but may not be appointed to subsequent consecutive terms. If a vacancy occurs before a term has expired, the vacancy must be filled for the remainder of the unexpired term by the authority who made the original appointment. If a member is absent for 2 consecutive meetings and has not been excused by the chair from either meeting, the committee may remove the member by majority vote.

Sec. 18. 20-A MRSA §11484, sub-§1, ¶B, as enacted by PL 1997, c. 732, §4, is repealed.

Sec. 19. 20-A MRSA §11484, sub-§1, ¶¶B-1 and B-2 are enacted to read:

B-1. One member appointed by the Governor with knowledge of student financial assistance;

B-2. One member appointed by the Governor from at large;

Sec. 20. 20-A MRSA §11484, sub-§2, as enacted by PL 1997, c. 732, §4, is repealed and the following enacted in its place:

2. Terms. Members must be appointed for terms of 4 years. Members may be removed for cause. The member appointed by the Governor under subsection 1, paragraph B-1 must be appointed for an initial term of 3 years. The member appointed by the Governor under subsection 1, paragraph B-2 must be appointed for an initial term of 4 years.

Sec. 21. 20-A MRSA §12106, sub-§2, as enacted by PL 1991, c. 830, §4 and c. 832, §10, is amended by amending the first paragraph to read:

2. Members. The Advisory Committee on Medical Education consists of the following ~~24~~ 19 members:

Sec. 22. 20-A MRSA §12106, sub-§2, ¶A, as enacted by PL 1991, c. 830, §4 and c. 832, §10, is amended to read:

A. ~~Ten~~ Nine members appointed by the chief executive officer and subject to approval by the joint standing committee of the Legislature having jurisdiction over education matters. Of these members:

(1) One must be a representative of a major statewide agency representing allopathic physicians;

(2) One must be a representative of a major statewide agency representing osteopathic physicians;

(3) One must be a representative of a major statewide agency representing family physicians;

(4) One must be a member of the major statewide agency representing hospitals;

(5) One must be a representative of the major statewide agency representing community health centers;

~~(6) One must be a representative of a non-profit hospital medical services organization;~~

(7) One must be a representative of an association of commercial health insurance companies doing business in the State;

(8) One must be a representative of a statewide area health education center program; and

(9) Two must be at-large members;

Sec. 23. 20-A MRSA §12106, sub-§2, ¶C, as enacted by PL 1991, c. 830, §4 and c. 832, §10, is repealed.

Sec. 24. 20-A MRSA §12106, sub-§2, ¶E, as enacted by PL 1991, c. 830, §4 and c. 832, §10, is repealed and the following enacted in its place:

E. Six members appointed by the chief executive officer and subject to approval by the joint standing committee of the Legislature having ju-

risdiction over education matters. These members must include:

(1) A chief executive of a family practice residency in the State;

(2) A representative of an institution of allopathic medical education at which the authority secures positions for students;

(3) A representative of an institution of osteopathic medical education at which the authority secures positions for students;

(4) A Maine student, resident or practicing physician who has obtained a position secured by the authority at an institution of allopathic medical education;

(5) A Maine student, resident or practicing physician who has obtained a position secured by the authority at an institution of osteopathic medical education; and

(6) A representative of a major teaching hospital in the State.

Sec. 25. 20-A MRSA §12504, last ¶, as amended by PL 1999, c. 441, §8, is repealed.

See title page for effective date.

CHAPTER 418

S.P. 393 - L.D. 1308

An Act to Implement the Recommendations of the Department of Environmental Protection on Ambient Water Quality Criteria for Mercury

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

Whereas, current law prohibits the discharge of mercury into water in any concentration that increases the natural concentration of mercury in the receiving waters; and

Whereas, new methods for testing mercury discharges allow for the detection of mercury at much lower concentrations than was previously possible; and

Whereas, it is necessary to immediately establish facility-specific standards for mercury discharges that prevent wastewater discharges and to require dischargers to implement pollution prevention

measures to reduce the mercury load while statewide, risk-based criteria are being developed; 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 §413, sub-§11 is enacted to read:

11. Mercury. A facility discharging mercury into the waters of the State shall make reasonable progress to develop, incorporate and continuously improve pollution prevention practices and implement future economically achievable improvements in wastewater technology in order to reduce that facility's dependence upon mercury products, reduce or remove discharges of mercury over time and help in the restoration of the waters of the State. The department shall establish and may periodically revise interim discharge limits, based on procedures specified by rule, for each facility licensed under this section and subject to this subsection in order to reduce the discharge of mercury over time and achieve the ambient water quality criteria established in section 420, subsection 1-B. Notwithstanding section 420, subsection 1-B or section 464, subsection 4, paragraph F, a facility discharging mercury shall at all times meet the interim limits established under this subsection.

A. A discharge limit for mercury may not be less stringent statistically than an interim limit established by the department pursuant to Chapter 519 of rules adopted by the department, effective February 5, 2000, and must be based on recent data appropriate for the facility. A facility with such an interim limit shall comply with that limit unless the department establishes a different interim limit.

B. A facility that discharges mercury shall implement a pollution prevention plan consistent with requirements of the department. The department may require that the prevention plan be periodically updated.

(1) The facility shall submit a copy of the pollution prevention plan to the department and the copy must be made available for viewing upon request by a member of the public. The facility shall provide information concerning the status of implementation of the pollution prevention plan to the department as required by the department.