

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

caused to be provided all information determined necessary by the authority in order to determine eligibility;

4. Unmet need. Has been determined by the authority to have an unmet need for financial assistance that, if not met, will prevent the student from attending the institution of higher education of that student's choice;

5. Residency. Meets the state residency or school attendance requirements that may be established by the authority by rule;

6. Loan repayment. Has been determined by the authority to have a reasonable prospect of being able to repay the loan. In appropriate cases, the authority may allow repayments to be deferred and subordinated to repayment of other student loans for such period of time as may be necessary for the borrower to be able to afford to repay the loan; and

7. Minimum academic progress. ~~Is maintaining a grade point average of at least 2.0 on a scale of 4.0, or the equivalent as determined by the authority, provided, however, that the authority may waive the minimum grade point average in the case of a student demonstrating special circumstances and a substantial likelihood of improvement making satisfactory academic progress in accordance with the standards of that institution of higher education.~~

Sec. 6. 20-A MRSA §11461, as enacted by PL 1991, c. 824, Pt. A, §35, is amended to read:

§11461. Higher Education Loan and Loan Insurance Program Fund

1. Establishment. The Higher Education Loan and Loan Insurance Program Fund is established to be used by the authority as a nonlapsing, revolving fund for carrying out this chapter. In its discretion, the authority may combine this fund with other funds of the authority for accounting purposes and may establish separate accounts for loans and for a reserve for loan default payments. Money in the fund currently not needed to meet the obligations of the authority as lender or insurer is deposited with the authority to the credit of the fund or may be invested as provided by law.

2. Charges and credits. All amounts received or allocated by the authority for deposit to the fund pursuant to this chapter or otherwise must be deposited in the fund. All expenses of the authority in carrying out this chapter, including interest, principal and fee payments required by loan defaults, must be charged to the fund, ~~except that bond proceeds and principal repayments must be used only for loans and not for administrative expenses of the program or other current expenditures. The authority's liability for those expenses is limited to the fund.~~

Sec. 7. 20-A MRSA §11463 is enacted to read:

§11463. Insure student loan payments

The authority may make commitments and agreements to insure student loan payments.

1. Loan serviced. A loan insured by the authority must be serviced as required by the authority.

2. Compliance. A loan insured by the authority must be in compliance with the student loan insurance credit policy of the authority.

3. Other terms. A loan insured by the authority may be subject to terms other than those specified in subsections 1 and 2 as may be required by law or by rule of the authority.

4. Financial education. Prior to obtaining a loan insured by the authority, an applicant must satisfy financial education requirements established or approved by the authority.

Sec. 8. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 20-A, chapter 417-C, in the chapter headnote, the words "higher education loan program" are amended to read "higher education loan and loan insurance program" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

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

Effective April 16, 2013.

CHAPTER 35

S.P. 118 - L.D. 285

An Act To Electronically Issue Permits for Burning

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

Sec. 1. 12 MRSA §9326, as enacted by PL 2005, c. 12, Pt. U, §2 and amended by PL 2011, c. 657, Pt. W, §7, is further amended to read:

§9326. Electronic issuance of permits

The Director of the Division of Forestry shall develop or cause to be developed a system to electronically issue permits for burning in all areas of the State using a publicly accessible site on the Internet. ~~Beginning July 1, 2005, the director may issue permits electronically for burning within the unorganized territory and within the southernmost region of the 3 geographic regions of the State established in accordance with section 8906. For the purposes of this section,~~

~~the unorganized territory and the southernmost region are referred to as "the pilot region."~~

The system developed under this section for electronically issuing permits must provide a fire warden with the ability to change the criteria for issuing a permit in a municipality except for times when the director imposes more restrictive criteria or a ban on the issuance of permits.

~~Beginning July 1, 2005, a~~ A person may apply for a permit to burn ~~within the pilot region~~ using the Internet or as otherwise provided in this article. When a person applies for and is issued a permit electronically using the Internet, a fee of \$7 must be paid. From the \$7 fee, ~~\$6~~ \$4 must be deposited in the General Fund, ~~\$2~~ must be transferred to the municipality in which the permit is issued and the remainder of \$1 must be used to cover administrative costs. For a permit issued in the unorganized and deorganized areas, from the \$7 fee, \$6 must be deposited in the General Fund and the remainder of \$1 must be used to cover administrative costs.

See title page for effective date.

CHAPTER 36

H.P. 447 - L.D. 655

**An Act To Amend or Repeal
Outdated or Underutilized
Laws Related to
Transportation**

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

Sec. 1. 5 MRSA §1742-F, as enacted by PL 2001, c. 83, Pt. E, §1, is repealed.

Sec. 2. 6 MRSA §13, first ¶, as amended by PL 1999, c. 131, §7, is further amended to read:

The commissioner has the power to hold investigations, inquiries and hearings concerning matters covered by chapters 1 to 17 and the rules and orders adopted under chapters 1 to 17. Hearings are open to the public and, ~~except as provided in chapter 4,~~ must be held upon such notice as the commissioner may by rule provide. The commissioner has the power to administer oaths and affirmations, certify to all official acts, issue subpoenas and order the attendance and testimony of witnesses and the production of papers, books and documents. All hearings, notices, reviews and orders must comply with the Maine Administrative Procedure Act. In case of the failure of any person to comply with any subpoena or order issued under the authority of this section, the commissioner may invoke the aid of any court of this State of general jurisdiction. The court may order that person to comply with the requirements of the subpoena or order or

to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as a contempt of the order.

Sec. 3. 23 MRSA §52-A, as amended by PL 1989, c. 165, §3, is repealed.

Sec. 4. 23 MRSA §73-A, as enacted by PL 2007, c. 208, §1, is repealed.

Sec. 5. 23 MRSA §74, sub-§1, as enacted by PL 2003, c. 498, §2, is amended to read:

1. Purpose; membership. The Commissioner of Transportation shall establish a freight transportation advisory council to facilitate discussion and provide insight into issues pertaining to freight transportation in the State. The commissioner shall invite no fewer than ~~20~~ 9 people from the private sector to participate as members of the council. Membership must include representatives of various geographic areas of the State. Membership must include at least one person with experience in each of the following:

- A. Commercial trucking;
- B. Rail freight;
- C. Waterborne freight;
- D. ~~Manufacturing forest~~ Forest products;
- E. ~~Shipping forest~~ Forest products;
- F. ~~Shipping agricultural~~ Agricultural products; and
- G. ~~Distributing petroleum~~ Petroleum products; and
- H. General manufacturing.

Sec. 6. 23 MRSA §256, as repealed and replaced by PL 1993, c. 656, §1, is repealed.

Sec. 7. 23 MRSA §603, first ¶, as amended by PL 2001, c. 455, §1, is further amended to read:

The State ~~shall be~~ is responsible for the management of and all costs for maintenance and rehabilitation for the following historic bridges: Lovejoy Bridge, Andover; Robyville Bridge, Corinth; Hemlock Bridge, Fryeburg; Bennett Bridge, Lincoln Plantation; Watson's Bridge, Littleton; Artist's Bridge, Newry; Lowe's Bridge, Sangerville-Guilford; Babb's Bridge, Windham-Gorham; Wire Bridge, New Portland; Porter Bridge, Porter-Parsonsfield; Bailey Island Bridge, Harpswell; Sewall's Bridge, York; ~~Waldo Hancock Bridge, Prospect Verona;~~ and Ryefield Bridge, Harrison-Otisfield.

Sec. 8. 23 MRSA §1655, as enacted by PL 2001, c. 83, Pt. D, §1, is repealed.

Sec. 9. 23 MRSA c. 19, sub-c. 6-A, as amended, is repealed.