

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

## CHAPTER 499

S.P. 518 - L.D. 1602

**An Act Regarding the Division of  
Safety and Environmental Services  
in the Bureau of General Services**

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

**Sec. 1. 5 MRSA §1742, sub-§24**, as repealed and replaced by PL 1989, c. 502, Pt. A, §17, is amended by amending the first paragraph to read:

**24. Application of minimum air ventilation standards.** Beginning September 1, 1988, to apply the ~~ANSA ASHARE Indoor Air Quality and Ventilation Standards contained in the proposed revision, 1981 R, July 15, 1986 ASHRAE Standard 62-1989~~ entitled, Ventilation for Acceptable Indoor Air Quality, as prepared by the American Society of Heating, Refrigeration and Air Conditioning Engineers, Inc. or more stringent standards to buildings occupied by state employees during normal working hours. These standards ~~shall~~ must be applied to buildings ~~which~~ that are constructed or substantially renovated by the State after September 1, 1988; and to buildings for which the State enters into new leases or renews leases following the date in this subsection. For the purpose of this subsection, "substantial renovation" means any renovation for which the cost exceeds 50% of the buildings' value.

**Sec. 2. 5 MRSA §1742-E** is enacted to read:

**§1742-E. Bureau of General Services; asbestos, lead and indoor air quality assessment and mitigation services**

**1. Asbestos, lead and indoor air quality assessment and mitigation services.** The Department of Administrative and Financial Services, through the Bureau of General Services, Division of Safety and Environmental Services, shall provide asbestos, lead and indoor air quality assessment and mitigation oversight services for public schools and state facilities. The Division of Safety and Environmental Services is the lead agency of the State for asbestos, lead and indoor air quality matters.

See title page for effective date.

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## CHAPTER 500

H.P. 300 - L.D. 364

**An Act to Encourage the Use of  
Motor Vehicles That Use Alternative  
Sources of Fuel for the Purpose of  
Reducing Air Pollution**

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

**Sec. 1. 10 MRSA §963-A, sub-§§5-A to 5-C** are enacted to read:

**5-A. Clean fuel.** "Clean fuel" means all products or energy sources used to propel motor vehicles, as defined in Title 29-A, section 101, other than conventional gasoline, diesel or reformulated gasoline, that, when compared to conventional gasoline, diesel or reformulated gasoline, results in lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide or particulates or any combination of these. "Clean fuel" includes, but is not limited to, compressed natural gas; liquefied natural gas; liquefied petroleum gas; hydrogen; hythane, which is a combination of compressed natural gas and hydrogen; dynamic flywheels; solar energy; alcohol fuels containing not less than 85% alcohol by volume; and electricity.

**5-B. Clean fuel vehicle.** "Clean fuel vehicle" means a vehicle that may be propelled by a clean fuel or a fuel-cell electric vehicle that uses any fuel.

**5-C. Clean fuel vehicle project.** "Clean fuel vehicle project" means the acquisition or lease of clean fuel vehicles, the acquisition of clean fuel vehicle delivery systems and other clean fuel vehicle components, the conversion of vehicle fuel systems to the use of clean fuels and the acquisition of capital equipment necessary to establish clean fuel vehicle support and maintenance facilities.

**Sec. 2. 10 MRSA §963-A, sub-§10, ¶O**, as amended by PL 1995, c. 289, §2, is further amended to read:

O. Any major business expansion project; or

**Sec. 3. 10 MRSA §963-A, sub-§10, ¶P**, as enacted by PL 1995, c. 289, §3, is amended to read:

P. Any workers' compensation residual market mechanism project; and

**Sec. 4. 10 MRSA §963-A, sub-§10, ¶Q** is enacted to read:

Q. Any clean fuel vehicle project.

**Sec. 5. 10 MRSA §1023-K** is enacted to read:

**§1023-K. Clean Fuel Vehicle Fund**

**1. Established.** The Clean Fuel Vehicle Fund, referred to in this section as the "fund," is established under the jurisdiction of the authority.

**2. Sources of money.** The following money must be paid into the fund:

A. All money appropriated for inclusion in the fund;

B. Subject to any pledge, contract or other obligation, all interest, dividends or other pecuniary gains from investment of money from the fund;

C. Subject to any pledge, contract or other obligation, any money that the authority receives in repayment of advances from the fund;

D. Any sums designated for deposit into the fund from any source, public or private, including, but not limited to, grants, air pollution penalties and bond issues; and

E. Any other money available to the authority and directed by the authority to be paid into the fund.

**3. Application of fund.** The fund may be applied to carry out any power of the authority under or in connection with section 1026-P, including, but not limited to, the pledge or transfer and deposit of money in the fund as security for and the application of the fund to pay principal, interest and other amounts due on insured loans. The fund may be used for direct loans to finance all or part of any clean fuel vehicle project when the authority determines that:

A. The applicant demonstrates a reasonable likelihood that the applicant will be able to repay the loan;

B. The applicant demonstrates a reasonable likelihood that the applicant will not be able to obtain the funds necessary to undertake all or any part of the project from any other source, including a loan insured under section 1026-P;

C. The project is technologically feasible; and

D. The project will contribute to a reduction of or more efficient use of fossil fuels.

The authority shall adopt rules for determining eligibility, project feasibility, terms, conditions and security for loans under this section. Rules adopted pursuant to this section are routine technical rules under Title 5, chapter 375, subchapter II-A. Money in

the fund not currently needed to meet the obligations of the authority as provided in this section may be invested in such a manner as permitted by law.

**4. Accounts within fund.** The authority may divide the fund into separate accounts as it determines necessary or convenient for carrying out this section, including, but not limited to, accounts reserved for direct loan funds.

**5. Revolving fund.** The fund is a nonlapsing, revolving fund. The fund must be continuously applied by the authority to carry out this section and section 1026-P.

**Sec. 6. 10 MRSA §1026-P** is enacted to read:

**§1026-P. Mortgage insurance for clean fuel vehicle projects**

**1. Insurance.** In addition to its other powers under this chapter, subject to the limitations of this subchapter except for the limitations in sections 1026-B to 1026-D, the authority may insure up to 100% of mortgage payments with respect to mortgage loans for clean fuel vehicle projects when the authority determines that:

A. The applicant demonstrates a reasonable likelihood that the applicant will be able to repay the loan;

B. The applicant demonstrates a reasonable likelihood that the applicant will not be able to obtain a loan for the project on reasonable terms without insurance pursuant to this section;

C. The project is technologically feasible; and

D. The project will contribute to a reduction of or more efficient use of fossil fuels.

**2. Limitation on mortgage insurance.** The authority may not at any time have, in the aggregate amount of principal and interest outstanding, mortgage insurance obligations pursuant to this section exceeding \$5,000,000 less the outstanding balance of any bonds issued under section 1024, subsection 2, with respect to obligations incurred under this section.

**3. Mortgage eligibility.** The authority may adopt rules for determining eligibility, project feasibility, terms, conditions and security for insured mortgage loans under this section. Rules adopted pursuant to this section are routine technical rules under Title 5, chapter 375, subchapter II-A. The authority may accept less than adequate collateral when necessary.

**Sec. 7. 24-A MRSA §2303-B** is enacted to read:

**§2303-B. Clean fuel vehicle incentive**

An insurer may credit or refund any portion of the premium charges for an insurance policy for a clean fuel vehicle in order to encourage its policyholders to use clean fuel vehicles if insurance premiums on other vehicles are not increased to fund these credits or refunds.

For purposes of this section, "clean fuel vehicle" has the same meaning as set out in Title 10, section 963-A, subsection 5-B.

**Sec. 8. 38 MRSA §585-F** is enacted to read:

**§585-F. Motor vehicle emissions labeling program**

The board may adopt rules to implement a motor vehicle emissions labeling program for all new vehicles sold within the State in order to educate the public about the types and amounts of motor vehicle emissions. Rules adopted pursuant to this section are routine technical rules under Title 5, chapter 375, subchapter II-A.

**Sec. 9. Clean fuel vehicle working group established.** The Commissioner of Environmental Protection shall convene a working group of interested parties to recommend a motor vehicle emissions incentives and education program in the State that educates the public concerning motor vehicle emissions, that may provide a rebate for less polluting light-duty passenger cars and trucks and that may require payment of a fee for those vehicles that are more polluting in a manner that is revenue neutral. The working group shall report its recommendations to the Legislature by February 1, 1998.

See title page for effective date.

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**CHAPTER 501**

**H.P. 204 - L.D. 257**

**An Act to Amend the Liquor Laws**

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

**Sec. 1. 28-A MRSA §708**, as amended by PL 1995, c. 582, §1, is further amended to read:

**§708. Prohibited discounts and rebates**

**1. Certificate of approval holders.** A certificate of approval holder may not offer to wholesale licensees any special discounts, volume discounts or other reduced prices or discounts, except bona fide price reductions under section 1408 offered to all wholesale licensees. A certificate of approval holder may offer depletion allowances to wholesale licensees

if the depletion allowance is posted in accordance with section 1408. A certificate of approval holder may not offer any free merchandise, rebate or gift ~~contingent on the purchase of malt liquor or wine to the purchaser of an alcoholic beverage.~~

**2. Wholesale licensees.** A wholesale licensee may not offer to retail licensees any special discounts, volume discounts, depletion allowances, other reduced prices or discounts, or refunds except bona fide price reductions under section 1408 offered to all retail licensees. A wholesale licensee may not offer any free merchandise, rebate, refund or gift ~~contingent on the purchase of malt liquor, wine or low-alcohol spirits to the purchaser of an alcoholic beverage.~~

**3. Retail licensees.** A retail licensee may not offer any free merchandise, rebate or gift ~~contingent on the purchase of malt liquor or wine.~~ ~~A retail licensee may not offer any free merchandise, rebate or gift contingent on the purchase of spirits, except for mail-in rebate coupons redeemed by the manufacturer to the purchaser of any alcoholic beverage.~~

**5. Combination packages.** Notwithstanding subsection 3, agency liquor store licensees may offer for sale any package or combination of packages of spirits that the commission has approved for sale in state liquor stores.

This section does not prohibit a certificate of approval holder from including a mail-in offer, a certificate or merchandise in a package of beer, wine or low-alcohol spirits for sale by an off-premise retailer. The package containing the mail-in offer, certificate or merchandise must be packaged by the certificate of approval holders at the brewery or winery.

This section does not prohibit the unconditional distribution of merchandise to the patrons of an on-premise establishment.

**Sec. 2. 28-A MRSA §709, sub-§1, ¶A**, as amended by PL 1993, c. 266, §16, is further amended to read:

A. No licensee or employee or agent of a licensee may:

- (1) Offer or deliver any free ~~drinks~~ liquor to any person or group of persons;
- (2) Deliver more than 2 drinks, or a pitcher of malt liquor or carafe of wine containing more than one liter or 33.8 ounces, to one person at one time;
- (3) Sell, offer to sell or deliver to any person or group of persons an unlimited num-