

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

B. The ordinance sets the number of building or development permits, not including permits for affordable housing, at 105% or more of the mean number of permits issued within the municipality during the 10 years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of permits issued, excluding permits issued for affordable housing, for each year in the prior 10 years and then dividing by 10;

See title page for effective date.

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**CHAPTER 156**  
**S.P. 67 - L.D. 184**

**An Act To Protect Children's Health on School Grounds**

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

**Sec. 1. 20-A MRSA §6662, sub-§3** is enacted to read:

**3. Food and beverage advertising.** Brand-specific advertising of food or beverages is prohibited in school buildings or on school grounds except for food and beverages meeting standards for sale or distribution on school grounds in accordance with rules adopted under subsection 2.

For the purposes of this subsection, "advertising" does not include advertising on broadcast media or in print media such as newspapers and magazines, clothing with brand images worn on school grounds or advertising on product packaging.

**Sec. 2. 22 MRSA §1578-B, sub-§2**, as enacted by PL 1987, c. 687, is amended to read:

**2. Prohibition.** Except as provided in ~~subsections subsection 3 and 4, no student or school employee is allowed to use tobacco use~~ in the buildings or on the grounds of any elementary or secondary school ~~while school is in session~~ is prohibited.

**Sec. 3. 22 MRSA §1578-B, sub-§4**, as amended by PL 1993, c. 342, §4 and affected by §9, is repealed.

**Sec. 4. 22 MRSA §1578-B, sub-§5**, as amended by PL 1993, c. 342, §4 and affected by §9, is repealed.

**Sec. 5. Transition.** When a school board and school employees have established a designated smoking area through collective bargaining in accordance with the Maine Revised Statutes, former Title 22, section 1578-B, subsection 4 and section 1580-A, subsection 3, use of tobacco may continue in that des-

ignated area until the effective date of the next contract negotiated after the effective date of this Act.

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**CHAPTER 157**  
**S.P. 498 - L.D. 1420**

**An Act To Make Technical Changes to the Definition of "Coastal Area" and To Aid the Implementation of the Taunton Bay Resource Management Plan**

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

**Sec. 1. 12 MRSA §6171, sub-§5**, as enacted by PL 1997, c. 123, §2, is amended to read:

**5. Rules to limit taking of marine organisms.** The commissioner may adopt rules that limit the taking of a marine organism for the purpose of protecting another marine organism. Rules adopted pursuant to this subsection are major substantive rules; pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A, except that rules adopted regarding the resource management plan of Taunton Bay are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 38 MRSA §1802, sub-§1**, as enacted by PL 1985, c. 794, Pt. A, §11, is amended to read:

**1. Coastal area.** The "coastal area" encompasses all coastal municipalities and unorganized townships on tidal waters and all coastal islands. The inland boundary of the coastal area is the inland line of coastal town lines and the seaward boundary is ~~the outer limit of the United States territorial sea~~ the 3-nautical-mile line as shown on the most recently published Federal Government nautical chart.

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**CHAPTER 158**  
**S.P. 244 - L.D. 795**

**An Act Regarding the Solar Energy Rebate Program**

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

**Sec. 1. 35-A MRSA §3211-C, sub-§2**, as amended by PL 2007, c. 29, §1, is further amended to read:

**2. Solar energy rebate program.** To the extent that funds are available in the fund established in sub-

section 3 and the requirements of subsection 2-A are satisfied, an owner or tenant of residential or commercial property located in the State is entitled to a rebate for a qualified solar energy system that is installed in accordance with this subsection after July 1, 2005 that will be connected to the electrical grid. The commission shall set rebate levels for qualified solar energy systems. In setting rebate levels, the commission may consider market demand for qualified solar energy systems, program implementation experience and other factors relevant to the solar energy rebate program.

A. To qualify for a rebate, a solar photovoltaic system must meet the following installation requirements:

- (1) For a system installed after July 1, 2005 but before January 1, 2007, the system must be installed by a master electrician who has completed a training course to prepare for certification by a North American board of certified energy practitioners or by a master electrician working in conjunction with either a person who has been certified by a North American board of certified energy practitioners or a person who has completed a training course to prepare for certification by a North American board of certified energy practitioners; or
- (2) For a system installed on or after January 1, 2007, the system must be installed by a master electrician who has been certified by a North American board of certified energy practitioners or by a master electrician working in conjunction with a person who has been certified by a North American board of certified energy practitioners.

B. To qualify for a rebate, a solar thermal system designed to heat water must be installed by a licensed plumber who has been certified by the commission to install such systems or by a licensed plumber working in conjunction with a person who has been certified by the commission to install such systems.

In the case of a newly constructed residence, the rebate must be available to the original owner or occupant.

**Sec. 2. 35-A MRSA §3211-C, sub-§2-A** is enacted to read:

**2-A. Energy audit requirement; solar photovoltaic system.** To qualify for a rebate for a solar photovoltaic system under this section, an owner or tenant of residential or commercial property located in the State must demonstrate to the satisfaction of the commission that an energy audit, as defined by the commission by rule, has been completed.

**Sec. 3. 35-A MRSA §3211-C, sub-§4**, as reallocated by RR 2005, c. 1, §17, is amended to read:

**4. Rules.** The commission shall adopt rules necessary to implement the provisions of this section, including procedures and standards for demonstrating qualification for a rebate under this section and a definition of "energy audit" for the purposes of subsection 2-A. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 4. 35-A MRSA §3211-C, sub-§6**, as reallocated by RR 2005, c. 1, §17, is amended to read:

**6. Limitation to residents of State; repeal.** Participation in the solar energy rebate program and fund established in this section is limited to residents of the State. This section is repealed December 31, 2008 ~~2010~~.

**Sec. 5. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC UTILITIES COMMISSION**

**Solar Rebate Program Fund 2012**

Initiative: Provide funds to extend the solar energy rebate program until December 31, 2010 to help consumers buy solar energy systems.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$0	\$250,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$250,000

See title page for effective date.

**CHAPTER 159**

**H.P. 145 - L.D. 163**

**An Act To Prohibit the Use of Blackchin Shiners as Baitfish**

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

**Sec. 1. 12 MRSA §10001, sub-§6**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**6. Baitfish.** "Baitfish" means only those species in the following list:

- A. Lake chub, (*Couesius plumbeus*);
- B. Eastern silvery minnow, (*Hybognathus regius*);
- C. Golden shiner, (*Notemigonus crysoleucas*);