

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

section 18801, subsection 1, paragraph D may also participate in the defined contribution plan.

See title page for effective date.

CHAPTER 492

H.P. 1522 - L.D. 2142

An Act To Amend the Law Governing Antlerless Deer Permits

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

Whereas, the ability of the Department of Inland Fisheries and Wildlife to manage Maine’s antlerless deer population through the issuance of hunting permits is crucial to the overall health of Maine’s deer population; and

Whereas, the super pack license contains provisions regarding the harvest of antlerless deer that need to be enacted before the Department of Inland Fisheries and Wildlife can issue antlerless deer permits under that license; 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Sec. 1. 12 MRSA §11109-A, sub-§2, as enacted by PL 2005, c. 477, §4, is repealed and the following enacted in its place:

2. Antlerless deer permit. A super pack license includes:

A. The opportunity to enter an antlerless deer permit lottery pursuant to section 11152 as afforded by a license contained within the super pack license subject to the conditions and restrictions placed on that license; and

B. An antlerless deer permit as provided under section 11152, except that it is valid only for antlerless deer in wildlife management districts in which at least 5,000 antlerless deer permits are issued. No more than 2.5% of those antlerless deer permits may be in the form of a super pack license. The commissioner shall implement a system for issuing antlerless deer permits under this subsection.

Sec. 2. 12 MRSA §11109-A, sub-§3, ¶B, as enacted by PL 2007, c. 163, §1 and affected by §3, is amended to read:

B. One deer in accordance with subsection 2, paragraph B; and

Sec. 3. 12 MRSA §11109-A, sub-§3, ¶C, as enacted by PL 2007, c. 163, §1 and affected by §3, is amended to read:

C. Three antlerless deer during the special archery season in accordance with section 11402, subsection 4.

Sec. 4. 12 MRSA §11152, sub-§4, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

4. Landowner consideration. An antlerless deer permit system adopted by the commissioner pursuant to this section may include a provision giving special consideration to landowners who keep their lands open to hunting by the public. As part of the special consideration to those landowners, the commissioner shall provide at least 25% of the available antlerless deer permits in a wildlife management district to eligible landowners that apply for an antlerless deer permit in that district. Any 2 or more areas of land owned by the same person that are open for hunting and that would be contiguous except for being divided by one or more roads are considered contiguous for the purposes of determining landowner eligibility for special consideration under this subsection.

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

Effective March 12, 2008.

CHAPTER 493

H.P. 1445 - L.D. 2061

An Act To Clarify the Qualifications of Installers under the Solar Energy Rebate Program

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

Whereas, installers of solar energy systems have to take a course to be qualified to install solar energy systems; and

Whereas, current law requires that a licensed plumber sign off on the installation of a solar thermal water system that is installed by a qualified solar

thermal water system installer before a person may receive a solar energy rebate; and

Whereas, it is necessary that the rules be amended as soon as possible so that solar thermal water systems that have been installed by qualified installers may be approved and rebates may be issued without having a licensed plumber sign off on the installation; 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. 35-A MRSA §3211-C, sub-§1, ¶A-1 is enacted to read:

A-1. "Qualified solar thermal water system installer" means a person who has been certified by the commission to install solar thermal systems designed to heat water and who holds a current license from the State as a master plumber, as a master oil burner technician or as a propane and natural gas technician or has been certified as a type II, type III or universal heating, ventilation and air conditioning refrigeration technician through a certification program approved by the United States Environmental Protection Agency.

Sec. 2. 35-A MRSA §3211-C, sub-§1, ¶C, as reallocated by RR 2005, c. 1, §17, is amended to read:

C. "Solar thermal system" means a configuration of solar collectors and a pump, heat exchanger and storage tank or fans designed to heat water or air for the purpose of space heating, domestic water heating or both space and domestic water heating. Solar thermal system types include forced circulation, integral collector storage, thermosyphon and self-pumping systems.

Sec. 3. 35-A MRSA §3211-C, sub-§2, ¶B, as amended by PL 2007, c. 29, §1, is further amended to read:

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 qualified solar thermal water system installer and, if the solar thermal system is designed to heat potable water, it must be installed by a qualified solar thermal water system installer who holds a current license as a master plumber or by a qualified solar thermal water sys-

tem installer working in conjunction with a master plumber.

Sec. 4. Rules amended. The Public Utilities Commission shall amend its rules pertaining to the solar energy rebate program under the Maine Revised Statutes, Title 35-A, section 3211-C.

1. The commission shall amend its rules to implement the provisions of this Act that amend Title 35-A, section 3211-C.

2. The commission shall amend its rules that pertain to requirements for obtaining a rebate to include language that states that an application for a solar thermal system rebate must include a copy of the certificate of competency issued by the commission to the installer and, if the solar thermal system incorporates the heating of potable water, the application must include a copy of the master plumber's license or license number.

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

Effective March 12, 2008.

CHAPTER 494

S.P. 800 - L.D. 2006

An Act To Give Municipalities Control of Mussels Located in Intertidal Zones

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

Sec. 1. 12 MRSA §6671, sub-§3, ¶A, as enacted by PL 2001, c. 188, §2, is amended to read:

A. Within any area of the municipality, a shellfish conservation ordinance may:

- (1) Regulate or prohibit the possession of shellfish;
- (2) Fix the amount of shellfish that may be taken;
- (3) Provide for protection from shellfish predators; ~~and~~
- (4) Authorize the municipal officials to open and close flats under specified conditions; ~~and~~
- (5) Specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support a municipal shellfish conservation program.

Sec. 2. 12 MRSA §6671, sub-§12 is enacted to read: