

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

All Other	\$0	\$155,000
	\$0	\$155,000
FEDERAL EXPENDITURES FUND TOTAL		

JUDICIAL DEPARTMENT		
DEPARTMENT TOTALS	2007-08	2008-09
	\$0	\$155,000
FEDERAL EXPENDITURES FUND		
	\$0	\$155,000
DEPARTMENT TOTAL - ALL FUNDS		

PUBLIC SAFETY, DEPARTMENT OF State Police 0291

Initiative: Allocates funds for development of a new computer system to transmit information to the Federal Government.

FEDERAL EXPENDITURES FUND	2007-08	2008-09
All Other	\$0	\$48,000
	\$0	\$48,000
FEDERAL EXPENDITURES FUND TOTAL		

PUBLIC SAFETY, DEPARTMENT OF		
DEPARTMENT TOTALS	2007-08	2008-09
	\$0	\$48,000
FEDERAL EXPENDITURES FUND		
	\$0	\$48,000
DEPARTMENT TOTAL - ALL FUNDS		

SECTION TOTALS	2007-08	2008-09
	\$0	\$203,000
FEDERAL EXPENDITURES FUND		
	\$0	\$203,000
SECTION TOTAL - ALL FUNDS		

Sec. 24. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 15, section 393, subsection 4-A takes effect July 31, 2009.

See title page for effective date, unless otherwise indicated.

**CHAPTER 671
S.P. 893 - L.D. 2266**

An Act To Promote Municipal Wind Generation Development

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

Sec. 1. 5 MRSA §1764, sub-§3, ¶D, as repealed and replaced by PL 1977, c. 563, §2, is amended to read:

D. The variable occupancy and operating conditions of the facility and subportions of the facility; ~~and~~

Sec. 2. 5 MRSA §1764, sub-§3, ¶E, as amended by PL 1997, c. 541, §2, is further amended to read:

E. Energy consumption analysis of the major equipment of the facility's heating, ventilating and cooling system, lighting system, hot water system and all other major energy-consuming equipment and systems as appropriate. This analysis must include:

- (1) The comparison of alternative systems;
- (2) A projection of the annual energy consumption of major energy-consuming equipment and systems for a range of operations of the facility over the life of the facility; and
- (3) The evaluation of the energy consumption of component equipment in each system, considering operation of the components at other than full or rated outputs; and

Sec. 3. 5 MRSA §1764, sub-§3, ¶F is enacted to read:

F. The cost-effectiveness of integrating wind or solar electricity generating equipment into the design and construction of the facility.

Sec. 4. 30-A MRSA §5401, sub-§3, ¶B, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

B. An "energy generating system project," as defined in Title 10, section 963-A, subsection 13; ~~or~~

Sec. 5. 30-A MRSA §5401, sub-§3, ¶C, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

C. A hydroelectric power facility; or

Sec. 6. 30-A MRSA §5401, sub-§3, ¶D is enacted to read:

D. A "qualified project" as defined in the United States Internal Revenue Code, 26 United States Code, Section 54(d)(2)(A) (2007).

Sec. 7. Wind energy planning and development. The Executive Department, Governor's Office of Energy Independence and Security, referred to in this section as "the office," shall provide assistance in wind and other energy planning in accordance with this section.

1. The office shall monitor developments in technology and in state and federal law to determine whether opportunities are available for the development of wind energy resources by the State's agencies, political subdivisions, rural electrification cooperatives and other municipal or quasi-municipal entities or municipally owned corporations that provide electric transmission, distribution or generation services. The office shall regularly advise the Energy Resources Council of its findings under this subsection.

2. The office shall develop information resources to assist the State's political subdivisions, rural electrification cooperatives and other municipal or quasi-municipal entities or municipally owned corporations that provide electric transmission, distribution or generation services to develop, design, construct, install and finance wind and other renewable electricity generation projects to the extent possible using available financing incentives under federal and state law.

The office shall form one or more advisory groups of persons with relevant expertise and experience to advise the office in undertaking its responsibilities under this section. No later than January 15, 2009, the office shall report on its activities under this section to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. Following receipt and review of the report, the joint standing committee may submit legislation to the First Regular Session of the 124th Legislature regarding the subject matter of this section.

See title page for effective date.

**CHAPTER 672
H.P. 1481 - L.D. 2095**

**An Act To Ensure the Freedom
of Family Child Care Providers
To Jointly Negotiate with the
State**

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

Sec. 1. 22 MRSA §8308 is enacted to read:

§8308. Family child care provider representation

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Collective bargaining" means a mutual obligation to confer and negotiate regarding issues of mutual concern to the extent not prescribed or controlled by law or otherwise outside of the State's control.

B. "Family child care provider" or "provider" means:

(1) A family child care provider as defined in section 8301-A, subsection 1-A, paragraph C and subject to certification pursuant to section 8301-A, subsection 3; or

(2) A family child care provider who is legally exempt from certification as defined in section 8301-A, subsection 1-A, paragraph C and subject to the requirements of section 8302-B.

C. "Issues of mutual concern" means and is limited to:

(1) Training and other requirements and opportunities that are appropriate for providers;

(2) Reimbursement rates;

(3) Payment procedures;

(4) Contract grievance arbitration;

(5) Member dues deduction;

(6) Representation or service fees for non-members; and

(7) Any changes to current practice other than those listed in subparagraphs (1) to (6) that would improve recruitment and retention of qualified providers, would improve the quality of the programs they provide, would encourage qualified providers to seek additional education and training and would promote the health and safety of providers and the children in their care.