

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

A. The commissioner may reduce or waive the minimum number of days required on application from a school board. The commissioner may authorize an equivalent number of hours to be substituted for days for a limited time period upon application from a school board. The application must be supported in writing with a statement of the reasons for the request.

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

Effective May 8, 2009.

**CHAPTER 88  
S.P. 70 - L.D. 220**

**An Act To Increase the  
Availability of Solar and Wind  
Power**

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

**Whereas,** promoting renewable energy and energy efficiency are significant priorities of the American Recovery and Reinvestment Act of 2009; and

**Whereas,** significant funding from the American Recovery and Reinvestment Act of 2009 will be disbursed to the Public Utilities Commission in the immediate future for energy initiatives, including renewable energy initiatives such as the solar and wind energy rebate program; 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-§6,** as amended by PL 2007, c. 661, Pt. D, §1, is further amended to read:

**6. Limitation to residents of State; repeal.** Participation in the solar and wind energy rebate program and fund established in this section is limited to residents of the State. This section is repealed December 31, ~~2010~~ 2015.

**Sec. 2. Solar and wind energy rebate program; federal stimulus funds; report.** The Public Utilities Commission, to the extent allowed, shall apply federal funds received by the commission under

the American Recovery and Reinvestment Act of 2009, Public Law 111-5, to increase funding for the solar and wind energy rebate program established in the Maine Revised Statutes, Title 35-A, section 3211-C by \$500,000 per year for the 2-year period during which the federal funds are available. In the solar and wind energy rebate program annual report for December 1, 2010 required by Title 35-A, section 3211-C, subsection 5, the commission shall report the results of the funding expansion to the solar and wind energy rebate program made possible by the American Recovery and Reinvestment Act of 2009 and make recommendations regarding future funding of the solar and wind energy rebate program, including, but not limited to, funding level and sources of funds.

**Sec. 3. Solar and wind energy rebate program rules; performance standard; payback calculation.** The Public Utilities Commission shall amend the rules governing the solar and wind energy rebate program adopted pursuant to the Maine Revised Statutes, Title 35-A, section 3211-C, subsection 4 to:

1. Establish performance standards for solar and wind energy systems. The purpose of the standards must be to inform rebate program applicants about relevant performance criteria and the relative performance of different solar and wind energy systems; and

2. Require each applicant, as part of the application form, to complete a simple payback period calculation for the applicant's solar or wind energy system. For the purposes of this subsection, "simple payback period" is the estimated amount of time it will take to recover the initial investment through energy savings, determined by dividing the initial installed cost by the estimated annual energy cost savings.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC UTILITIES COMMISSION**

**Solar Rebate Program Fund Z012**

Initiative: Allocates funds to the solar and wind energy rebate program now continued beyond its original sunset date of December 31, 2010 until the new sunset of December 31, 2015.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$250,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$250,000

**Solar Rebate Program Fund Z012**

Initiative: Allocates American Recovery and Reinvestment Act of 2009 funds for 2 years to increase the funding for the solar and wind energy rebate program.

<b>FEDERAL EXPENDITURES</b>	<b>2009-10</b>	<b>2010-11</b>
<b>FUND ARRA</b>		
All Other	\$500,000	\$500,000
	<hr/>	<hr/>
FEDERAL EXPENDITURES	\$500,000	\$500,000
FUND ARRA TOTAL		
<b>PUBLIC UTILITIES</b>		
<b>COMMISSION</b>		
<b>DEPARTMENT TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
<b>OTHER SPECIAL</b>	<b>\$0</b>	<b>\$250,000</b>
<b>REVENUE FUNDS</b>		
<b>FEDERAL</b>	<b>\$500,000</b>	<b>\$500,000</b>
<b>EXPENDITURES FUND</b>		
<b>ARRA</b>		
	<hr/>	<hr/>
<b>DEPARTMENT TOTAL -</b>	<b>\$500,000</b>	<b>\$750,000</b>
<b>ALL FUNDS</b>		

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

Effective May 8, 2009.

**CHAPTER 89**

**S.P. 181 - L.D. 478**

**An Act To Ensure That the Membership of the State Board of Corrections Includes a Representative with Expertise in Issues Regarding Mental Illness**

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

**Sec. 1. 34-A MRSA §1802, sub-§1,** as enacted by PL 2007, c. 653, Pt. A, §30, is amended to read:

**1. Appointments.** The board consists of 9 members who are appointed by the Governor. Each appointment is subject to review by the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and to confirmation by the Senate, except those members appointed pursuant to paragraph C. The following provisions govern member qualifications:

A. One member must be a sitting sheriff selected from a list of 3 nominations submitted to the Governor by a statewide organization representing sheriffs;

B. One member must be a sitting county commissioner selected from a list of 3 nominations submitted to the Governor by a statewide organization representing county commissioners;

C. Two members must be representatives of the executive branch and at least one of the 2 must be from the department;

D. One member must be a municipal official selected from a list of 3 nominations submitted to the Governor by a statewide organization representing elected and appointed municipal officers and officials; and

E. ~~The remaining 4~~ Four members must be broadly representative of the public and the geographical regions of the State. One of the 4 members appointed under this paragraph must be selected from a list of 3 nominations submitted to the Governor by a statewide organization representing county commissioners. A member appointed under this paragraph may not be an elected state or county official or municipal officer and may not derive income in substantial portion from work as an employee of a state, county or municipal government or in the field of corrections.

Of the 9 members, one must be a person with expertise in issues relating to mental illness.

See title page for effective date.

**CHAPTER 90**

**S.P. 342 - L.D. 892**

**An Act To Improve Assistance for Technology-based Entrepreneurs**

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

**Sec. 1. 5 MRSA §12004-G, sub-§33-E,** as amended by PL 2005, c. 19, §1, is repealed.

**Sec. 2. 5 MRSA §15321,** as amended by PL 2007, c. 597, §7, is further amended to read:

**§15321. Technology centers**

**1. Establishment; purpose.** The technology centers, referred to in this section as the "centers," are established. The purpose of the centers is to ~~permit support~~ support early-stage development of technology-based businesses ~~while minimizing or eliminating debilitating overhead expenses.~~ The self-managed, state-