

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

Sec. E-3. Effective date. Those sections of this Part that amend the Maine Revised Statutes, Title 22, section 1066, subsection 2, paragraphs B and E take effect 90 days after the adjournment of the Second Regular Session of the 124th Legislature.

PART F

Sec. F-1. PL 2009, c. 571, Pt. EEE, §1 is amended to read:

Sec. EEE-1. Emergency rulemaking regarding vital records fees. The Department of Health and Human Services, Office of ~~Health Data and Program Management~~ Data, Research and Vital Statistics shall ~~by adopt rules that apply retroactively to April 1, 2010~~ adopt rules on an emergency basis to set ~~revise the fees for obtaining copies of vital records from the office at to the same levels as were in effect in September 2009 and, following.~~ Following adoption of the emergency rules, the office shall complete nonemergency rulemaking to set the fees at the September 2009 levels. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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

Effective April 14, 2010, unless otherwise indicated.

CHAPTER 653

H.P. 1113 - L.D. 1575

An Act To Establish a Residential Wood Stove Replacement Fund

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

Sec. 1. 38 MRSA §610-D is enacted to read:

§610-D. Residential Wood Stove Replacement Fund

1. Fund established. The Residential Wood Stove Replacement Fund, referred to in this section as "the fund," is established as a nonlapsing fund administered by the department for the purpose of providing financial incentives for the replacement of wood stoves with cleaner alternatives.

2. Sources of money. The fund consists of any money received from the following sources:

A. Contributions from any source, both public and private; and

B. Civil penalties for violations of air quality laws or rules administered by the department if the penalties are imposed pursuant to an administrative consent agreement or court-ordered consent decree and the person against whom the penalty is imposed expressly assents in the agreement or decree that the penalty may be paid into the fund. This paragraph is repealed January 1, 2012.

Money deposited in the fund must be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by law. Interest on that investment must be credited to the fund.

3. Disbursements from the fund. The department shall apply the money in the fund toward the award of financial incentives to residents of the State to replace residential wood stoves manufactured prior to 1988 and used as a primary source of heat in an owner's primary residence with residential heating appliances with lower emissions of pollution, such as wood stoves, pellet stoves or vented gas stoves, that have been certified by the United States Environmental Protection Agency. Costs incurred by the department to administer the residential wood stove replacement program under subsection 4 may be paid by the fund.

4. Residential wood stove replacement program. The department shall establish through rulemaking a residential wood stove replacement program. The program must include, but is not limited to:

A. Public outreach and education;

B. Establishment of eligibility criteria for participating in the program, benefits available under the program and the process for establishing eligibility for benefits; and

C. Approved methods for removal and disposal of the replaced residential wood stoves.

5. Rulemaking. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Report. The Department of Environmental Protection shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the status and account activity of the residential wood stove replacement program, as established by the Maine Revised Statutes, Title 38, section 610-D, by January 1, 2012.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF
Air Quality 0250**

Initiative: Provides an allocation to establish the Residential Wood Stove Replacement Fund.

FEDERAL EXPENDITURES FUND	2009-10	2010-11
All Other	\$0	\$2,000,000
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$2,000,000
OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$250,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$250,000

See title page for effective date.

CHAPTER 654

H.P. 1111 - L.D. 1573

An Act To Improve Water Quality through the Phaseout of Overboard Discharges and the Improvement of the Boat Pump-out Laws

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

Sec. 1. 38 MRSA §411-A, sub-§1, as enacted by PL 1989, c. 442, §1 and affected by c. 890, Pt. A, §40 and amended by Pt. B, §25, is repealed and the following enacted in its place:

1. General authority. Subject to the availability of funds under section 411, the commissioner shall pay a portion of an alternative to an overboard discharge system as provided in this section. In the event the overboard discharge owner is not eligible for complete funding through a grant, the commissioner may loan the balance of the eligible alternative system costs not funded through a grant as provided in this section.

A. Pursuant to the cost-share schedule in subsection 2-A, the commissioner shall pay a portion of the expense of a technologically proven alternative system construction project that results in the elimination of an overboard discharge to the waters of the State when that elimination is required under section 414-A, subsection 1-B. The department may not provide grant funds to an overboard discharge owner for the removal of an overboard discharge at a residence unless the residence is the owner's primary residence.

B. If the overboard discharge owner is not eligible for complete funding through a grant, the overboard discharge owner may be eligible for funding provided by the revolving loan fund established by Title 30-A, section 6006-A as administered through the Maine Municipal Bond Bank or its designee for the expense of a technologically proven alternative system construction project that results in the elimination of an overboard discharge to the waters of the State when that elimination is required under section 414-A, subsection 1-B.

C. The costs eligible for payment through a grant or loan under this section include the costs that the department requires for abandonment of the overboard discharge and the design, engineering and construction costs of the replacement system. Grants or loans made under this section may be made directly to the owners of the overboard discharges and may also be made to sanitary and sewer districts that have agreed to establish operation and maintenance programs for holding tanks within their boundaries.

Sec. 2. 38 MRSA §411-A, sub-§2-A, as enacted by PL 2003, c. 246, §4, is amended to read:

2-A. Cost-share. The commissioner shall determine the portion of project expenses eligible for grants under this section as follows:

- A. For an owner of an overboard discharge with an annual income less than \$25,000, 100%;
- B. For an owner of an overboard discharge with an annual income ~~between~~ from \$25,000 ~~and~~ to \$50,000, 90%;
- C. For an owner of an overboard discharge with an annual income ~~between~~ from \$50,001 ~~and~~ to \$75,000, 50%;
- D. For an owner of an overboard discharge with an annual income ~~between~~ from \$75,001 ~~and~~ to \$100,000, 35%;
- E. For an owner of an overboard discharge with an annual income ~~over \$100,000~~ from \$100,001 to \$125,000, 25%; ~~and~~
- E-1. For an owner of an overboard discharge with an annual income over \$125,000, \$0; and
- F. For a publicly owned overboard discharge facility, 50% to a maximum of \$150,000.

~~For purposes of this subsection, "annual income" means the sum of all the property owner's federal taxable income for the previous year for single family dwellings, gross profits for the previous year for commercial establishments and gross rents for the previous year for rental properties, as listed on the relevant federal income tax returns.~~