

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

6. Lack of reservation. Any person owning land in this State abutting a proposed, unaccepted way or portion of a proposed, unaccepted way, whose predecessors in title had not reserved title in the way under subsection 1 or 2, is deemed to own to the center line of the way or portion of the way, except for a proposed, unaccepted way under subsection 6-A.

Sec. 3. 33 MRSA §469-A, sub-§6-A is enacted to read:

6-A. Bounded by other property. A person owning land in a subdivision abutting a proposed, unaccepted way or portion of a proposed, unaccepted way owns the entire width of the portion of the way that abuts the person's land if:

A. The proposed, unaccepted way or portion of the proposed, unaccepted way is part of the subdivision and is laid out on the subdivision plan recorded in the registry of deeds;

B. The person's predecessors in title had not reserved title in the proposed, unaccepted way or portion of the proposed, unaccepted way under subsection 1 or 2; and

C. The proposed, unaccepted way or portion of the proposed, unaccepted way is bounded on the opposite side by land that is not included in the subdivision.

If the land on the opposite side of a proposed, unaccepted way or a portion of a proposed, unaccepted way under this subsection extends beyond the person's land, then the person owns the entire width of that portion of the extension of the proposed, unaccepted way that is not bounded by another owner's land on the person's side of the way.

See title page for effective date.

CHAPTER 313

H.P. 1018 - L.D. 1385

An Act To Provide Tax Relief to Residents Deployed for Military Duty or Stationed outside of Maine

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

Sec. 1. 36 MRSA §1483-A is enacted to read:

§1483-A. Local option exemption for residents permanently stationed or deployed for military service outside of the State

A municipality may by ordinance exempt from the annual excise tax imposed pursuant to section 1482 vehicles owned by a resident who is on active duty serving in the United States Armed Forces and who is

either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days who desires to register that resident's vehicle in this State. To apply for the exemption, the resident must present to a designated municipal official certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days. For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces. For purposes of this section, "deployed for military service" has the same meaning as in Title 26, section 814, subsection 1, paragraph A.

Sec. 2. Effective date. This Act takes effect January 1, 2012.

Effective January 1, 2012.

CHAPTER 314

H.P. 568 - L.D. 761

An Act To Provide Rebates for Renewable Energy Technologies

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 laws governing the solar and wind energy rebate program were repealed effective December 31, 2010; and

Whereas, the installation of renewable energy technology is a form of economic activity in this State; and

Whereas, funding is immediately available for rebates to provide incentives for this economic activity; 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 §3210, sub-§9, ¶B, as amended by PL 2009, c. 565, §4 and affected by §9, is further amended to read:

B. The commission shall collect alternative compliance payments made by competitive electricity

providers and shall deposit all funds collected under this paragraph in the Renewable Resource Fund established under section 10121, subsection 2 to be used to fund research, development and demonstration projects relating to renewable energy technologies and to fund rebates for cost-effective renewable energy technologies.

Sec. 2. 35-A MRSA §10121, sub-§1, as enacted by PL 2009, c. 565, §7 and affected by §9, is amended to read:

1. Funding for renewable resource research and development; community demonstration projects; rebates for cost-effective renewable energy technologies. The trust by rule shall establish and administer a program allowing retail consumers of electricity to make voluntary contributions to fund renewable resource research and development ~~and~~ to fund community demonstration projects using renewable energy technologies and to fund rebates for cost-effective renewable energy technologies. The program must:

A. Include a mechanism for customers to indicate their willingness to make contributions;

B. Provide that transmission and distribution utilities collect and account for the contributions and forward them to the trust;

C. Provide for a distribution of the funds through a competitive bid process to the University of Maine System, the Maine Maritime Academy or the Maine Community College System for renewable resource research and development;

D. Provide for a distribution of the funds through a competitive bid process to Maine-based nonprofit organizations that qualify under the federal Internal Revenue Code, Section 501(c)(3), consumer-owned transmission and distribution utilities, community-based nonprofit organizations, community action programs, municipalities, quasi-municipal corporations or districts as defined in Title 30-A, section 2351, community-based renewable energy projects as defined in section 3602, subsection 1 and school administrative units as defined in Title 20-A, section 1 for community demonstration projects using renewable energy technologies; ~~and~~

E. Provide for an annual distribution of 35% of the funds to the Maine Technology Institute to support the development and commercialization of renewable energy technologies; and

F. Provide rebates for cost-effective renewable energy technologies as determined by the trust.

~~Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.~~

Sec. 3. 35-A MRSA §10121, sub-§2, as enacted by PL 2009, c. 565, §7 and affected by §9, is amended to read:

2. Fund established. There is established the Renewable Resource Fund, referred to in this section as "the fund." The fund is a nonlapsing fund administered by the trust. All funds collected by the trust pursuant to subsection 1 must be deposited in the fund for distribution by the trust in accordance with subsection 1. The trust may seek and accept funding for the program established pursuant to subsection 1 from other sources, public or private. Any funds accepted for use in the program established pursuant to subsection 1 must be deposited in the fund. Funds not spent in any fiscal year remain in the fund to be used for the purposes of this section. Any interest earned on funds in the fund must be credited to the fund.

The trust may allocate funds pursuant to subsection 1, paragraphs C, D and F from the fund to most effectively meet the objectives of the triennial plan pursuant to section 10104, subsection 4.

Sec. 4. 35-A MRSA §10121, sub-§4 is enacted to read:

4. Rulemaking. The trust shall adopt rules to implement this section. The rules must include, but are not limited to:

A. Selection criteria for the competitive bid process pursuant to subsection 1, paragraphs C and D, including, but not limited to, the cost-effectiveness of the project or development and the likelihood that the renewable energy technology will be adopted on a broader scale in this State; and

B. Qualification criteria for rebates for renewable energy technologies pursuant to paragraph F, including, but not limited to, cost-effectiveness and quality assurance requirements.

Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 5. Use of remaining funds for solar and wind energy rebate program. The Efficiency Maine Trust, established in the Maine Revised Statutes, Title 35-A, section 10103, shall use any remaining funds collected for purposes of the solar and wind energy rebate program that was terminated on December 31, 2010 pursuant to Title 35-A, former section 10112 for rebates for renewable energy technologies pursuant to Title 35-A, section 10121, subsection 1, paragraph F.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

EFFICIENCY MAINE TRUST

Efficiency Maine Trust Z100

Initiative: Allocates funds to the Efficiency Maine Trust to provide rebates for cost-effective renewable energy technologies utilized by government and non-profit entities subjected to a competitive bid process.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$0	\$360,000
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$360,000

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

Effective June 13, 2011.

**CHAPTER 315
S.P. 126 - L.D. 422**

**An Act To Amend the Laws
Governing the Tax Assessment
for Correctional Services in
Lincoln County and Sagadahoc
County**

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

Whereas, in order for Lincoln County to change its tax assessment for correctional services effective July 1, 2011 and for Lincoln County to pay withheld money to Two Bridges Regional Jail by July 1, 2011, this legislation must take effect before the end of the 90-day period; 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. 30-A MRSA §701, sub-§2-A, ¶H, as enacted by PL 2007, c. 653, Pt. A, §8, is amended to read:

H. A sum of ~~\$3,018,364~~ \$2,657,105 in Lincoln County;

Sec. 2. 30-A MRSA §701, sub-§2-A, ¶L, as enacted by PL 2007, c. 653, Pt. A, §8, is amended to read:

L. A sum of ~~\$2,295,849~~ \$2,657,105 in Sagadahoc County;

Sec. 3. Lincoln County payment to Two Bridges Regional Jail. Lincoln County shall pay all withheld revenue from its tax assessment for correctional services from July 1, 2009 to June 30, 2011 directly to the Two Bridges Regional Jail by July 1, 2011 for the jail's correctional services operations in fiscal year 2012-13.

Sec. 4. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 30-A, section 701, subsection 2-A, paragraph H takes effect July 1, 2011. That section of this Act that amends Title 30-A, section 701, subsection 2-A, paragraph L takes effect January 1, 2012.

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

Effective June 13, 2011, unless otherwise indicated.

**CHAPTER 316
H.P. 903 - L.D. 1212**

**An Act To Improve Hospital
Reporting of MRSA and
Clostridium difficile Data**

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

Sec. 1. 22 MRSA §8761, as enacted by PL 2009, c. 346, §1, is repealed and the following enacted in its place:

§8761. Methicillin-resistant Staphylococcus aureus and Clostridium difficile

All hospitals licensed under chapter 405 shall:

1. Enrollment. No later than October 1, 2011, enroll and shall maintain enrollment after that date in the National Healthcare Safety Network within the United States Department of Health and Human Services, Centers for Disease Control and Prevention, Division of Healthcare Quality Promotion, referred to in this section as "the network";

2. Submission of MRSA data. No later than October 1, 2011, submit to the network infection data for nosocomial methicillin-resistant Staphylococcus aureus, referred to in this section as "MRSA," for all inpatients on a monthly basis in accordance with the protocols defined by the United States Department of Health and Human Services, Centers for Disease Control and Prevention;

3. Access to MRSA data. No later than November 1, 2011, authorize, for public health surveillance