

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 824, L.D. 1178, Bill, "An Act to Improve Outdoor Lighting"

Amend the bill in section 1 in that part designated "~~§1768.~~" in subsection 1 by striking out all of paragraph B (page 1, lines 14 and 15 in L.D.) and by striking out all of paragraph M (page 1, lines 51 and 52 and page 2, lines 1 and 2 in L.D.).

Further amend the bill in section 1 in that part designated "~~§1768.~~" in subsection 1 by relettering the paragraphs to read consecutively.

Further amend the bill in section 1 in that part designated "~~§1768.~~" in subsection 2 in the 2nd line (page 2, line 8 in L.D.) by striking out the following: "repair" and inserting in its place the following: 'replace'

Further amend the bill in section 1 in that part designated "~~§1768.~~" in subsection 2 in paragraph B in the 2nd line (page 2, line 15 in L.D.) by inserting before the following: "illuminance" the following: 'minimum'

Further amend the bill in section 1 in that part designated "~~§1768.~~" in subsection 2 in paragraph B in the last line (page 2, line 17 in L.D.) by inserting at the end the following: 'and'

Further amend the bill in section 1 in that part designated "~~§1768.~~" in subsection 2 by striking out all of paragraphs C and D (page 2, lines 19 to 30 in L.D.) and inserting in their place the following:

'C. The Director of the Bureau of Public Improvements ensures that consideration is given to minimizing glare and light trespass.'

Further amend the bill in section 1 in that part designated "§1768." by inserting at the end the following:

'4. Exceptions. Exceptions from the provisions of this section are permitted only when:

A. Federal laws, rules and regulations take precedence over these provisions; or

B. The Director of the Bureau of Public Improvements determines that there is a compelling safety interest that can not be addressed by any other method.'

Further amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 23 MRSA §707 is enacted to read:

§707 Highway lighting

1. Definitions. All definitions in Title 5, section 1768, subsection 1 apply in this section. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commissioner" means the Commissioner of Transportation.

B. "Roadway lighting" means lighting that is specifically intended to illuminate roadways for automobiles but does not mean lighting intended to illuminate roadways only for pedestrian purposes.

2. Permanent outdoor luminaires. A person may not use any state funds to install or replace any permanent outdoor luminaire unless:

A. The luminaire is a full cutoff luminaire when the rated output of the luminaire is greater than 1,800 lumens;

B. The luminaire's maximum illuminance does not exceed the minimum illuminance recommended for that purpose by the Illuminating Engineering Society of America or the federal Department of Transportation;

C. For roadway lighting, the commissioner determines that the purpose of the lighting installation or replacement can not be achieved by any of the following means:

(1) Reduction of the speed limit in the area to be lighted; or

2 (2) Installation of reflectorized roadway markers,  
lines, warnings or informational signs; and

4 D. The commissioner ensures that consideration is given to  
minimizing glare and light trespass.

6 3. Operating costs. After January 1, 2000, a person may  
not use any state funds to operate a permanent outdoor luminaire  
unless the luminaire conforms to the standards established in  
this section, except as otherwise provided under subsection 4.

8 4. Exceptions. Exceptions from the provisions of this  
section are permitted only when:

10 A. Federal laws, rules and regulations take precedence over  
these provisions; or

12 B. The commissioner determines that there is a compelling  
safety interest that can not be addressed by any other  
method.'

14 Further amend the bill in section 3 by inserting at the end  
the following: 'By January 1, 1992, the Commissioner of  
Transportation shall adopt rules governing section 2 of this Act.'

16 Further amend the bill by inserting before the statement of  
fact the following:

18 '**Sec. 4. Appropriation.** The following funds are appropriated  
from the General Fund to carry out the purposes of this Act.

20 1991-92                      1992-93

22 **ADMINISTRATION, DEPARTMENT OF**

24 **Bureau of Public Improvements -  
Planning and Construction**

|                   |          |          |
|-------------------|----------|----------|
| Positions         | (1.0)    | (1.0)    |
| Personal Services | \$16,942 | \$26,188 |
| All Other         | 2,500    | 5,000    |

26 Provides funds for an  
28 Engineering Technician II to  
30 monitor compliance with  
32 outdoor lighting standards  
34 for state-owned and leased  
36 buildings.

38 **DEPARTMENT OF ADMINISTRATION**  
40 **TOTAL** \$19,442                      \$31,188

FISCAL NOTE

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1991-92                      1992-93

APPROPRIATIONS/ALLOCATIONS

General Fund                      \$19,442                      \$31,188

This bill requires the Department of Administration, Bureau of Public Improvements to promulgate rules on outdoor lighting for buildings. The rulemaking costs can be absorbed within current resources of the Department of Administration. The bill further requires that outdoor lighting systems must conform to minimum design standards to be eligible to use state funds for their installation or repair. General Fund appropriations for the Department of Administration of \$19,442 in fiscal year 1991-92 and \$31,188 in fiscal year 1992-93 are required for the salary, fringe benefits and operating costs of an Engineering Technician II who will monitor lighting standards compliance in the 2,000 buildings operated or leased by the State.

The Department of Transportation is required to adopt rules governing outdoor lighting standards for state highways and state-aid roads and will absorb the rulemaking costs utilizing existing resources.'

STATEMENT OF FACT

The original bill made the Department of Public Improvements responsible for administering the proposed lighting standards for both buildings and highways. This amendment leaves the responsibility for building lighting to the Bureau of Public Improvements and makes the Department of Transportation responsible for administering lighting standards on state highways and state aid highways. The section requiring municipalities to conform with the proposed lighting standards is deleted in this amendment.

The amendment also adds an appropriation section and a fiscal note to the bill.