

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1178

H.P. 824

House of Representatives, March 18, 1991

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative WENTWORTH of Arundel.

Cosponsored by Representative HEESCHEN of Wilton, Senator TITCOMB of Cumberland and Representative HOGLUND of Portland.

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STATE OF MAINE

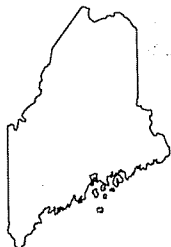
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Improve Outdoor Lighting.**

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

2  
4 Sec. 1. 5 MRSA §1768 is enacted to read:

6 §1768. Outdoor lighting

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

10  
12 A. "Direct light" means light emitted directly from a lamp  
off a reflector or through a refractor of a luminaire.

14 B. "Director" means the Director of the Bureau of Public  
Improvements.

16  
18 C. "Fixture" means the assembly that holds the lamp and may  
include an assembly housing, a mounting bracket or pole  
socket, a lamp holder, a ballast, a reflector or mirror and  
20 a refractor or lens.

22 D. "Footcandle" means an illuminance equal to one lumen per  
square foot.

24  
26 E. "Full cutoff luminaire" means a luminaire that allows no  
direct light emissions above a horizontal plane through the  
luminaire's lowest light-emitting part.

28  
30 F. "Glare" means direct light emitting from a luminaire  
that causes reduced vision or momentary blindness.

32 G. "Illuminance" means the level of light measured at a  
surface.

34  
36 H. "Lamp" means the component of a luminaire that produces  
the light.

38  
40 I. "Light trespass" means light emitted by a luminaire that  
shines beyond the boundaries of the property on which the  
luminaire is located.

42 J. "Lumen" means a unit of measurement of luminous flux.

44 K. "Luminaire" means the complete lighting system,  
including the lamp and the fixture.

46  
48 L. "Permanent outdoor luminaire" means any luminaire or  
system of luminaires that is outdoors and that is intended  
to be used for 7 days or longer.

50  
52 M. "Roadway lighting" means lighting that is specifically  
intended to illuminate roadways for automobiles, but does

2 not mean lighting intended to illuminate roadways only for  
3 pedestrian purposes.

4 N. "State funds" means any bond revenues or any money  
5 appropriated or allocated by the Legislature.

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

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

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

15 C. For roadway lighting, the director determines that the  
16 purpose of the lighting installation or repair can not be  
17 achieved by any of the following means:

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

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

22 D. The director ensures that consideration is given to  
23 address any glare or light trespass.

24 3. Operating costs. After January 1, 2000, a person may  
25 not use any state funds to operate a permanent outdoor luminaire  
26 unless the luminaire conforms to the standards established in  
27 this section.

28 **Sec. 2. 30-A MRSA §4162, sub-§2 is enacted to read:**

29 2. Permanent outdoor luminaires. A municipality may not  
30 purchase, rent, lease, install or repair a permanent outdoor  
31 luminaire on a roadway unless that luminaire conforms to the  
32 standards established in Title 5, section 1768. In the event of  
33 noncompliance, the Attorney General may seek injunctive relief to  
34 require a municipality to comply with Title 5, section 1768.

35 **Sec. 3. Rules.** By January 1, 1992, the Director of the Bureau  
36 of Public Improvements shall adopt rules governing section 1 of  
37 this Act.  
38

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## STATEMENT OF FACT

4 This bill prohibits the use of state funds for installing or  
6 repairing any permanent outdoor lighting system unless the system  
8 conforms to minimum design standards. After January 1, 2000,  
10 state funds may not be used to operate any outdoor lighting  
12 system unless the system conforms to the standards established in  
the Maine Revised Statutes, Title 5, section 1768. The Director  
of the Bureau of Public Improvements is required to adopt rules  
to implement this section by January 1, 1992.

14 The bill also prohibits municipalities from installing  
16 permanent outdoor roadway luminaires unless the Director of the  
18 Bureau of Public Improvements determines that the purpose of the  
lighting can not be achieved by other means. The Attorney  
General is empowered to seek injunctive relief against  
municipalities that do not comply with the lighting standards  
established in this bill.