

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

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

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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the land covered by the lease from the tree growth taxation under this subchapter. In the case of withdrawal, such action shall be subject to section 581 of this subchapter.

Effective August 4, 1988.

## CHAPTER 756

S.P. 929 — L.D. 2440

### AN ACT Concerning the Penobscot Tribal Court.

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

Sec. 1. 30 MRSA §6209, sub-§1, ¶A, as enacted by PL 1979, c. 732, §1, is amended to read:

A. Criminal offenses against a person or property for which the maximum potential term of imprisonment does not exceed 6 months and the maximum potential fine does not exceed \$500 and which are committed on the Indian reservation of the respective tribe or nation by a member of either tribe or nation against another member of either tribe or nation or against the property of another member of either tribe or nation;

(1) The Penobscot Nation shall also have the right to exercise exclusive jurisdiction separate and distinct from the State over criminal offenses against a person or property for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and which are committed on the Penobscot Indian Reservation by a member of the Penobscot Nation against another member of the Penobscot Nation or against the property of another member of the Penobscot Nation.

(a) This subparagraph is repealed on September 30, 1995. Before that date, the Penobscot Nation and the Department of the Attorney General may each submit written reports to the joint standing committee of the Legislature having jurisdiction over judiciary concerning the effect of this subparagraph;

Sec. 2. **Effective date; certification.** This Act shall take effect October 1, 1989, provided that, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Governor and Council of the Penobscot Nation that the Penobscot Nation has agreed to the provisions of this Act pursuant to the United States Code, Title 25, Section 1725(e)(1), copies of which shall be submitted by the Secretary of State to the Secretary of the Senate and the Clerk of the House of Representatives.

Certification of this Act was received by the Secretary of State, from the Penobscot Indian Nation, on June 21, 1988, which was within the 60 day period following adjournment.

Effective October 1, 1989, unless otherwise indicated.

## CHAPTER 757

H.P. 1721 — L.D. 2360

### AN ACT to Encourage the Efficient Use of Electrical Energy.

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

5 MRSA §§5013 and 5014 are enacted to read:

§5013. State energy efficacy standards for fluorescent lighting

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

A. "Ballast" or "fluorescent lamp ballast" means a device used to start and operate a fluorescent lamp by providing a starting voltage and current and limiting the current during normal operation.

B. "Ballast efficacy factor" means the relative light output divided by the power input of a fluorescent lamp ballast.

C. "F40T12 lamp" means a tubular fluorescent lamp which is a nominal 40 watts, with a 48-inch tube 1 1/2 inches in diameter. These lamps conform to American National Standards Institute standard C.78.1-1978 (R1984).

D. "F96T12 lamp" means a tubular fluorescent lamp which is a nominal 75 watts, with a 96-inch tube 1 1/2 inches in diameter. These lamps conform to American National Standards Institute standard C.78.3-1978 (R1984).

E. "F96T12HO lamp" means a tubular fluorescent lamp which is a nominal 110 watts, with a 96-inch tube 1 1/2 inches in diameter. These lamps conform to the American National Standards Institute standard C.78.3-1978 (R1984).

F. "Input current" means the root-mean-square current in the amperes delivered to a fluorescent lamp ballast, as determined in accordance with the test procedures specified in the American National Standards Institute standard C82.2-1984.

G. "Luminaire" means a complete lighting unit consisting of a fluorescent lamp, or lamps, together with parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply through the ballast.

H. "Manufacturer" means any person or business entity engaged in the original production or assembly of a fluorescent light tube or ballast.

I. "Nominal input voltage" means the rated input voltage of a fluorescent lamp ballast.

J. "Nominal lamp watts" means the wattage at which a fluorescent lamp is designed to operate.

K. "Operation" means the ability to start the lamp at least 8 times out of 10 with a minimum of one minute between attempts when tested under test conditions.

L. "Power factor" means the power input divided by the product of input voltage and input current of a fluorescent lamp ballast.

M. "Power input" means the power consumption in watts of a ballast and fluorescent lamp or lamps.

N. "Relative light output" means the light output delivered through use of a ballast divided by the light output delivered through use of a reference ballast, expressed as a percent, as determined in accordance with the test procedures specified in the American National Standards Institute standard C82.2-1984.

2. Efficacy standards for fluorescent lamp ballasts and luminaires. The following are minimum efficacy standards for new fluorescent lamp ballasts.

A. Except as provided in this section, the values set out in paragraph B apply to any fluorescent lamp ballast:

(1) Which is:

- (a) Manufactured on or after January 1, 1990;
- (b) Sold by the manufacturer after April 1, 1990; or
- (c) Incorporated into a luminaire manufactured on or after April 1, 1991; and

(2) Which is designed:

- (a) To operate at nominal input voltages of 120 or 227 volts;
- (b) To operate with an input frequency of 60 hertz; and
- (c) For use in connection with an F40T12, F96T12 or F96T12HO lamp.

B. A fluorescent lamp ballast which meets the requirements of paragraph A shall have a power factor of 0.90 or greater and shall have a ballast efficacy factor not less than the following applicable values:

<u>Ballasts Designed for the Operation of:</u>	<u>Nominal Input Voltage</u>	<u>Total Nominal Lamp Watts</u>	<u>Ballast Efficacy Factor</u>
<u>One F40T12 lamp</u>	<u>120</u>	<u>40</u>	<u>1.805</u>

	<u>277</u>	<u>40</u>	<u>1.805</u>
<u>Two F40T12 lamps</u>	<u>120</u>	<u>80</u>	<u>1.060</u>
	<u>277</u>	<u>80</u>	<u>1.050</u>
<u>Two F96T12 lamps</u>	<u>120</u>	<u>150</u>	<u>0.570</u>
	<u>277</u>	<u>150</u>	<u>0.570</u>
<u>Two F96T12HO lamps</u>	<u>120</u>	<u>220</u>	<u>0.390</u>
	<u>277</u>	<u>220</u>	<u>0.390</u>

C. The standards described in this subsection do not apply to the following types of fluorescent lamp ballasts:

- (1) Those which have a dimming capability;
- (2) Those intended for use in ambient temperatures of 0° Fahrenheit or less; or
- (3) Those with a power factor of less than 0.90 and which are designed for use in a residential building.

3. Prohibitions. No new fluorescent lamp ballast or new luminaire containing a ballast may be sold, offered for sale or installed in the State on or after January 1, 1990, unless it is certified by the manufacturer to be in compliance with the standards adopted under this section or unless there is no applicable standard.

4. Test methods. The manufacturer shall cause the testing of samples of each model of ballast and luminaire covered by this section. The Office of Energy Resources shall require the use of test procedures specified in the American National Standards Institute standard C82.2-1984.

5. Office of Energy Resources. In order to reduce the wasteful, uneconomic, inefficient or unnecessary consumption of energy, the Office of Energy Resources shall be responsible for the administration and enforcement of the standards established by this section.

6. Penalty. Any person who violates this section either personally or through an agent or employee is subject to a civil penalty of not more than \$500 for each violation. For purposes of this section, the sale, installation or offer for sale of any one new ballast or luminaire which fails to meet the standards prescribed in subsection 2 shall constitute a violation.

§5014. State electrical use

The University of Maine System and the Bureau of Public Improvements shall conduct, with assistance from the Office of Energy Resources and any other state agencies as necessary, an ongoing program to conserve electrical energy used in university and state facilities. As part of the program, the bureau shall conduct an inventory of the categories of electrical energy use, including lighting, heating, cooling and other uses. The University of Maine System and the bureau shall examine the opportunities for improving the efficiency of electrical energy use at university and state facilities with particular attention to lighting, heating and cooling processes.

The University of Maine System and the bureau shall develop an aggressive schedule, consistent with the Office of Energy Resources 1987 comprehensive plan and available funding, to take advantage of all energy conservation promotional programs which are cost effective for the State and which are offered by public utilities supplying electrical energy, including, without limitation, rebates and cost-sharing programs.

The University of Maine System and the bureau shall report annually by January 1st to the joint standing committee of the Legislature having jurisdiction over energy on progress in reducing or conserving the State's use of electrical energy.

Effective August 4, 1988.

## CHAPTER 758

H.P. 1792 — L.D. 2456

### AN ACT to Address Comprehensively Bail Relative to a Defendant in a Criminal Proceeding.

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

Sec. 1. 4 MRSA §160, as amended by PL 1967, c. 134, is repealed.

Sec. 2. 4 MRSA §164, sub-§1-A, as enacted by PL 1985, c. 506, Pt. B, §2, is amended to read:

1-A. Appoint bail commissioners. Appoint bail commissioners pursuant to Title 14 15, section 5541 1023, for any district when the resident judge for that district, because of illness, absence or disability, is unable to appoint.

Sec. 3. 4 MRSA §171, 2nd ¶, as repealed and replaced by PL 1979, c. 663, §9, is amended to read:

He may, and on complaint shall, cause to be arrested persons found within his county or in an adjoining county under the conditions specified in the first paragraph of section 161 charged with offenses; and those having committed offenses therein or in an adjoining county who have escaped therefrom or from an adjoining county; and all persons charged with offenses and crimes, and all affrayers, rioters, breakers of the peace and violators of the law, and may require such offenders to find sureties for keeping the peace. ~~When the offense upon examination is found to be one not within the jurisdiction of the District Court, the district judge may admit the offender to bail to appear before the Superior Court, and, in default thereof, shall commit him.~~

Sec. 4. 4 MRSA §569, as enacted by PL 1965, c. 356, §7, is repealed.

Sec. 5. 14 MRSA §5524, as amended by PL 1981, c. 456, Pt. A, §54, is repealed.

Sec. 6. 14 MRSA §5540 is repealed.

Sec. 7. 14 MRSA §5541, as repealed and replaced by PL 1987, c. 162, is repealed.

Sec. 8. 14 MRSA §5542, as amended by PL 1985, c. 35, is repealed.

Sec. 9. 14 MRSA §5544, as amended by PL 1979, c. 663, §81, is repealed.

Sec. 10. 14 MRSA §5547, as enacted by PL 1987, c. 300, is repealed.

Sec. 11. 15 MRSA §101-B, sub-§4, ¶B, as enacted by PL 1987, c. 402, Pt. A, §109, is amended to read:

~~B. Except in the case of a defendant who is charged with the commission of an offense, the only punishment for which is life imprisonment, order the defendant's release on bail~~ Issue a bail order in accordance with chapter 105-A, with or without the further order that the defendant undergo observation at a state mental hospital or mental health facility approved by the Department of Mental Health and Mental Retardation, or by arrangement with a private psychiatrist and treatment when it is deemed appropriate by the head of the hospital or clinic or by the private psychiatrist. When such outpatient observation and treatment is ordered, the head of the hospital or clinic or the psychiatrist shall, within the time specified in subsection 1, forward a report to the court containing the opinion of the head of the hospital or clinic or of the psychiatrist, relative to the defendant's competence to stand trial and his reasons therefor. The court shall forthwith set a date for and shall hold a hearing on the question of the defendant's competence to stand trial, which shall be held pursuant to and consistent with the standards set out in paragraph A.

Sec. 12. 15 MRSA §808 is repealed.

Sec. 13. 15 MRSA §813, as repealed and replaced by PL 1983, c. 862, §43, is repealed.

Sec. 14. 15 MRSA §814, as amended by PL 1983, c. 862, §44, is repealed.

Sec. 15. 15 MRSA §851, as amended by PL 1983, c. 862, §45, is repealed.

Sec. 16. 15 MRSA §852, as amended by PL 1965, c. 356, §34, is repealed.

Sec. 17. 15 MRSA §855, as amended by PL 1965, c. 356, §36, is repealed.

Sec. 18. 15 MRSA §931, as repealed and replaced by PL 1965, c. 356, §40, is repealed.

Sec. 19. 15 MRSA §942, as amended by PL 1983, c. 862, §46, is repealed.