

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 7, 1998 to March 31, 1998**

**SECOND SPECIAL SESSION**  
**April 1, 1998 to April 9, 1998**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 1998**

**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 9, 1998**

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

---

---

**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

costs of the Children's Mental Health Oversight Committee.

**LEGISLATURE**  
**TOTAL** 10,280

**MENTAL HEALTH,  
MENTAL RETARDATION  
AND SUBSTANCE ABUSE  
SERVICES, DEPARTMENT  
OF**

**Mental Health Services -  
Children**

Positions - Legislative Count	(1,000)
Personal Services	81,387
All Other	(81,387)

Provides for the establishment of one Program Services Manager position through a line category transfer.

**DEPARTMENT OF  
MENTAL HEALTH,  
MENTAL  
RETARDATION AND  
SUBSTANCE ABUSE  
SERVICES**  
**TOTAL** -0-

**APPROPRIATIONS**  
**TOTAL** \$10,280

**Sec. C-6. Effective date.** This Part takes effect July 1, 1998.

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

Effective April 16, 1998, unless otherwise indicated.

---

**CHAPTER 791**

**H.P. 489 - L.D. 660**

**An Act to Promote Clean Fuel  
Alternatives**

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

**PART A**

**Sec. A-1. 36 MRSA §1752, sub-§§1-F and 1-G** are enacted to read:

**1-F. Clean fuel.** "Clean fuel" means all products or energy sources used to propel motor vehicles, as defined in Title 29-A, section 101, other than conventional gasoline, diesel or reformulated gasoline, that, when compared to conventional gasoline, diesel or reformulated gasoline, results in lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide or particulates or any combination of these. "Clean fuel" includes, but is not limited to, compressed natural gas; liquefied natural gas; liquefied petroleum gas; hydrogen; hythane, which is a combination of compressed natural gas and hydrogen; dynamic flywheels; solar energy; alcohol fuels containing not less than 85% alcohol by volume; and electricity.

**1-G. Clean fuel vehicle.** "Clean fuel vehicle" means a vehicle that may be propelled by a clean fuel or a fuel-cell electric vehicle that uses any fuel.

**Sec. A-2. 36 MRSA §1760, sub-§79** is enacted to read:

**79. Partial exemption for clean fuel vehicles.** A portion of the sale or lease price of a clean fuel vehicle as follows:

A. That portion of the sale or lease price of a clean fuel vehicle sold by an original equipment manufacturer that exceeds the price of an identical vehicle powered by gasoline; or

B. When there is no identical vehicle powered by gasoline:

(1) Thirty percent of the sale or lease price of an internal combustion engine clean fuel vehicle; or

(2) Fifty percent of the sale or lease price of a clean fuel vehicle either fully or partly powered by electricity stored in batteries, generated by a dynamic flywheel or generated by a fuel cell on board the vehicle.

This subsection is repealed January 1, 2006.

**Sec. A-3. 36 MRSA §5219-O** is enacted to read:

**§5219-O. Clean fuel vehicle economic and infrastructure development**

**1. Definition.** As used in this section, unless the context otherwise indicates, the term "clean fuel" means any product or energy source used to propel motor vehicles, as defined in Title 29-A, section 101,

other than conventional gasoline, diesel or reformulated gasoline that, when compared to conventional gasoline, diesel or reformulated gasoline, results in lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide or particulates or any combination of these. "Clean fuel" includes, but is not limited to, compressed natural gas; liquefied natural gas; liquefied petroleum gas; hydrogen; hythane, which is a combination of compressed natural gas and hydrogen; dynamic flywheels; solar energy; alcohol fuels containing not less than 85% alcohol by volume; and electricity.

**2. Credit allowed.** A taxpayer is allowed a credit against the tax imposed by this Part in an amount equal to the qualifying percentage of expenditures paid or incurred by the taxpayer for the construction or installation of or improvements to any filling or charging station for the purposes of providing clean fuels to the general public for use in motor vehicles, as calculated pursuant to subsection 4.

**3. Limitation; carry-over.** The credit allowed under subsection 2 may not reduce the tax otherwise due under this Part below zero and the credit may not exceed the tax liability for income that is earned by the taxpayer from the sale of clean fuels sold for use in motor vehicles. Any unused portion of the credit may be carried over to the following year or years until exhausted.

**4. Qualifying percentage.** For purposes of calculating the credit, the qualifying percentage is:

A. Fifty percent for expenditures made from January 1, 1999 to December 31, 2001; and

B. Twenty-five percent for expenditures made from January 1, 2002 to December 31, 2005.

This section is effective for tax years beginning on or after January 1, 1999 and is repealed for tax years ending on or after January 1, 2006.

**Sec. A-4. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Part.

**1998-99**

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

**Air Quality**

All Other (\$1,500)  
Provides for the deappropriation of funds to

offset a General Fund revenue loss from the sales tax exemption on the differential cost of clean fuel vehicles.

**PART B**

**Sec. B-1. Alternative fuels study.** The Commissioner of Environmental Protection shall evaluate the effectiveness of low emission vehicle incentives and shall develop recommendations regarding alternative fuels to reformulated gasoline with methyl tertiary butyl ether that would meet the requirements of the federal Clean Air Act, Section 182, 42 United States Code, Section 7511a(b)(1). In developing these recommendations, the commissioner shall consult with members of the joint standing committee of the Legislature having jurisdiction over natural resource matters, members of the public, the Bureau of Health within the Department of Human Services, the United States Environmental Protection Agency, representatives of the oil industry and other interested parties. The commissioner shall hold at least one public hearing prior to developing the interim report required under section 2.

**Sec. B-2. Recommendations; report.** The Commissioner of Environmental Protection shall submit a report, including the findings from the evaluation and recommendations regarding alternative fuels, to the joint standing committee of the Legislature having jurisdiction over natural resource matters by January 15, 2000. The commissioner shall submit an interim progress report to the joint standing committee of the Legislature having jurisdiction over natural resource matters by January 15, 1999.

See title page for effective date.

**CHAPTER 792**

**H.P. 1305 - L.D. 1848**

**An Act to Create the Consumer Health Care Division within the Bureau of Insurance**

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

**Sec. 1. 5 MRSA §12004-I, sub-§50-A is enacted to read:**

<u>50-A.</u>	<u>Consumer</u>	<u>Expenses</u>	<u>24-A MRSA</u>
<u>Insurance</u>	<u>Health</u>	<u>Only</u>	<u>@4322</u>
<u>Health Care</u>	<u>Care</u>		
	<u>Division</u>		
	<u>Advisory</u>		
	<u>Council</u>		