

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the technical college or other college level or allowing students to use trade and occupational skills on other than an employee basis. Programs of vocational education may also include alternative educational programs and training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A.

Sec. 3. 20-A MRSA §8451-A, as enacted by PL 1991, c. 518, §18, is amended to read:

§8451-A. Programs

A region shall provide programs of vocational education. Programs of vocational education are eligible to receive state subsidy pursuant to chapters 606 and 609. All programs of vocational education offered by a region must be approved by the commissioner pursuant to section 8306-A. The programs must offer a sequence of courses that are directly related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the technical college or college level or allowing students to use trade and occupational skills on other than an employee basis. Programs of vocational education may also include alternative educational programs and training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A.

Sec. 4. School-based decision making.

The Commissioner of Education shall encourage the use of school-based management and provisions for the ongoing engagement of parents and other members of the school community in school-based decision making, including the use of school councils on a pilot basis.

Sec. 5. Regional choice. In establishing criteria for grants as provided in Private and Special Law 1999, c. 56, the Commissioner of Education shall require each recipient regional alliance to establish consistent standards for regional public school choice using transfers as provided in the Maine Revised Statutes, Title 20-A, section 5205. The standards must include a common, comprehensible and concise application form for use by parents and students, a common set of transfer criteria to be mutually agreed upon by the sending and receiving school units, and the allowance of transfers in such numbers as to provide for meaningful public school choice.

Sec. 6. Charter schools stakeholders group. Not later than August 31, 2000, the Commissioner of Education or a designee shall convene a representative group of interested parties to determine the requirements and options for the State in applying for federal charter school grant funds. The group shall issue a report containing its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over educational matters on or before December 15, 2000. The committee may introduce a bill related to charter schools to the First Regular Session of the 120th Legislature.

See title page for effective date.

CHAPTER 684

H.P. 1529 - L.D. 2182

**An Act to Improve Air Quality
through Market Incentives for the
Purchase of Cleaner Vehicles**

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

Sec. 1. 10 MRSA c. 14 is enacted to read:

CHAPTER 14

CLEAN CAR INCENTIVES PILOT PROGRAM

§393. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Authority. "Authority" means the Finance Authority of Maine.

2. Certificate of verification. "Certificate of verification" means a certificate issued in accordance with department rules by a person who receives and scraps a high-pollution vehicle.

3. Cleaner vehicle. "Cleaner vehicle" means a vehicle that:

A. Is model year 1996 or later; and

B. Has an emission level that, as determined by the department by rule, is at least as low as the California low-emission vehicle certification standard.

4. Department. "Department" means the Department of Environmental Protection.

5. Eligible seller. "Eligible seller" means a Maine resident or a vehicle dealership authorized to do business in this State.

6. Fund. "Fund" means the Clean Fuel Vehicle Fund established under section 1023-K.

7. High-pollution vehicle. "High-pollution vehicle" means a car or truck with a gross vehicle weight rating of 6000 pounds or less that:

- A. Is model year 1987 or older;
- B. Has been registered in this State for the last 24 months; and
- C. Is presently operational and is driven under its own power to the site where it is scrapped.

8. Program. "Program" means the High-pollution Vehicle Retirement Pilot Program.

9. Scrap. "Scrap" means permanently dismantling a vehicle and destroying the engine. "Scrap" may include salvaging and using parts of the vehicle other than the engine.

§394. High-pollution Vehicle Retirement Pilot Program established

1. Program established. Beginning November 1, 2000, the High-pollution Vehicle Retirement Pilot Program is established to provide owners of high-pollution vehicles with incentives for scrapping these vehicles and purchasing cleaner vehicles.

2. Incentive voucher. To the extent funds are available in the fund, the department, in consultation with the authority, shall issue an owner of a high-pollution vehicle an incentive voucher in accordance with subsection 3, redeemable upon the purchase of a cleaner vehicle from an eligible seller, if the owner submits:

- A. A certificate of verification that the high-pollution vehicle was scrapped; and
- B. Evidence of the type of the vehicle scrapped in terms of the types listed in subsection 3.

The department shall by rule establish procedures to ensure that a person who intends to scrap a high-pollution vehicle can obtain from the department written assurance that upon the submission of a certificate of verification the person will be issued an incentive voucher.

The department shall establish and print conspicuously on the face of each voucher the date of expiration of the voucher, which must be prior to the last business day of October 2003.

Nothing in this section may be interpreted to require an eligible seller dealership to accept a voucher toward the purchase of a cleaner vehicle.

3. Voucher amounts. The department shall issue vouchers with the following values for the following types of high-pollution vehicles:

- A. A voucher worth \$1,500 for a pickup truck or sport utility vehicle with a 6-cylinder engine;
- B. A voucher worth \$2,000 for a pickup truck or sport utility vehicle with an 8-cylinder engine; and
- C. A voucher worth \$1,000 for any other high-pollution vehicle.

4. Redemption of voucher. Using money available in the fund, the authority shall redeem for face value any voucher presented to the authority prior to the date of expiration by:

- A. An eligible seller upon the showing of sufficient evidence that the eligible seller accepted the voucher as payment toward the purchase of a cleaner vehicle; or
- B. A person that was issued the voucher by the department upon a showing of sufficient evidence that the person purchased a cleaner vehicle.

5. Public education. During the summer months in the years 2000 and 2001, the department shall undertake a public media campaign to educate the public about the pollution created by vehicles registered in Maine, including the impacts of such pollution on public health and the environment and the benefits of reducing pollution from such vehicles.

6. Rules. By October 1, 2000, the department shall adopt rules implementing this chapter. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. The rules, at a minimum, must:

- A. Establish standards for the issuance of a certificate of verification;
- B. Define what qualifies a vehicle as having an emission level at least as low as the California low-emission vehicle certification standard; and
- C. Establish what evidence must be presented to the authority for the redemption of a voucher.

7. Effectiveness report. At the end of each calendar year, the department shall prepare a report that:

- A. Analyzes the strengths and weaknesses of the program; and

B. Provides a thorough assessment of the costs and the short-term and long-term emission reduction benefits of the program, based on best estimates of the emission characteristics of vehicles scrapped and purchased under the program, compared with other vehicle-related emission reduction programs adopted by the State.

No later than February 15th of the subsequent calendar year, the department shall submit this report to the joint standing committee of the Legislature having jurisdiction over natural resources matters. In its report submitted in the year 2003, the department shall include an evaluation of whether the program should be continued.

8. Fund report. At the end of each calendar year, the authority shall prepare a report for that year listing the amount of funds deposited in the fund for the purposes of the program, the amount dispersed from the fund under the program and the expenses incurred in administering the fund for the purposes of this program. No later than February 15th of the subsequent calendar year, the authority shall submit this report to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

§395. Repeal

This chapter is repealed November 1, 2003.

Sec. 2. 10 MRSA §1023-K, sub-§3, as enacted by PL 1997, c. 500, §5, is amended to read:

3. Application of fund. The fund may be applied to carry out any power of the authority under or in connection with section 1026-P, including, but not limited to, the pledge or transfer and deposit of money in the fund as security for and the application of the fund to pay principal, interest and other amounts due on insured loans. Pursuant to subsection 3-A, the fund may be used by the authority to fund the High-pollution Vehicle Retirement Pilot Program established under chapter 14. The fund may be used for direct loans to finance all or part of any clean fuel vehicle project when the authority determines that:

- A. The applicant demonstrates a reasonable likelihood that the applicant will be able to repay the loan;
- B. The applicant demonstrates a reasonable likelihood that the applicant will not be able to obtain the funds necessary to undertake all or any part of the project from any other source, including a loan insured under section 1026-P;
- C. The project is technologically feasible; and

D. The project will contribute to a reduction of or more efficient use of fossil fuels.

The authority shall adopt rules for determining eligibility, project feasibility, terms, conditions and security for loans under this section. Rules adopted pursuant to this section are routine technical rules under Title 5, chapter 375, subchapter II-A. Money in the fund not currently needed to meet the obligations of the authority as provided in this section may be invested in such a manner as permitted by law.

Sec. 3. 10 MRSA §1023-K, sub-§3-A is enacted to read:

3-A. High-pollution Vehicle Retirement Pilot Program. The authority may use money in the fund to redeem incentive vouchers in accordance with section 394, subsection 4, except that the authority may not use for this purpose money:

A. Otherwise pledged or encumbered pursuant to subsection 3 or section 1026-P;

B. Deposited in the fund from a public bond issue; or

C. Deposited in the fund from an air pollution penalty imposed pursuant to a consent agreement after the effective date of this subsection unless the person against whom the penalty is imposed expressly assents in the consent agreement that the penalty may be used to fund the High-pollution Vehicle Retirement Pilot Program.

Sec. 4. 10 MRSA §1023-K, sub-§4, as enacted by PL 1997, c. 500, §5, is amended to read:

4. Accounts within fund. The authority may divide the fund into separate accounts as it determines necessary or convenient for carrying out this section, including, but not limited to, accounts reserved for direct loan funds and accounts reserved for funds for the redemption of vouchers in accordance with section 394, subsection 4.

Sec. 5. Examination of mobile-source-emission-reduction strategies. The Commissioner of Environmental Protection shall undertake an examination of methods and strategies for achieving reductions and maintaining levels of mobile-source emissions that will ensure compliance with federal Clean Air Act air quality standards. The commissioner shall evaluate each method and strategy in terms of its costs and the pollution-reduction benefits likely to be achieved. The commissioner shall evaluate at least the following:

- 1. Incentive rebates designed to encourage the purchase of cleaner vehicles;

2. Accelerated retirement programs designed to encourage the scrapping of older, high-emission vehicles;

3. Methods and strategies of ensuring that vehicle pollution prevention mechanisms are functioning properly;

4. Government procurement policies, including municipal procurement policies, that involve purchase of low-emission vehicles; and

5. Aggressive public education programs that inform the public about mobile-source emissions and the benefits of low-emission vehicles.

The commissioner shall also compile and evaluate data on the cars and trucks registered in the State including, but not limited to, the following: average age, percentage bought new and percentage bought used in each of the last 5 years, average prices for the most popular used cars and trucks sold in the State, and relevant available information about buyers in the State of used, post-model-year-1995 cars and trucks.

Sec. 6. Recommendations and report. The Commissioner of Environmental Protection, after consultation with the Joint Standing Committee on Natural Resources, representatives of low-income consumers, automobile dealers, public health agencies, environmental organizations, cleaner fuels organizations, the Department of Transportation, Bureau of Motor Vehicles and the Executive Department, State Planning Office, and other entities with interests or expertise relevant to the examination and development of mobile-source-emission-reduction strategies, shall issue a report providing the results of the examination undertaken pursuant to this Act. The report must include a recommended mobile-source-emission-reduction plan that includes the most effective and cost-efficient methods of ensuring compliance with federal Clean Air Act air quality standards and reducing in-state-generated vehicle pollution. The report must include draft legislation and funding mechanisms necessary to implement the recommendations. The report must be submitted to the Governor and the Joint Standing Committee on Natural Resources by September 15, 2000.

Sec. 7. Authorization. The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out legislation concerning mobile-source-emission-reduction methods to the First Regular Session and the Second Regular Session of the 120th Legislature.

Sec. 8. Transfer of funds. On the effective date of this Act, the State Controller shall transfer \$10,000 from the Clean Fuel Vehicle Fund within the Finance Authority of Maine to the Maine Environmental Protection Fund within the Department of

Environmental Protection. Funds transferred under this section may only be used to implement and administer the High-pollution Vehicle Retirement Pilot Program established under the Maine Revised Statutes, Title 10, Chapter 14.

Sec. 9. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

**ENVIRONMENTAL
PROTECTION,
DEPARTMENT OF**

**Maine Environmental
Protection Fund**

All Other \$10,000

Allocates funds to cover the costs of implementing and administering the High-pollution Vehicle Retirement Pilot Program.

See title page for effective date.

CHAPTER 685

S.P. 938 - L.D. 2388

**An Act Relating to Licensing Board
Fees**

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

Sec. 1. 32 MRSA §1504, as repealed and replaced by PL 1989, c. 450, §24, is amended to read:

§1504. Fees; expiration and renewal of licenses

~~An application fee and an examination fee may be established by the board.~~ The Director of the Office of Licensing and Registration may establish by rule fees for purposes authorized under this chapter in amounts which that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$300 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

1. License renewal. All licenses and certificates of registration ~~which that~~ are issued by the board ~~shall expire on December 31st~~ February 1st annually or such other time as the Commissioner of Professional and Financial Regulation may designate. Any person holding a license or registration under this law