

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

Sec. 1. 38 MRSA §1306, sub-§4 is enacted to read:

4. Cathode ray tube disposal. After January 1, 2006, a person may not dispose of a cathode ray tube in a solid waste disposal facility. This subsection may not be construed to affect existing laws, rules or regulations governing disposal of cathode ray tubes in effect prior to January 1, 2006.

Sec. 2. Stakeholder group established. The Department of Environmental Protection shall convene a stakeholder group to assist the department in developing a recommended plan for the collection and recycling of cathode ray tubes, referred to in this section as "CRTs." The plan must utilize the concept of shared responsibility among manufacturers, distributors, retailers, consumers and other parties. The stakeholder group must be convened no later than 30 days after the effective date of this Act.

1. Membership. The stakeholder group must include representation from an environmental advocacy organization; the electronic manufacturing industry; a recycling or consolidation business; the Executive Department, State Planning Office; a statewide municipal association; a solid waste disposal business; and other interested parties that may have a role in the collection and recycling plan.

2. Duties. The Department of Environmental Protection, with the assistance of the stakeholder group, shall:

- A. Identify products that contain CRTs; track the distribution of these products among consumer groups, including households, small businesses and industry; and determine the number of CRTs that are currently available for collection;
- B. Identify existing resources for the collection and recycling of CRTs and recommend ways to expand in-state resources for the collection and recycling of CRTs;
- C. Review the various types and sizes of CRTs in order to recommend which CRTs should be included in a collection and recycling program;
- D. Review alternative disposal practices, including the practice of disposal in lined solid waste landfills or incineration and the practice of collection, recycling and final disposal; and
- E. Estimate the cost of collection and recycling of CRTs and recommend a plan for how the costs should be paid, including the costs of collecting orphaned and historic waste. The payment plan must address shared responsibility among manufacturers, distributors, retailers, consumers and other parties.

3. Report. The Department of Environmental Protection shall submit to the Joint Standing Committee on Natural Resources no later than January 30, 2004 a recommended plan, including any legislation necessary to implement the plan, for the collection and recycling of CRTs that utilizes shared responsibility among manufacturers, distributors, retailers, consumers and other parties. The Joint Standing Committee on Natural Resources may report out legislation concerning the collection and recycling of CRTs during the Second Regular Session of the 121st Legislature.

See title page for effective date.

CHAPTER 151

H.P. 975 - L.D. 1321

An Act Regarding Energy Efficiency Standards

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

Sec. 1. 10 MRSA §1413, sub-§1, as amended by PL 1989, c. 75, §1, is further amended to read:

1. ASHRAE. "~~ASHRAE 90~~" means the ~~current standard for energy conservation in new building design developed and approved by the American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc.~~ Refrigerating and Air-Conditioning Engineers, Inc.

Sec. 2. 10 MRSA §1413, sub-§§1-A and 1-B are enacted to read:

1-A. ASHRAE Standard 62-2001. "ASHRAE Standard 62-2001" means Ventilation for Acceptable IAQ, ASHRAE Standard 62-2001, the standard for building ventilation adopted by ASHRAE in 2001.

1-B. ASHRAE Standard 90.1, 2001. "ASHRAE Standard 90.1, 2001" means Standard 90.1, 2001 Energy Standard for Buildings, IP Edition, the standard for energy conservation in new building design adopted by ASHRAE in 2001.

Sec. 3. 10 MRSA §1415-C, first ¶, as enacted by PL 1991, c. 246, §6, is amended to read:

Except as provided in this section, any new conditioned space in a residential building constructed after January 1, ~~1989~~ 2004 must conform to the minimum prescriptive or performance standards established in this section.

Sec. 4. 10 MRSA §1415-C, sub-§3, as amended by PL 1991, c. 246, §9, is further amended to read:

3. Multifamily structures. Effective January 1, 1990 ~~2004~~, in addition to conforming to the requirements of this section, any new construction or renovation of a conditioned space in ~~a~~ any residential building of more than 2 dwelling units must conform to the ASHRAE 90 standards, ~~provided that those standards do not conflict with this section~~ Standard 62-2001 and ASHRAE Standard 90.1, 2001.

Sec. 5. 10 MRSA §1415-D, first ¶, as enacted by PL 1987, c. 818, §4, is amended to read:

Except as provided in this section, new construction or substantial renovation of any commercial or institutional building undertaken after January 1, ~~1989~~ shall 2004 must conform to the ASHRAE 90 standards Standard 62-2001 and ASHRAE Standard 90.1-2001 under any of the compliance methods specified in the standards. For the purpose of this section, "substantial renovation" means any renovation for which the cost exceeds 50% of the building's current value prior to renovation.

See title page for effective date.

CHAPTER 152

S.P. 302 - L.D. 906

An Act Pertaining to Trustee Services for the Maine Turnpike Authority

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

Sec. 1. 23 MRSA §1970, as enacted by PL 1981, c. 595, §3, is repealed and the following enacted in its place:

§1970. Bonds; how secured

1. Trust indentures. In the discretion of the authority, bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the State, or by a loan or other security agreement with a lender or with such a trustee containing provisions that may be included in a bond resolution or trust indenture under this chapter. The trust indenture or loan or other security agreement may pledge or assign tolls or revenues to be received but may not convey or mortgage the turnpike or any part thereof. Either the resolution providing for the issuance of the bonds or the trust indenture or loan or other security agreement

may contain provisions for protecting and enforcing the rights and remedies of the bondholders or other lenders or of the trustee, if any, as may be reasonable and proper and not in violation of law, including: covenants setting forth the duties of the authority in relation to the acquisition of property; the construction, maintenance, operation, repair and insurance of the turnpike; the custody, safeguarding and application of all money; and any other provisions that the authority determines are necessary, convenient or desirable for the security of bondholders and other lenders or of the trustee, if any. Any such indenture or loan or other security agreement may restrict the individual right of action of bondholders or other lenders to the extent the authority determines is necessary, convenient or desirable. All expenses incurred in carrying out the trust indenture or loan or other security agreement may be treated as a part of the cost of the maintenance, operation and repair of the turnpike.

2. Other agreements. The authority may enter into an agreement with a bank or financial institution incorporated within or outside of the State as necessary or convenient for the provision of trustee, paying agent, depository or other financial services in connection with bonds issued by the authority pursuant to this chapter, and it is lawful for any bank or trust company to enter into any such agreements with the authority and to furnish indemnity bonds or to pledge any securities required by the authority.

See title page for effective date.

CHAPTER 153

H.P. 574 - L.D. 775

An Act To Clarify That All Companies Offering Telephone Services for Compensation, Including Switchless Resellers, Are Telephone Utilities

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

Sec. 1. 35-A MRSA §102, sub-§19, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

19. Telephone utility. "Telephone utility" includes every person, its lessees, trustees, receivers or trustees appointed by any court, ~~owning, controlling, operating or managing any~~ that provides telephone service for compensation within inside this State. "Telephone utility" does not include any person or entity that is excluded from the definition of "public