

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

or the personal representative of the estate of an elderly dependent person.

**2. Relief available; protected transfers and executions.** When a court finds that a transfer of property or execution of a guaranty was the result of undue influence, it shall grant appropriate relief enabling the elderly dependent person to avoid the transfer or execution, including the rescission or reformation of a deed or other instrument, the imposition of a constructive trust on property or an order enjoining use of or entry on property or commanding the return of property. When the court finds that undue influence is a good and valid defense to a transferee's suit on a contract to transfer the property or a suit of a person who benefits from the execution of a guaranty on that guaranty, the court shall refuse to enforce the transfer or guaranty.

No relief obtained or granted under this section may in any way affect or limit the right, title and interest of good faith purchasers, mortgagees, holders of security interests or other 3rd parties who obtain an interest in the transferred property for value after its transfer from the elderly dependent person. No relief obtained or granted under this section may affect any mortgage deed to the extent of value given by the mortgagee.

See title page for effective date.

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## CHAPTER 237

H.P. 622 - L.D. 845

### An Act To Provide Leadership in Addressing the Threat of Climate Change

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

Sec. 1. 38 MRSA c. 3-A is enacted to read:

#### CHAPTER 3-A

#### CLIMATE CHANGE

##### §574. Definitions

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

**1. Greenhouse gas.** "Greenhouse gas" means any chemical or physical substance that is emitted into the air and that the department determines by rule may reasonably be anticipated to cause or contribute to climate change. "Greenhouse gas" includes, but is not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur

hexafluoride. Rules adopted by the department pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**2. Sector.** "Sector" means one of the 5 sectors identified in the climate change action plan adopted by the Conference of New England Governors and Eastern Canadian Premiers in August 2001. The 5 sectors are the transportation, industrial, commercial, institutional and residential sectors.

##### §575. Lead-by-example initiative

The department shall establish a lead-by-example initiative under which the department shall:

**1. Greenhouse gas emissions inventory for state-owned facilities and state-funded programs.** Create an inventory of greenhouse gas emissions associated with state-owned facilities and state-funded programs and create a plan for reducing those emissions to below 1990 levels by 2010;

**2. Carbon emission reduction.** By January 1, 2006, seek to establish carbon emission reduction agreements with at least 50 businesses and nonprofit organizations;

**3. New England greenhouse registry.** Participate in a regional effort to develop and adopt a greenhouse gas registry that includes 3rd-party verification; and

**4. Statewide greenhouse gas emissions inventory.** Create an annual statewide greenhouse gas emissions inventory.

##### §576. Reduction goals

The State's goals for reduction of greenhouse gas emissions within the State are as follows:

**1. Reduction by 2010.** In the short term, reduction to 1990 levels by January 1, 2010;

**2. Reduction by 2020.** In the medium term, reduction to 10% below 1990 levels by January 1, 2020; and

**3. Long-term reduction.** In the long term, reduction sufficient to eliminate any dangerous threat to the climate. To accomplish this goal, reduction to 75% to 80% below 2003 levels may be required.

##### §577. Climate action plan

By July 1, 2004, the department, with input from stakeholders, shall adopt a state climate action plan to meet the reduction goals specified in section 576. The action plan must address reduction in each sector in cost-effective ways and must allow sustainably managed forestry, agricultural and other natural

resource activities to be used to sequester greenhouse gas emissions. The department shall submit the action plan to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

#### **§578. Progress evaluation**

By January 1, 2006 and by that date every 2 years thereafter, the department shall evaluate the State's progress toward meeting the reduction goals specified in section 576 and shall amend the action plan as necessary to ensure that the State can meet the reduction goals. Starting no earlier than January 1, 2008, the department may recommend to the joint standing committee of the Legislature having jurisdiction over natural resources matters that the reduction goals specified in section 576 be increased or decreased.

See title page for effective date.

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### CHAPTER 238

S.P. 416 - L.D. 1285

#### **An Act To Promote and Protect Private Enterprise**

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

**Sec. 1. 5 MRSA §55-A** is enacted to read:

#### **§55-A. Unfair competition**

**1. Prohibition.** A state agency may not sell goods or services to the public in competition with private enterprise unless it complies with this section.

**2. Prior approval required.** Unless otherwise provided by law, before a state agency may sell goods or services to the public, that agency must refer the matter for review and approval to the Advisory Committee on Fair Competition with Private Enterprise, established in section 12004-I, subsection 2-E. If the Advisory Committee on Fair Competition with Private Enterprise finds that the proposed activity is not specifically authorized by law and that activity will result in unfair competition, the state agency may not sell those goods or services.

**3. Exceptions for emergencies.** A state agency may immediately sell goods or services to the public in the event of an emergency as determined by the agency head. The agency must refer the matter for review and approval to the Advisory Committee on Fair Competition with Private Enterprise as soon as possible. If the committee finds the activity results in unfair competition, the state agency must suspend sale

of those goods or services within 30 days of the notification of the finding.

#### **4. Exception for existing goods and services.**

This section does not apply to goods or services that a state agency began selling to the public on or before January 15, 2004.

**Sec. 2. Effective date.** This Act takes effect January 15, 2004.

Effective January 15, 2004.

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### CHAPTER 239

H.P. 904 - L.D. 1230

#### **An Act To Amend the Law Regarding Juvenile Restitution**

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

**Sec. 1. 15 MRSA §3314, sub-§1, ¶E,** as amended by PL 1997, c. 752, §18, is further amended to read:

E. The court may require the juvenile to make restitution for any damage to the victim or other authorized claimant as compensation for economic loss upon reasonable conditions that the court determines appropriate. For the purposes of this paragraph, the definitions in Title 17-A, section 1322 and the provisions of Title 17-A, sections 1324, ~~1326-B~~, 1328-A and 1329 apply, except that section 1329, subsection 3, paragraph A does not apply.

See title page for effective date.

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### CHAPTER 240

H.P. 907 - L.D. 1233

#### **An Act To Amend the Motor Vehicle Laws**

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

**Sec. 1. 10 MRSA §1475, sub-§3,** as amended by PL 1999, c. 617, §1, is further amended to read:

**3. Written statement.** A dealer shall obtain from the seller of a used motor vehicle a written statement containing the following information:

A. The make, model, model year and any identification or serial numbers of the motor vehicle;