

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

**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**  
**2004**

## CHAPTER 640

H.P. 1407 - L.D. 1901

**An Act To Protect Health and the  
Environment by Improving the  
System for the Collection and  
Recovery of Mercury-added  
Thermostats**

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

**Sec. 1. 38 MRSA §1664, sub-§2**, as enacted by PL 1999, c. 779, §2, is repealed and the following enacted in its place:

**2. Thermostats.** The following provisions apply to thermostats that contain mercury.

A. A manufacturer of thermostats that contain mercury or a manufacturer of thermostats that may replace thermostats that contain mercury shall, in addition to meeting the requirements under section 1662, provide incentives and sufficient information to purchasers and consumers of the thermostats for the purchasers or consumers to ensure that mercury in thermostats being removed from service is reused, recycled or otherwise managed in compliance with section 1663. A manufacturer that has complied with this subsection is not liable for improper disposal by purchasers or consumers of thermostats. Manufacturer collection programs conducted in accordance with universal waste rules adopted by the department meet the requirements of this subsection.

B. A wholesaler may not sell a thermostat in the State unless the wholesaler acts as a collection site for thermostats that contain mercury.

(1) A wholesaler may meet the requirements of this paragraph by participating as a collection site in a manufacturer collection program as described under paragraph A or by collecting thermostats that contain mercury and disposing of the collected thermostats in accordance with universal waste rules adopted by the department.

(2) For purposes of this paragraph, "wholesaler" means a business that the department determines is primarily engaged in the distribution and wholesale selling of large quantities of heating, ventilation and air conditioning components to contractors who install heating, ventilation and air conditioning components.

See title page for effective date.

## CHAPTER 641

S.P. 744 - L.D. 1900

**An Act To Implement the  
Recommendations of the Community  
Preservation Advisory Committee  
Regarding the State Planning  
Office's Review of Growth  
Management Programs**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, several municipalities may lose financial assistance and regional planning grants if the law is not clarified to allow those grants to be carried forward twice; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 5 MRSA §1589, first ¶**, as amended by PL 1995, c. 464, §5, is further amended to read:

At the end of each fiscal year, unencumbered appropriation and allocation balances lapse into the appropriate fund and are not available unless authorized by law. Encumbered balances may not be carried forward more than once at the end of a fiscal year, except that all encumbered balances and accounts for financial assistance and regional planning grants in accordance with Title 30-A, chapter 187 may be carried forward for 2 years beyond the year in which those balances are encumbered.

**Sec. 2. 30-A MRSA §4314, sub-§1**, as amended by PL 2001, c. 406, §3, is further amended to read:

**1. Comprehensive plan.** A municipal comprehensive plan adopted or amended by a municipality under former Title 30, chapter 239, subchapter ~~¶ 5~~ or ~~¶ 6~~ remains in effect until amended or repealed in accordance with the procedures, goals and guidelines established in this subchapter.

**Sec. 3. 30-A MRSA §4314, sub-§2**, as amended by PL 2001, c. 406, §3, is repealed and the following enacted in its place:

**2. Shoreland and floodplain zoning ordinances.** Notwithstanding section 4352, subsection 2,