

# 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**

open space or recreational facilities under Title 5, chapter 353; and

B. Programs intended to:

- (1) Accommodate or encourage additional growth and development;
- (2) Improve, expand or construct public facilities; or
- (3) Acquire land for conservation or management of specific economic and natural resource concerns.

This subsection does not apply to state grants or other assistance for sewage treatment facilities, public health programs or education.

The office shall work with state agencies to prepare mechanisms for establishing preferences in specific investment and grant programs as described in paragraphs A and B.

**Sec. 18. 38 MRSA §440, 2nd ¶**, as reallocated by PL 1985, c. 481, Pt. A, §28, is amended to read:

~~Zoning ordinances~~ A zoning ordinance adopted or extended pursuant to this section shall must be pursuant to and consistent with a comprehensive plan unless the ordinance complies with the requirements of the Federal Flood Insurance Program or other provisions of this section.

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

Effective April 14, 2004.

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## CHAPTER 642

H.P. 1453 - L.D. 1952

### An Act To Regulate the Breeding and Sale of Small Mammals

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

**Sec. 1. 7 MRSA c. 730-A**, as amended, is further amended by repealing the chapter headnote and enacting the following in its place:

#### CHAPTER 730-A

#### BREEDING, SALE AND TRANSPORTATION OF SMALL MAMMALS

**Sec. 2. 7 MRSA §3970-B** is enacted to read:

#### §3970-B. Breeding and sale of small mammals

**1. Rulemaking.** The commissioner shall adopt major substantive rules in accordance with Title 5, chapter 375, subchapter 2-A to regulate the breeding and sale of small mammals, including, but not limited to, guinea pigs, hamsters and rabbits. The rules must reflect the standards of the Animal and Plant Health Inspection Service of the United States Department of Agriculture for the care of small mammals. Rules adopted pursuant to this section apply only to persons who are not regulated or required to be licensed under chapter 723 or 735.

**2. Penalty.** A person who violates the rules adopted under this section commits a civil violation for which a fine not to exceed \$100 per violation may be adjudged.

See title page for effective date.

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## CHAPTER 643

H.P. 1450 - L.D. 1950

### An Act To Repeal Certain Boards and Commissions

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

**Sec. 1. 5 MRSA c. 17**, as amended, is repealed.

**Sec. 2. 5 MRSA §12004-G, sub-§9-A**, as enacted by PL 1995, c. 430, §1, is repealed.

**Sec. 3. 5 MRSA §12004-I, sub-§6-B**, as corrected by RR 1993, c. 1, §12, is repealed.

**Sec. 4. 5 MRSA §12004-K, sub-§9**, as enacted by PL 1987, c. 786, §5, is repealed.

**Sec. 5. 5 MRSA §12004-L, sub-§11**, as enacted by PL 1999, c. 428, §2, is repealed.

**Sec. 6. 5 MRSA §12006, sub-§3** is enacted to read:

**3. Repeal requirement.** The Secretary of State may not include in the legislation required under subsection 2 and may not require an annual report as required under section 12005-A from any of the following boards and commissions that has been inactive during the preceding 24 months:

A. Mining Excise Tax Trust Fund Board of Trustees, as established in section 12004-G, sub-section 33-B;

B. Facility Siting Board, as established in section 12004-D, subsection 4;

C. State Poet Laureate Advisory Selection Committee, as established in section 12004-I, subsection 5-A; and

D. Board of Emergency Municipal Finance, as established in Title 30-A, section 6101.

**Sec. 7. 20-A MRSA c. 329**, as amended, is repealed.

**Sec. 8. 36 MRSA §7104**, as enacted by PL 1997, c. 411, §2, is amended to read:

**§7104. Multistate Tax Compact Advisory Committee**

The Multistate Tax Compact Advisory Committee is established and referred to in this chapter as the "committee." The committee is composed of the State Tax Assessor, an alternate designated by the assessor, the Attorney General or the Attorney General's designee, 2 members of the Senate appointed by the President of the Senate and 2 members of the House of Representatives appointed by the Speaker of the House. The assessor serves as the chair. The committee shall meet at the call of the chair or at the request of a majority of the members ~~and must meet at least 3 times each year~~. The committee may consider matters relating to recommendations of the commission and the activities of the members in representing the State.

See title page for effective date.

## CHAPTER 644

S.P. 791 - L.D. 1949

### An Act Relating to Certain Energy Responsibilities of the Public Utilities Commission

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

**Sec. 1. 5 MRSA §13063-B, sub-§1-A**, as enacted by PL 2003, c. 2, Pt. L, §1, is repealed.

**Sec. 2. 10 MRSA §1413, sub-§11**, as amended by PL 1991, c. 824, Pt. A, §13, is repealed.

**Sec. 3. 10 MRSA §1415-E, sub-§1**, as amended by PL 1991, c. 824, Pt. A, §15, is further amended to read:

**1. Administration.** The Department of Economic and Community Development is responsible for the administration and enforcement of the standards

established in this chapter. In administering these standards, the Department of Economic and Community Development shall:

~~A. Work cooperatively with other state, regional and local agencies interested in or affected by these standards and may, by rules promulgated adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, distribute to regional planning councils funds made available for this purpose;~~

~~B. Revise the Manual of Accepted Practices to incorporate these mandatory provisions and make this and other relevant publications available to the towns and cities of this State; and~~

~~C. Collect data from municipalities and regional planning agencies on the energy construction characteristics of the residential units built after January 1, 1989 and include an analysis of that data in its biennial energy resources plan.~~

**Sec. 4. 10 MRSA §1415-F**, as amended by PL 1991, c. 824, Pt. C, §2, is repealed.

**Sec. 5. 10 MRSA §1485**, as amended by PL 1989, c. 501, Pt. DD, §§26 to 28, is repealed.

**Sec. 6. 10 MRSA §1493**, as amended by PL 1989, c. 501, Pt. DD, §30, is repealed.

**Sec. 7. 32 MRSA cc. 87 and 88**, as amended, are repealed.

**Sec. 8. 35-A MRSA §1311-B**, as enacted by PL 2001, c. 135, §1, is repealed.

**Sec. 9. 35-A MRSA Pt. 8** is enacted to read:

## PART 8

### ENERGY EFFICIENCY

#### CHAPTER 95

### ENERGY EFFICIENCY

#### §10001. Provision of public information

**1. General.** The commission shall provide to the public information about energy technologies and energy efficiency practices, including any state building energy standards and their implementation. In providing public information, the commission shall consider:

A. The aspects of energy technologies, energy efficiency practices and building energy standards and their implementation about which the public needs information;