

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**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**  
**2005**

against each General Fund account for all departments and agencies except legislative branch departments and agencies from increased efficiencies and shall transfer the amounts by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2005-06 and 2006-07. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts not later than November 5, 2006.

**Sec. KKK-2. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,  
DEPARTMENT OF**

**Executive Branch Departments and Independent  
Agencies - Statewide 0017**

Initiative: Reduces funding to be realized through increased efficiencies.

| GENERAL FUND       | 2005-06       | 2006-07       |
|--------------------|---------------|---------------|
| Unallocated        | (\$1,886,468) | (\$1,886,468) |
| GENERAL FUND TOTAL | (\$1,886,468) | (\$1,886,468) |

See title page for effective date, unless otherwise indicated.

## CHAPTER 458

### S.P. 443 - L.D. 1263

#### **An Act To Contain Costs, Reduce Paperwork and Streamline the Regulatory Process for Maine's Small Businesses**

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

**Sec. 1. 5 MRSA §57** is enacted to read:

**§57. Maine Regulatory Fairness Board established**

The Maine Regulatory Fairness Board, referred to in this section as "the board," is established to hear testimony and to report to the Legislature and the Governor at least annually on regulatory and statutory changes necessary to enhance the State's business climate.

**1. Membership.** The board consists of 7 members who are owners, operators or officers of businesses operating in every region of the State, as follows:

A. One member appointed by the President of the Senate;

B. One member appointed by the Speaker of the House; and

C. Five members appointed by the Governor, at least 2 of whom must represent businesses with fewer than 50 employees and at least 2 of whom must represent businesses with fewer than 20 employees. Prior to making these appointments final, the Governor or the Governor's designee shall present the appointments to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

An officer or employee of State Government may not be a member of the board.

**2. Terms of appointment.** Each member appointed to the board must be appointed to serve a 3-year term. No member may serve more than 3 consecutive terms.

**3. Chair; election of board officers; quorum.** The members of the board shall annually elect a chair and a vice-chair from among the board members. A majority of members of the board constitutes a quorum for the purpose of conducting the board's business, except a lesser number may hold public hearings.

**4. Duties of board.** The board shall:

A. Meet at least 3 times a year in different regions of the State to hear testimony from businesses regarding their concerns about enforcement activities of state departments and agencies; and

B. Report to the Governor and the Legislature at least annually on complaints of excessive enforcement actions against businesses by departments and agencies of State Government. The report also must include recommendations for regulatory and statutory changes, if any, that will enhance the State's business climate.

**5. Annual report.** The board shall report by February 1st of each year to the Governor and to the joint standing committee of the Legislature having jurisdiction over business and economic development matters and the joint standing committee of the Legislature having jurisdiction over state and local government matters on its findings and recommendations.

**6. Technical assistance.** The State Planning Office shall provide technical support to the board.

**Sec. 2. 5 MRSA c. 383, sub-c. 4-A** is enacted to read:

#### **SUBCHAPTER 4-A**

### **SMALL BUSINESS AND ENTREPRENEURSHIP**

#### **§13100. Small Business and Entrepreneurship**

The commissioner shall create within existing budgeted resources the Office of Small Business and Entrepreneurship and appoint a director to operate the office.

**1. Director.** The director reports to the commissioner. The director is responsible for advocacy, policies and programs that stimulate investment and growth in small business and entrepreneurship. The director is the liaison to the public for gubernatorial initiatives on small business and entrepreneurship.

**2. Duties.** The director shall:

A. Advocate for small business and entrepreneurship throughout all levels of State Government;

B. Assist in the oversight and auditing of the State's investments in small business and entrepreneurship initiatives, programs and service providers;

C. Chair the Maine Entrepreneurship Working Group, which shall act as the advisory group to the Maine Small Business and Entrepreneurship Commission and subsequently the department;

D. Prepare a biennial state of small business and entrepreneurship report to the Legislature; and

E. Oversee the Business Answers program, the Maine Products Marketing Program and other department programs and initiatives relevant to small business and entrepreneurship.

**Sec. 3. Transition.** Members serving on the Maine Regulatory Fairness Board on the effective date of this Act continue to serve for the remainder of the terms for which they were appointed.

See title page for effective date.

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## **CHAPTER 459**

**H.P. 1122 - L.D. 1586**

### **An Act To Encourage the Use of Solar Energy**

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

**Sec. 1. 35-A MRSA §3211-A, sub-§4, ¶B,** as enacted by PL 2001, c. 624, §4, is amended to read:

B. Do not exceed ~~45~~ .145 cent per kilowatt-hour;

**Sec. 2. 35-A MRSA §3211-B** is enacted to read:

#### **§3211-B. Solar energy rebate program; fund**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Qualified solar energy system" means a solar photovoltaic system or a solar thermal system.

B. "Solar photovoltaic system" means a solar energy device with a peak generating capacity of 100 kilowatts or less used for generating electricity for use in a residence or place of business.

C. "Solar thermal system" means a configuration of solar collectors and a pump, heat exchanger and storage tank or fans designed to heat water or air. Solar thermal system types include forced circulation, integral collector storage, thermosyphon and self-pumping systems.

**2. Solar energy rebate program.** To the extent that funds are available in the fund established in subsection 3, an owner or tenant of residential or commercial property located in the State is entitled to a rebate for a qualified solar energy system that is installed in accordance with this subsection after July 1, 2005 that will be connected to the electrical grid.

A. A solar photovoltaic system qualifies for a rebate of \$3 per watt on the first 2,000 watts of installed capacity and \$1 per watt for the next 1,000 watts if:

(1) For a system installed after July 1, 2005 but before January 1, 2007, the system is installed by a master electrician who has completed a training course to prepare for certification by a North American board of certified energy practitioners or by a master electrician working in conjunction with either a person who has been certified by a North American board of certified energy practitioners or a person who has completed a training course to prepare for certification by a North American board of certified energy practitioners; or

(2) For a system installed on or after January 1, 2007, the system is installed by a master electrician who has been certified by a North American board of certified energy