

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.

Penmor Lithographers
Lewiston, Maine
2005

practitioners or by a master electrician working in conjunction with a person who has been certified by a North American board of certified energy practitioners.

B. A solar thermal system designed to heat water qualifies for a rebate of 25% of the cost of the system, including installation, or \$1,250, whichever is less, if the system is installed by a licensed plumber who has been certified by the commission to install such systems or by a licensed plumber working in conjunction with a person who has been certified by the commission to install such systems.

C. A solar thermal system designed to heat air qualifies for a rebate of 25% of the cost of the system, including installation, or \$1,250, whichever is less.

In the case of a newly constructed residence, the rebate must be available to the original owner or occupant.

3. Funding level; fund. The commission shall assess transmission and distribution utilities to collect funds for the solar energy rebate program in accordance with this subsection. The amount of all assessments by the commission under this subsection must result in total program expenditures by each transmission and distribution utility that do not exceed 0.005 cent per kilowatt-hour. To the extent practicable, the commission shall establish and collect the assessment in a manner that is consistent with the assessment made under section 3211-A. The commission shall establish a solar energy rebate program fund to be used solely for the purposes of this section. All assessments made under this subsection are deposited in the fund. Any interest on funds in the fund must be credited to the fund. Funds not spent in any fiscal year remain in the fund to be used for the purposes of this section. In each fiscal year, 25% of the fund is allotted to solar photovoltaic system rebates and 75% of the fund is allotted to solar thermal system rebates.

4. Rules. The commission shall adopt rules necessary to implement the provisions of this section, including procedures and standards for demonstrating qualification for a rebate under this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Report. The commission shall report by December 1st of each year to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters a description of actions taken by the commission pursuant to this section during the prior 12 months.

6. Limitation to residents of State; repeal. Participation in the solar energy rebate program and fund established in this section is limited to residents of the State. This section is repealed December 31, 2008.

Sec. 3. Standards. The Public Utilities Commission in establishing procedures and standards for demonstrating qualification for a rebate under the Maine Revised Statutes, Title 35-A, section 3211-B shall allow a person to demonstrate the date a system was installed by the date of a net metering arrangement with a transmission and distribution utility or a dated bill of sale for the system.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Solar Rebate Program Fund (new)

Initiative: Allocates funds for the Solar Rebate Program Fund Other Special Revenue account.

OTHER SPECIAL REVENUE FUNDS		
All Other	2005-06 \$500,000	2006-07 \$500,000
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$500,000	\$500,000

Conservation Program Fund 0967

Initiative: Provides an offsetting deallocation to the conservation program fund established under the Maine Revised Statutes, Title 35-A, section 3211-A.

OTHER SPECIAL REVENUE FUNDS		
All Other	2005-06 (\$500,000)	2006-07 (\$500,000)
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OTHER SPECIAL REVENUE FUNDS TOTAL	(\$500,000)	(\$500,000)

PUBLIC UTILITIES COMMISSION DEPARTMENT TOTALS		
	2005-06	2006-07
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OTHER SPECIAL REVENUE FUNDS	\$0	\$0
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

See title page for effective date.

CHAPTER 460

S.P. 632 - L.D. 1687

An Act To Develop a New Judicial Facility in Bangor

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

Sec. 1. 4 MRSA §1606, sub-§2, as amended by PL 1999, c. 787, §1, is further amended to read:

2. Limitation on securities issued. The authority may not issue securities in excess of ~~\$93,000,000~~ \$128,000,000 outstanding at any one time, of which no less than ~~\$40,000,000~~ \$75,000,000 must be specifically allocated to projects relating to the Judicial Branch, except for the issuance of revenue refunding securities authorized by section 1610 and securities issued under section 1610-A. The amount of securities that may be outstanding in the name of the authority may be increased by the Legislature upon a showing by the authority that its available revenues are sufficient to support additional issuance of securities and that the issuance of securities will not materially impair the credit standing of the authority, the investment status of securities issued by the authority or the ability of the authority to fulfill its commitments to holders of securities. Nothing in this chapter may be construed to authorize the authority to issue securities to fund the construction, reconstruction, purchase or acquisition of facilities without a majority vote of approval in each House of the Legislature.

Sec. 2. Issuance of securities; Maine Governmental Facilities Authority. Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsections 1 and 2, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$37,000,000 for the purpose of paying the costs associated with the construction of a new courthouse in Bangor.

See title page for effective date.

CHAPTER 461

H.P. 525 - L.D. 730

An Act To Require Proof of Equipment Ownership for Employers Using Foreign Laborers

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

Sec. 1. 26 MRSA §872 is enacted to read:

§872. Proof of equipment ownership for employers using foreign laborers

1. Definition. For the purposes of this section, "bond worker" means a person who has been described under 8 United States Code, Section

1101(a)(15)(H)(ii)(b) and granted permission to work temporarily in the United States.

2. Proof of ownership required. An employer in this State who employs a bond worker in a logging occupation shall provide proof of the employer's ownership of any logging equipment used by that worker in the course of employment, including proof of ownership of at least one piece of logging equipment for every 2 bond workers employed by the employer in a logging occupation. The employer shall provide proof of ownership as required by this subsection on a form provided by the Commissioner of Labor. The proof required by this subsection must include, but not be limited to, a receipt for payment for the equipment and documentation of payment of any tax assessed on the equipment pursuant to Title 36, chapter 105 for the year in which the bond worker is employed by the employer.

3. Equipment covered by federal prevailing wage exempt. This section does not apply to equipment for which the United States Department of Labor, Division of Foreign Labor Certification has established a prevailing wage under the federal Service Contract Act of 1965 for persons using that equipment.

4. Rules. The Commissioner of Labor may adopt rules to implement this section. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Violation. An employer who violates this section commits a civil violation for which a fine of not less than \$1,000 and not more than \$5,000 per violation may be adjudged.

See title page for effective date.