

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION
July 29, 2005

SECOND REGULAR SESSION
January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 23, 2006

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2006

days after the end of the elver fishing season. The commissioner shall prescribe how that data and any other information necessary for a meaningful analysis of the elver harvest are reported to the department.

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

Effective April 4, 2006.

CHAPTER 534

H.P. 1468 - L.D. 2074

An Act Regarding Energy Efficiency Standards for Residential Rental Properties

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

Sec. 1. 14 MRSA §6030-C is enacted to read:

§6030-C. Residential energy efficiency disclosure statement

1. Energy efficiency disclosure. A landlord or other lessor of residential property that will be used by a tenant or lessee as a primary residence shall provide to potential tenants or lessees a residential energy efficiency disclosure statement in accordance with Title 35-A, section 10006, subsection 1 that includes, but is not limited to, information about the energy efficiency of the property.

2. Provision of statement. A landlord or other lessor shall provide the residential energy efficiency disclosure statement required under subsection 1 in accordance with this subsection. The landlord or lessor shall provide the statement to any person who requests the statement in person and shall post the statement in a prominent location in a property that is being offered for rent or lease. Before a tenant or lessee enters into a contract or pays a deposit to rent or lease a property, the landlord or lessor shall provide the statement to the tenant or lessee, obtain the tenant's or lessee's signature on the statement and sign the statement. The landlord or lessor shall retain the signed statement for a minimum of 7 years.

Sec. 2. 35-A MRSA §10006 is enacted to read:

§10006. Energy efficiency of rental properties

1. Residential energy efficiency disclosure statement. The commission and the Maine State Housing Authority shall prepare a residential energy efficiency disclosure statement form for landlords and

other lessors of residential properties to use to disclose to tenants and lessees information about the energy efficiency of the property in order to comply with Title 14, section 6030-C. The commission and the Maine State Housing Authority shall post and maintain the statement required by this subsection on the Internet in a format that is easily accessible by the public.

2. Suggested energy efficiency standards. The commission and the Maine State Housing Authority shall prepare suggested energy efficiency standards for landlords and other lessors of residential property that is used by the tenant or lessee as a primary residence. The commission and the Maine State Housing Authority shall post and maintain the standards required by this subsection on the Internet in a format that is easily accessible by the public.

Sec. 3. Report. The Public Utilities Commission shall prepare and submit a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters before January 1, 2008 that provides the commission's assessment of whether the requirements of the Maine Revised Statutes, Title 14, section 6030-C are achieving the purposes of informing prospective tenants of the energy efficiency characteristics of residential properties used as primary residences. The commission also shall include in its report an assessment of whether the form that the commission and the Maine State Housing Authority submitted on January 31, 2006 to the Joint Standing Committee on Utilities and Energy as part of its report pursuant to Resolve 2005, chapter 109 and that, with changes suggested by the committee, will be used as the disclosure statement under Title 35-A, section 10006, subsection 1, requires adjustments to achieve the purposes of Title 14, section 6030-C.

See title page for effective date.

CHAPTER 535

H.P. 1443 - L.D. 2049

An Act To Amend the Laws Regarding Aquaculture Leases

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

Whereas, the aquaculture industry in Maine has been going through a period of consolidation and contraction; and

Whereas, the current following requirements for aquaculture facilities are causing unnecessary financial hardship for the aquaculture industry; and

Whereas, this Act must take effect immediately to provide aquaculture facilities with enough time to respond to the changes in the following laws this year; 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. 12 MRSA §6072, sub-§2, ¶E, as amended by PL 2003, c. 660, Pt. A, §3, is further amended to read:

E. Except as provided in subsection 13-A, the lease does not result in a person being a tenant of any kind in leases covering an aggregate of more than ~~300~~ 500 acres; and

Sec. 2. 12 MRSA §6072, sub-§12, ¶D, as amended by PL 2003, c. 660, Pt. A, §8, is further amended to read:

D. Except as provided in subsection 13-A, the renewal will not cause the lessee to become a tenant of any kind in leases covering an aggregate of more than ~~300~~ 500 acres; and

Sec. 3. 12 MRSA §6072, sub-§12-A, ¶B, as amended by PL 2003, c. 660, Pt. A, §9, is further amended to read:

B. The commissioner may grant lease transfers if the commissioner determines that:

- (1) The change in lessee does not violate any of the standards in subsection 7;
- (2) The transfer is not intended to circumvent the intent of subsection 8;
- (3) The transfer is not for speculative purposes; and
- (4) Except as provided in subsection 13-A, the transfer will not cause the transferee to be a tenant of any kind in leases covering an aggregate of more than ~~300~~ 500 acres.

Sec. 4. 12 MRSA §6072, sub-§13-A, as enacted by PL 2003, c. 660, Pt. A, §14, is repealed and the following enacted in its place:

13-A. Lease acreage increase; fallowing. The commissioner may require a person to submit an annual fallowing plan and a reassessment schedule for that plan to the commissioner that identifies lease sites

that have been actively operated during the lease period and that will be fallowed. The commissioner shall review the plan and reassessment schedule and may approve them, reject them or request changes. Revisions to the plan must be submitted in accordance with the reassessment schedule unless the commissioner authorizes an exception due to extraordinary circumstances.

A. Except as provided in paragraph B, a person may not be a tenant of any kind in leases covering an aggregate of more than 500 acres including fallowed leases at any time.

B. The commissioner may by rule authorize leases in excess of the 500-acre limit if the commissioner determines that the increase is beneficial for the management of aquaculture and is environmentally and economically appropriate. The commissioner may not authorize a person to be a tenant of any kind in leases covering an aggregate of more than 1,500 acres. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

For purposes of this subsection, "fallow" means a lease site without cultured organisms. A lease site fallowed pursuant to an enforcement action may not be considered fallowed for the purpose of this subsection.

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

Effective April 4, 2006.

CHAPTER 536

H.P. 231 - L.D. 307

An Act To Improve Recreational Watercraft Safety

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

Sec. 1. 12 MRSA §13071-A, sub-§5 is enacted to read:

5. Operating personal watercraft while 16 years of age or older and under 18 years of age; boater education. The following provisions apply to operating a personal watercraft by a person 16 years of age or older and under 18 years of age.

A. A person 16 years of age or older and under 18 years of age may not operate a personal watercraft unless: