

# 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**

the standards applicable to commercial construction are the ASHRAE 90.1-2001, IBC-2003 Chapter 13 or IECC-2003 energy standards and the ASHRAE 62-2001 ventilation standards.

**3. Industrial buildings.** That portion of the rule designated §4(A)(3) is amended to provide that subject to the adoption procedures established in section 6 of the rule, the standards applicable to the portions of industrial buildings that are designed primarily for human occupancy other than manufacturing or production are the ASHRAE 90.1-2001, IBC-2003 Chapter 13 or IECC-2003 energy standards and the ASHRAE 62-2001 ventilation standards.

**4. Modular housing exemption.** That portion of the rule designated §4(A)(4) is replaced to provide that the Maine Model Building Energy Code is not applicable to modular housing.

**5. Owner-built home exemption.** That portion of the rule designated §4(B) is amended by adding a provision to specify that the Maine Model Building Energy Code is not applicable to a single-family residential building built by the owner for that person's residence. The language must specify that this exception does not include a single-family residential building built by persons other than the owner pursuant to a contract with the owner or under the supervision of a general contractor with whom the owner has a contract.

**6. Log homes.** That portion of the rule designated §4(B) is amended by adding a provision to specify that the Maine Model Building Energy Code does not apply to log homes.

**7. Cross-reference to existing standards.** That portion of the rule designated §5 is amended by adding at the end a provision specifying that nothing in the rule affects the application of the building standards established in the Maine Revised Statutes, Title 10, chapter 214.

**8. Adoption of model code.** That portion of the rule designated §6 is replaced to provide that adoption of the Maine Model Building Energy Code by a municipality is governed by the Maine Revised Statutes, Title 35-A, section 121.

The commission is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section; and be it further

**Sec. 2. Cost. Resolved:** That the Public Utilities Commission shall absorb any costs associated with implementing the rules authorized under section 1.

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

Effective June 3, 2005.

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## CHAPTER 89

H.P. 1174 - L.D. 1665

**Resolve, Regarding Legislative  
Review of Chapter 11:  
PBX/Multiline Telephone System  
(MLTS) Requirements, a Major  
Substantive Rule of the Public  
Utilities Commission**

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

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 11: PBX/Multiline Telephone System (MLTS) Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is amended to add an application section specifying that, in accordance with Title 25, section 2934, subsection 1, no local unit of government is required to comply with any provision of the rule that would require that local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues.

The Public Utilities Commission is not required to hold hearings or undertake further proceedings prior

to final adoption of the rule in accordance with this section.

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

Effective June 3, 2005.

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## CHAPTER 90

H.P. 47 - L.D. 51

### Resolve, To Encourage Parents To Choose To Dedicate a Portion of Child Support Payments to College Investment Accounts

**Sec. 1. Encouragement of college investment accounts. Resolved:** That the Treasurer of State, in consultation with the Department of Health and Human Services, the Family Law Advisory Commission and the Judicial Department, shall research methods of increasing the use of college investment accounts by parents who do not provide the primary residence for their children and who are paying child support, without affecting the resources available to provide for the current support needs of the children. By January 15, 2006, the Treasurer of State shall report the results of the research to the Joint Standing Committee on Judiciary and shall include any recommendations and suggested legislation. The Joint Standing Committee on Judiciary has authority to report out legislation to the Second Regular Session of the 122nd Legislature.

See title page for effective date.

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## CHAPTER 91

H.P. 81 - L.D. 105

### Resolve, Concerning Temporary Guardianship Laws

**Sec. 1. Convene working group on temporary guardianship laws. Resolved:** That the Department of Health and Human Services convene a working group that includes, but is not limited to, representatives of the Disability Rights Center and the Probate Courts to review the laws and practices concerning temporary guardianships to determine if wards are adequately protected and the due process afforded to wards is adequate. The working group shall report to the Joint Standing Committee on Judiciary by January 15, 2006 with findings and

recommendations. The Joint Standing Committee on Judiciary may submit legislation to the Second Regular Session of the 122nd Legislature in response to the report.

See title page for effective date.

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## CHAPTER 92

S.P. 482 - L.D. 1393

### Resolve, To Direct the Department of Conservation To Seek Public Access to Certain Prominent Water Bodies

**Sec. 1. Access to swift rivers. Resolved:** That the Department of Conservation shall discuss with landowners and seek negotiations to acquire public access for all recreational uses to launching points on the Dead River and Kennebec River and the roads leading to the launching points, including, but not limited to, the Dead River Road located in West Forks Plantation, Lower Enchanted Township and T3 R5; and the Indian Pond Road, also known as the Harris Station Road, located in The Forks, Moxie Gore, East Moxie Township, Squaretown Township and Indian Stream Township. The department may seek money from the Land for Maine's Future Fund or the Public Access to Maine Waters Fund to acquire access via easements or fee acquisitions. The department may seek access via leases or other means using other funding sources; and be it further

**Sec. 2. Report to Joint Standing Committee on Agriculture, Conservation and Forestry. Resolved:** That the Department of Conservation shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 6, 2006 on the status of discussions and negotiations for access to launch sites on the Dead River and Kennebec River; and be it further

**Sec. 3. Legislation authorized. Resolved:** That the Joint Standing Committee on Agriculture, Conservation and Forestry may report out a bill relating to public access to the Kennebec River and Dead River to the Second Regular Session of the 122nd Legislature.

See title page for effective date.