

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**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**  
**2007**

ited to the fund. Unexpended balances in the fund at the end of the fiscal year do not lapse but must be carried forward to the next fiscal year and credited to the fund to be used for the purposes of this section.

## **Sec. 2. Appropriations and allocations.**

The following appropriations and allocations are made.

### **MARINE RESOURCES, DEPARTMENT OF Bureau of Resource Management 0027**

Initiative: Beginning in fiscal year 2007-08, the Bureau of Resource Management program within the Department of Marine Resources will require an initial base Other Special Revenue allocation of \$500 to reflect the establishment of the Endangered or Threatened Marine Species Fund.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$500	\$500
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.

## **CHAPTER 26**

### **S.P. 44 - L.D. 136**

#### **An Act Regarding the Enforcement of Penalties under the Maine Workers' Compensation Act of 1992**

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

**Sec. 1. 39-A MRSA §361**, as enacted by PL 1993, c. 145, §6, is repealed and the following enacted in its place:

#### **§361. Payment to the Workers' Compensation Board Administrative Fund; enforcement**

**1. Payment.** All penalties assessed under this Act are payable to the Workers' Compensation Board Administrative Fund, unless otherwise provided by law. Upon certification by the board that certain amounts in the Workers' Compensation Board Administrative Fund attributable to penalties assessed pursuant to this Act are not required to support the activities of the board, the Treasurer of State shall transfer funds in the amount certified by the board to the General Fund.

**2. Enforcement and collection.** All penalties assessed under this Act are enforceable by the Superior Court under section 323.

**A.** The Attorney General shall prosecute any action necessary to recover penalties payable to the Workers' Compensation Board Administrative Fund, Employment Rehabilitation Fund or General Fund, or the board may retain private counsel for that purpose.

**B.** If a person fails to pay a penalty assessed under this Act that is payable to the Workers' Compensation Board Administrative Fund, Employment Rehabilitation Fund or General Fund and enforcement by the Superior Court is necessary:

(1) That person shall pay the costs of prosecuting the action in Superior Court, including reasonable attorney's fees; and

(2) If the failure to pay was without due cause, any penalty assessed on that person under this Act must be doubled.

See title page for effective date.

## **CHAPTER 27**

### **S.P. 80 - L.D. 243**

#### **An Act To Establish Cancer Awareness Week and Lung Cancer Awareness Day**

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

**Sec. 1. 1 MRSA §150** is enacted to read:

#### **§150. Cancer Awareness Week**

The Governor shall annually issue a proclamation setting aside November 1st to November 7th each year as Cancer Awareness Week and November 1st as Lung Cancer Awareness Day. The proclamation must invite and urge citizens, health agencies, schools and other suitable organizations and groups to observe this week through appropriate activities.

See title page for effective date.

## **CHAPTER 28**

### **S.P. 86 - L.D. 249**

#### **An Act To Establish May 25th as Missing Persons Day**

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

**Whereas**, this legislation concerns an observance occurring at a time before the end of this session; 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. 1 MRSA §150** is enacted to read:

**§150. Missing Persons Day**

The Governor shall annually issue a proclamation establishing May 25th as Missing Persons Day. The proclamation must invite and urge citizens, law enforcement agencies, family service agencies and other suitable organizations and groups to observe this day through appropriate activities.

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

Effective April 4, 2007.

**CHAPTER 29**

**S.P. 42 - L.D. 134**

**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-C, sub-§2**, as reallotted by RR 2005, c. 1, §17, is amended to read:

**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. The commission shall set rebate levels for qualified solar energy systems. In setting rebate levels, the commission may consider market demand for qualified solar energy systems, program implementation experience and other factors relevant to the solar energy rebate program.

A. ~~A To qualify for a rebate, 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 must meet the following installation requirements:~~

(1) For a system installed after July 1, 2005 but before January 1, 2007, the system ~~is~~ must be 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~~ must be installed by a master electrician who has been certified by a North American board of certified energy 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 To qualify for a rebate, 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~~ must be 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.

See title page for effective date.

**CHAPTER 30**

**H.P. 169 - L.D. 198**

**An Act To Increase the Value  
of an Estate Collectible by  
Affidavit in Probate Law to  
\$20,000**

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

**Sec. 1. 18-A MRSA §3-1201, sub-§(a), ¶(1)**, as enacted by PL 1979, c. 540, §1, is amended to read:

(1). The value of the entire estate, wherever located, less liens and encumbrances, does not exceed ~~\$10,000~~ \$20,000;

See title page for effective date.