

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.

Penmor Lithographers
Lewiston, Maine
2007

Sec. 1. 29-A MRSA §2054, sub-§2, ¶H, as enacted by PL 2001, c. 10, §1, is amended to read:

H. A vehicle in a funeral procession may be equipped with a flashing light. The light must emit a yellow beam of light. The light may not be more than 5 inches in diameter and must be placed on the dashboard. The light must be shielded so that the emitted light does not interfere with the operator's vision. The flashing light may be used only when the vehicle is used in a funeral procession. In addition, a vehicle operated by a licensed funeral home and used as a lead vehicle in a funeral procession may use a device that provides for a white flashing strobe light in the front grille.

See title page for effective date.

CHAPTER 63

H.P. 480 - L.D. 631

An Act To Strengthen OUI Laws As They Pertain to Drugs

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

Sec. 1. 16 MRSA §357, 2nd ¶, as amended by PL 2005, c. 477, §26, is further amended to read:

Notwithstanding this section, the result of a laboratory or any other test kept by a hospital or other medical facility that reflects blood-alcohol ~~concentration~~ level, detectable urine-drug level, and detectable blood-drug level may not be excluded as evidence in a criminal or civil proceeding by reason of any claim of confidentiality or privilege and may be admitted provided that the result is relevant and reliable evidence if the proceeding is one in which the operator of a motor vehicle, snowmobile, all-terrain vehicle or watercraft is alleged to have operated under the influence of intoxicating liquor or drugs; and the court is satisfied that probable cause exists to believe that the operator committed the offense charged.

See title page for effective date.

CHAPTER 64

H.P. 127 - L.D. 145

An Act To Include Undeveloped Archeological Sites in the Acquisition Criteria for the Land for Maine's Future Fund

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

Sec. 1. 5 MRSA §6207, sub-§2, ¶A, as amended by PL 1995, c. 462, Pt. D, §1, is further amended to read:

A. Contains recreation lands, prime physical features of the Maine landscape, areas of special scenic beauty, farmland or open space, undeveloped shorelines, significant undeveloped archeological sites, wetlands, fragile mountain areas or lands with other conservation, wilderness or recreation values;

See title page for effective date.

CHAPTER 65

H.P. 454 - L.D. 587

An Act To Protect and Improve Lake Water Quality by Reducing Phosphorus in Lawn Care Fertilizer

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

Sec. 1. 38 MRSA §419, as amended by PL 1991, c. 838, §§21 and 22, is further amended to read:

§419. Cleaning agents and lawn and turf fertilizer containing phosphate banned

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

A. "Dairy equipment", ~~as used in this section,~~ means equipment used by farmers or processors for the manufacture or processing of milk and dairy products.

A-1. "Compost" means a biologically stable material derived from the composting process.

A-2. "Composting" means the biological decomposition of organic matter. It is accomplished by mixing and piling organic matter in such a way as to promote aerobic decay, anaerobic decay or both.

A-3. "Fertilizer" means a substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. "Fertilizer" does not include animal and vegetable manures that are not manipulated, marl, lime, limestone or topsoil.

A-4. "Fertilizer containing phosphorus" means a fertilizer containing more than 0.67% phosphate by weight.

B. "Food processing equipment", ~~as used in this section,~~ means equipment used for the processing

and packaging of food for sale, except that equipment used at restaurants and similar places of business ~~shall is not be~~ included within the meaning of "food processing equipment."

C. "High phosphorous detergent", ~~as used in this section,~~ means any detergent, presoak, soap, enzyme or other cleaning agent containing more than 8.7% phosphorous, by weight, but does not include detergent having a recommended use level ~~which that~~ contains less than 7 grams of phosphorous by weight.

C-1. "Household laundry detergent" ~~as used in this section~~ means a cleaning agent used primarily in private residences for washing clothes.

D. "Industrial equipment", ~~as used in this section,~~ means equipment used by industrial concerns ~~which concerns~~ that are located on any brook, stream or river.

D-1. "Manipulated" means a process by which fertilizers are manufactured, blended or mixed or animal or vegetable manures are treated in any manner, including mechanical drying, grinding, pelleting and other means, or by adding other chemicals or substances.

E. "Person", ~~as used in this section,~~ means any individual, firm, association, partnership, corporation, municipality, quasi-municipal organization, agency of the State or other legal entity.

2. Prohibition. ~~No A person may sell or use any high phosphorous detergent. not:~~

A. Sell or use a high phosphorus detergent; or

B. Sell fertilizer containing phosphorus at a retail store after January 1, 2008 unless the seller posts a department-approved sign that indicates that the product is not appropriate for use on nonagricultural lawns or turf due to potential adverse effects on water quality, except when:

(1) Soil test results from a laboratory indicate that additional phosphorus is needed for that lawn or turf; or

(2) The fertilizer will be used in establishing a new lawn or turf, including establishing turf at a sod farm, or for reseeding or overseeding an existing lawn or turf.

The sign required by this paragraph must be positioned between 4 and 7 feet above the floor and prominently posted where fertilizers containing phosphorus for use on lawns or turf are displayed. For purposes of this paragraph, "retail store" means a commercial establishment that sells fertilizer on the store premises for use off the premises.

2-A. Household laundry detergent. After July 1, 1993, a person may not sell or offer for sale in this State a household laundry detergent that contains more than 0.5% phosphorus by weight expressed as elemental phosphorus.

3. Exception. Subsection 2 ~~shall does~~ not apply to ~~any high phosphorous detergent sold and used for the purpose of cleaning dairy equipment, food processing equipment and industrial equipment. :~~

A. A high phosphorous detergent sold and used for the purpose of cleaning dairy equipment, food processing equipment and industrial equipment;

B. Fertilizers used for agricultural crops or for flower or vegetable gardening; or

C. Compost.

Sec. 2. Report. By February 1, 2008, the Department of Environmental Protection shall report to the Joint Standing Committee on Natural Resources with recommendations on ways to protect or improve lake water quality, such as by restoring naturally vegetated buffers on lake shorelines, by evaluating compensation fee amounts that have been established to offset phosphorus inputs and by examining other issues identified in the development of the report. The department shall consult with state agencies as well as representatives of interested stakeholder groups, including business and environmental groups and the Maine Municipal Association, when developing these recommendations. The Joint Standing Committee on Natural Resources may submit legislation based on the recommendations to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 66

H.P. 494 - L.D. 645

An Act To Promote Municipal Energy Conservation

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

Sec. 1. 30-A MRSA §5953-C, as corrected by RR 1993, c. 2, §27, is amended to read:

§5953-C. Loans for energy efficiency improvements in municipal and school buildings

This section establishes a program to promote energy efficiency and indoor air quality in municipal and school buildings.

1. Efficiency Partners Program. The bank shall establish the Efficiency Partners Program, referred to in this section as "the program," designed to reduce energy costs in municipal and school buildings and to