

# 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**

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 reseeded 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

create jobs by financing energy audits and cost-effective improvements that accomplish energy efficiency while maintaining healthful indoor air quality. The bank shall issue a request for proposals for energy audits of municipal and school buildings and for energy savings that could be achieved through cost-effective improvements to heating and cooling systems, windows, insulation, lighting and equipment in municipal and school buildings. Identification of cost-effective improvements to achieve energy savings under the program must be based on a comprehensive energy audit that has been performed within the previous 5 years by a professional engineer licensed in this State. ~~The audit~~ An energy audit that is financed under the program or is the basis for cost-effective energy efficiency improvements financed under the program must address compliance with the ~~current version of ASHRAE Standard 62, Ventilation for Acceptable Indoor Air Quality, developed by the American Society of Heating, Refrigeration and Air Conditioning Engineers~~ model building energy code adopted by the Public Utilities Commission pursuant to Title 35-A, section 121.

**2. Access to the program.** Municipalities and school administrative units may have access to the ~~Efficiency Partners Program~~ program regardless of whether the municipality or school administrative ~~district~~ unit utilizes a loan pursuant to this section to finance ~~the~~ an energy audit or cost-effective energy efficiency improvements.

**3. Proposals; contracts.** The bank shall solicit proposals from energy service companies and individual vendors of energy service products. Notwithstanding any provision of the law regarding bidding requirements, ~~for improvements accomplished pursuant to this section~~ the bank shall contract with an energy service company or companies or vendor or vendors to provide energy services in municipal and school buildings and schools under the program. Whenever the bid proposals received are substantially equivalent, the bank shall in the contract process select an in-state energy service company or vendor whose primary place of business is within this State. For public school projects, bid proposals for energy savings projects efficiency improvements must include plans and specifications that are adequate to permit review by the agencies listed under Title 20-A, section 15903, subsection 3 and that bear the stamp of a ~~Maine registered~~ licensed professional engineer or licensed architect. The agencies listed in Title 20-A, section 15903, subsection 3 shall review the plans and specifications and approve or disapprove them within a reasonable time period.

**4. Loan; loan agreements.** Loans from the bank for energy efficiency improvements must be structured to ensure to the greatest extent possible that the cost savings achieved by the energy efficiency improvements are sufficient to cover the loan and to achieve a

net positive cash flow as early as practical. The rate of interest charged for ~~the~~ loans made through the program ~~authorized in this section~~ for energy efficiency improvements or energy audits must be below the currently available rate of interest charged on commercial loans of equivalent term and use.

**5. Energy Payment Equalization Fund.** The bank shall establish a fund called the Energy Payment Equalization Fund. To the extent that the fund has assets available to it through funding by federal, state or local governments, or grants, gifts, donations or payments from any other source, money in the fund may be applied to loans made to municipalities in the ~~Efficiency Partners Program~~ program if achieved energy savings are not sufficient to offset the debt service payments on a loan made through the program. This fund may include deposits made by energy service companies or vendors to guarantee their commitment to achieve energy savings sufficient to offset debt service payments but may not include any other donations or payments from vendors or interested parties. The fund may be used to provide general interest rate reductions or principal reductions on any loan or group of loans made under the program for energy audits or for energy efficiency improvements regardless of energy cost savings that may be achieved through the use of the proceeds of the loans or loan.

**6. Report to the Legislature.** Beginning in 2008, the bank shall report annually by March 1st to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding the program. The report must document program activity during the prior 12 months, including, but not limited to, contracts made with energy service companies or vendors, loans made to municipalities or school administrative units, energy audits conducted and energy efficiency improvements implemented.

See title page for effective date.

## CHAPTER 67

### H.P. 859 - L.D. 1178

#### An Act To Update and Clarify Laws Relating to Maine's Community Colleges

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

**Sec. 1. 20-A MRSA §6552, sub-§1,** as amended by PL 1989, c. 414, §13, is further amended to read:

**1. Prohibition.** A person may not possess a firearm on public school property or discharge a firearm within 500 feet of school property. For purposes of this subsection, public school property includes prop-