

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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-

erty of a community college that adopts a policy imposing such a prohibition.

Sec. 2. 20-A MRSA §12706, sub-§11, as amended by PL 1991, c. 376, §36, is further amended to read:

11. Personnel policies. To develop and adopt personnel policies and procedures for the system. The board of trustees, subject to applicable collective bargaining agreements, shall determine the qualifications, duties and compensation of its employees and shall allocate and transfer personnel within the system as necessary to fulfill the purposes of this chapter. The board of trustees shall appoint the president of the system and the presidents of the colleges. The provisions of the Civil Service Law, as defined by Title 5, section 7039, do not apply to the system, except that the same protections for personnel records provided in Title 5, section 7070 to state employees apply to the personnel records of system employees;

Sec. 3. 20-A MRSA §12706, sub-§13, as amended by PL 1995, c. 96, §1, is further amended to read:

13. Property management. To acquire by purchase, gift, lease or rent any property, lands, buildings, structures, facilities or equipment necessary to fulfill the purposes of this chapter. The board of trustees shall manage, rent, lease, sell and dispose of property, including lands, buildings, structures, equipment and facilities, and license dormitory rooms for occupancy by students. The purchase and installation of faucets, shower heads, toilets and urinals is subject to Title 5, section 1762-A. If the board of trustees proposes to sell or permanently transfer any interest in real estate, the transaction must be approved by the Legislature before the interest is transferred. Any revenues derived from these uses are to be credited to a separate fund to be used for the purposes of this chapter. Notwithstanding any other provision of law, the board of trustees may grant or otherwise transfer utility easements without legislative approval;

Sec. 4. 20-A MRSA §12712, sub-§7, ¶A, as amended by PL 1991, c. 376, §41, is further amended to read:

A. Each president may make rules for the control, movement and parking of vehicles within the limits of the property owned by or under the control of the college. These rules may include special provisions for employees of the system and college students. A president's rule has the same force and effect as a municipal ordinance. District courts may impose governing penalties and fines, not to exceed \$10 and a college may impose appropriate discipline, for each violation of these rules.

Sec. 5. 27 MRSA §121, as amended by PL 1997, c. 146, §1 and as affected by §2, is further amended to read:

§121. Confidentiality of library records

Records maintained by any public municipal library, the Maine State Library, the Law and Legislative Reference Library and libraries of the University of Maine System, Maine Community College System and the Maine Maritime Academy that contain information relating to the identity of a library patron relative to the patron's use of books or other materials at the library are confidential. Those records may only be released with the express written permission of the patron involved or as the result of a court order.

See title page for effective date.

CHAPTER 68

H.P. 425 - L.D. 547

An Act To Create Fairness in E-9-1-1 Funding

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

Sec. 1. 25 MRSA §2921, sub-§2-B is enacted to read:

2-B. Cellular or wireless telecommunications service. "Cellular or wireless telecommunications service" means commercial mobile service as defined in 47 United States Code, Section 332(d).

Sec. 2. 25 MRSA §2921, sub-§12 is enacted to read:

12. Interconnected voice over Internet protocol service. "Interconnected voice over Internet protocol service" means a service that enables real-time, 2-way voice communications; requires a broadband connection from the user's location; and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

Sec. 3. 25 MRSA §2921, sub-§13 is enacted to read:

13. Prepaid wireless telephone service. "Prepaid wireless telephone service" means a cellular or wireless telecommunications service that the customer pays for prior to activation of the service.

Sec. 4. 25 MRSA §2921, sub-§14 is enacted to read:

14. Prepaid wireless telephone service provider. "Prepaid wireless telephone service provider" means a cellular or wireless telecommunications ser-