

# 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**

section 3 and the requirements of subsection 2-A are satisfied, 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. To qualify for a rebate, a solar photovoltaic system must meet the following installation requirements:

- (1) For a system installed after July 1, 2005 but before January 1, 2007, the system 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 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. To qualify for a rebate, a solar thermal system designed to heat water 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.

In the case of a newly constructed residence, the rebate must be available to the original owner or occupant.

**Sec. 2. 35-A MRSA §3211-C, sub-§2-A** is enacted to read:

**2-A. Energy audit requirement; solar photovoltaic system.** To qualify for a rebate for a solar photovoltaic system under this section, an owner or tenant of residential or commercial property located in the State must demonstrate to the satisfaction of the commission that an energy audit, as defined by the commission by rule, has been completed.

**Sec. 3. 35-A MRSA §3211-C, sub-§4**, as reallocated by RR 2005, c. 1, §17, is amended to read:

**4. Rules.** The commission shall adopt rules necessary to implement the provisions of this section, including procedures and standards for demonstrating qualification for a rebate under this section and a definition of "energy audit" for the purposes of subsection 2-A. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 4. 35-A MRSA §3211-C, sub-§6**, as reallocated by RR 2005, c. 1, §17, is amended to read:

**6. Limitation to residents of State; repeal.** Participation in the solar energy rebate program and fund established in this section is limited to residents of the State. This section is repealed December 31, 2008 2010.

**Sec. 5. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC UTILITIES COMMISSION**

**Solar Rebate Program Fund 2012**

Initiative: Provide funds to extend the solar energy rebate program until December 31, 2010 to help consumers buy solar energy systems.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$0	\$250,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$250,000

See title page for effective date.

**CHAPTER 159**

**H.P. 145 - L.D. 163**

**An Act To Prohibit the Use of Blackchin Shiners as Baitfish**

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

**Sec. 1. 12 MRSA §10001, sub-§6**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**6. Baitfish.** "Baitfish" means only those species in the following list:

- A. Lake chub, (*Couesius plumbeus*);
- B. Eastern silvery minnow, (*Hybognathus regius*);
- C. Golden shiner, (*Notemigonus crysoleucas*);

- D. Emerald shiner, (*Notropis atherinoides*);
- E. Bridle shiner, (*Notropis bifrenatus*);
- F. Common shiner, (*Luxilus cornutus*);
- G. Blacknose shiner, (*Notropis heterolepis*);
- H. Spottail shiner, (*Notropis hudsonius*);
- I. Northern redbelly dace, (*Phoxinus eos*);
- J. Finescale dace, (*Phoxinus neogaeus*);
- K. Fathead minnow, (*Pimephales promelas*);
- L. Blacknose dace, (*Rhinichthys atratulus*);
- M. Longnose dace, (*Rhinichthys cataractae*);
- N. Creek chub, (*Semotilus atromaculatus*);
- O. Fallfish, (*Semotilus corporalis*);
- P. Pearl dace, (*Margariscus margarita*);
- Q. Banded killifish, (*Fundulus diaphanus*);
- R. Mummichog, (*Fundulus heteroclitus*);
- S. Longnose sucker, (*Catostomus catostomus*);
- T. White sucker, (*Catostomus commersoni*);
- U. Creek chubsucker, (*Erimyzon oblongus*); and
- V. American eel, (*Anquilla rostrata*); and
- ~~W. Blackchin shiner, (*Notropis heterodon*).~~

See title page for effective date.

**CHAPTER 160**

**H.P. 789 - L.D. 1071**

**An Act Regarding Energy-generating Facilities**

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

**Sec. 1. 38 MRSA §632, sub-§3**, as enacted by PL 1983, c. 458, §18, is amended to read:

**3. Hydropower project.** "Hydropower project" means any development ~~which that~~ utilizes the flow or other movement of water, including tidal or wave action, as a source of electrical or mechanical power or ~~which that~~ regulates the flow of water for the purpose of generating electrical or mechanical power. A hydropower project development includes all powerhouses, dams, water conduits, turbines or other in-stream power devices, generators, transmission lines, water impoundments, roads and other appurtenant works and structures that are part of the development.

**Sec. 2. 38 MRSA §633, sub-§1**, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §182, is further amended to read:

**1. Permit required.** ~~No~~ A person may not initiate construction or reconstruction of a hydropower project, or structurally alter a hydropower project in ways that change water levels or flows ~~above or below the dam~~, without first obtaining a permit from the department.

See title page for effective date.

**CHAPTER 161**

**S.P. 57 - L.D. 175**

**An Act To Fund Youth Conservation Education**

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

**Whereas**, youth conservation education is critical to the future of Maine's natural resources; and

**Whereas**, a significant portion of funding for youth conservation education programs comes from the auction of moose hunting permits and the demand for these programs has far exceeded the revenues generated by the current auction of 5 permits; and

**Whereas**, this Act needs to take effect immediately to allow the Commissioner of Inland Fisheries and Wildlife to add to the 2007 moose hunting permit auction an additional 5 permits to more adequately meet the needs of those who wish to attend the youth conservation education programs this year; 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. 12 MRSA §11154, sub-§11**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §§128 and 129 and affected by §422, is further amended to read:

**11. Auction of moose hunting permits to fund youth conservation education programs.** Notwithstanding subsection 1, the commissioner may issue not more than 5 10 moose hunting permits each year through public auction in accordance with this subsection.

A. Each moose hunting permit issued under this subsection must be awarded through public auction to the applicant who submits the highest bid.