

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

10. Funding. The council may apply for grants and other nongovernmental funds to provide staff support or consultant support to carry out the duties and requirements of this section.

Sec. 2. Appointments; staggered terms. Notwithstanding the Maine Revised Statutes, Title 2, section 104, subsection 2, of the members of the Advisory Council on Health Systems Development appointed pursuant to Title 2, section 104, subsection 1-A, paragraph A, subparagraphs (1), (9) and (10), 2 members must be appointed for 4-year terms and 2 members must be appointed for 5-year terms.

Sec. 3. Current members continue to serve. Notwithstanding the Maine Revised Statutes, Title 2, section 104, subsection 2, any member serving on the Advisory Council on Health Systems Development on the effective date of this Act continues to serve until the expiration of the term for which the member was appointed or until a successor is appointed.

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

Effective June 27, 2007.

CHAPTER 442

H.P. 1272 - L.D. 1824

An Act To Regulate Outdoor Wood Boilers

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

Whereas, this Act requires the Department of Environmental Protection to adopt major substantive rules to address issues relating to outdoor wood boilers; and

Whereas, the major substantive rules are to be adopted on an emergency basis pursuant to the Maine Revised Statutes, Title 5, section 8073 in order to have the rules in place prior to the height of the wood-burning season; 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. 38 MRSA §582, sub-§8-C is enacted to read:

8-C. Outdoor wood boiler. "Outdoor wood boiler" means a fuel burning device:

A. Designed to burn wood or other solid fuels;

B. That the manufacturer specifies for outdoor installation or in structures not normally occupied by humans; and

C. That heats building space and water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

Sec. 2. 38 MRSA §610-B is enacted to read:

§610-B. Outdoor wood boilers

1. Phase I emission standard. A person may not sell or distribute for sale an outdoor wood boiler after April 1, 2008 unless it meets a particulate matter emission limit of 0.6 pounds per million British Thermal Units heat input.

This subsection is repealed April 1, 2010.

2. Phase II emission standard. A person may not sell or distribute for sale an outdoor wood boiler after April 1, 2010 unless it meets a particulate matter emission limit of 0.32 pounds per million British Thermal Units heat output.

3. Nuisance condition. A person may not operate an outdoor wood boiler in a manner that creates a nuisance condition as defined in the department's rules.

The Department of Environmental Protection shall adopt rules to implement this section. Notwithstanding section 592-A, the rules must include a definition of "nuisance condition" specifically relating to the operation of outdoor wood boilers. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Emergency major substantive rules; outdoor wood boilers. The Department of Environmental Protection shall adopt rules related to outdoor wood boilers. The rules must include provisions relating to siting, operation and labeling requirements, stack heights, dealer and manufacturer reporting, public notification of emission standards and operation and siting requirements, code enforcement officer training, nuisance conditions and existing inventory issues. The rules must provide for enforcement of the rules by the Department of Environmental Protection. Rules adopted pursuant to this section and the Maine Revised Statutes, Title 38, section 610-B may be adopted as emergency major substantive rules pursuant to Title 5, section 8073 and must be submitted to the Legislature for review by January 15, 2008.

Sec. 4. Reports; outdoor wood boilers. The Department of Environmental Protection shall submit reports as provided in this section.

1. Report regarding resolution of outdoor wood boiler complaints. By July 1, 2007 and every month thereafter by the first day of the month until January 1, 2008, the Department of Environmental Protection shall report to the Joint Standing Committee on Natural Resources on the status of the resolution of complaints regarding outdoor wood boilers.

2. Report regarding outdoor wood boiler technology. By January 10, 2009, the Department of Environmental Protection shall review outdoor wood boiler technology, including the achievable emission limits of outdoor wood boilers, and submit a report on the review to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report must include the department's findings, recommendations and any legislation necessary to implement the recommendations. The joint standing committee of the Legislature having jurisdiction over natural resources matters may submit legislation relating to the report to the First Regular Session of the 124th Legislature.

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

Effective June 27, 2007.

CHAPTER 443

S.P. 668 - L.D. 1854

An Act Regarding Campaign Finance Reporting and the Maine Clean Election Act

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

PART A

Sec. A-1. 21-A MRSA §1001, sub-§3, as enacted by PL 1985, c. 161, §6, is amended to read:

3. Person. "Person" means an individual, committee, firm, partnership, corporation, association, ~~group~~ or organization.

Sec. A-2. 21-A MRSA §1004-A, last ¶, as enacted by PL 2003, c. 628, Pt. A, §1, is amended to read:

When the commission has reason to believe that a violation has occurred, the commission shall provide written notice to the candidate, party committee, political action committee, committee treasurer or other respondent and shall afford them an opportunity to appear before the commission before assessing any

penalty. In determining any penalty under subsections 3, 4 and 5, the commission shall consider, among other things, the level of intent to mislead, the penalty necessary to deter similar misconduct in the future and the harm suffered by the public from the incorrect disclosure.

Sec. A-3. 21-A MRSA §1012, sub-§2, ¶B, as amended by PL 2005, c. 301, §7, is further amended to read:

B. Does not include:

(1) The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;

(2) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the individual on behalf of any candidate does not exceed \$100 with respect to any election;

(3) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if the charge to the candidate is at least equal to the cost of the food or beverages to the vendor and if the cumulative value of the food or beverages does not exceed \$100 with respect to any election;

(4) Any unreimbursed travel expenses incurred and paid for by an individual who volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$100 with respect to any election;

(4-A) Any unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate's spouse or domestic partner;

(5) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;

(6) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title, lists of registered voters and voter identification information, created, obtained or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;