

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2008 to March 31, 2008**

**FIRST SPECIAL SESSION**  
**April 1, 2008 to April 18, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 18, 2008**

**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**  
**2008**

thermal water system installer before a person may receive a solar energy rebate; and

**Whereas**, it is necessary that the rules be amended as soon as possible so that solar thermal water systems that have been installed by qualified installers may be approved and rebates may be issued without having a licensed plumber sign off on the installation; 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. 35-A MRSA §3211-C, sub-§1, ¶A-1** is enacted to read:

A-1. "Qualified solar thermal water system installer" means a person who has been certified by the commission to install solar thermal systems designed to heat water and who holds a current license from the State as a master plumber, as a master oil burner technician or as a propane and natural gas technician or has been certified as a type II, type III or universal heating, ventilation and air conditioning refrigeration technician through a certification program approved by the United States Environmental Protection Agency.

**Sec. 2. 35-A MRSA §3211-C, sub-§1, ¶C**, as reallocated by RR 2005, c. 1, §17, is amended to read:

C. "Solar thermal system" means a configuration of solar collectors and a pump, heat exchanger and storage tank or fans designed to heat water or air for the purpose of space heating, domestic water heating or both space and domestic water heating. Solar thermal system types include forced circulation, integral collector storage, thermosyphon and self-pumping systems.

**Sec. 3. 35-A MRSA §3211-C, sub-§2, ¶B**, as amended by PL 2007, c. 29, §1, is further amended to read:

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~~ qualified solar thermal water system installer and, if the solar thermal system is designed to heat potable water, it must be installed by a qualified solar thermal water system installer who holds a current license as a master plumber or by a qualified solar thermal water sys-

tem installer working in conjunction with a master plumber.

**Sec. 4. Rules amended.** The Public Utilities Commission shall amend its rules pertaining to the solar energy rebate program under the Maine Revised Statutes, Title 35-A, section 3211-C.

1. The commission shall amend its rules to implement the provisions of this Act that amend Title 35-A, section 3211-C.

2. The commission shall amend its rules that pertain to requirements for obtaining a rebate to include language that states that an application for a solar thermal system rebate must include a copy of the certificate of competency issued by the commission to the installer and, if the solar thermal system incorporates the heating of potable water, the application must include a copy of the master plumber's license or license number.

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

Effective March 12, 2008.

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## CHAPTER 494

### S.P. 800 - L.D. 2006

#### An Act To Give Municipalities Control of Mussels Located in Intertidal Zones

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

**Sec. 1. 12 MRSA §6671, sub-§3, ¶A**, as enacted by PL 2001, c. 188, §2, is amended to read:

A. Within any area of the municipality, a shellfish conservation ordinance may:

- (1) Regulate or prohibit the possession of shellfish;
- (2) Fix the amount of shellfish that may be taken;
- (3) Provide for protection from shellfish predators; ~~and~~
- (4) Authorize the municipal officials to open and close flats under specified conditions; ~~and~~
- (5) Specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support a municipal shellfish conservation program.

**Sec. 2. 12 MRSA §6671, sub-§12** is enacted to read:

**12. Intertidal mussel harvesting.** With the advice of the municipality, the commissioner may issue a permit to an individual licensed pursuant to section 6746 that authorizes the permit holder to fish for and take mussels from an area designated by the municipality pursuant to subsection 3. The commissioner shall limit the number of permits issued for a designated area to that number the commissioner determines is necessary to achieve the goals of the municipality's shellfish conservation program. The permit may specify limits on the amount of mussels taken, when the mussels may be taken and gear usage and any other conditions necessary for consistency with the shellfish conservation program.

**Sec. 3. 12 MRSA §6746, sub-§2,** as amended by PL 2005, c. 434, §10, is further amended to read:

**2. Licensed activity.** A boat license under this section may be used for dragging for mussels. The holder of a mussel boat license may also possess or transport mussels within the state limits or sell mussels the holder has taken to a wholesale seafood license holder certified under section 6856. The license also authorizes the captain and crew members aboard the licensed boat when engaged in dragging for mussels to undertake these activities. A mussel boat license does not authorize the holder to fish for or take mussels in violation of a municipal ordinance adopted pursuant to section 6671.

See title page for effective date.

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## CHAPTER 495

**S.P. 762 - L.D. 1968**

### **An Act To Clarify the Election of Municipal Charter Commission Members**

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

**Whereas,** the municipal charter is equivalent to a constitution for the City of Portland, and voters should be able to separate the choice between the need for a charter commission and an election of the members of that charter commission; and

**Whereas,** the City of Portland intends to hold an election in June 2008, which is less than 90 days after statutory adjournment; 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. 30-A MRSA §2103, sub-§1, ¶A,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

A. Voter members ~~shall~~ must be elected by one of the following methods:

(1) Six voter members ~~shall be~~ are elected in the same manner as the municipal officers, except that they must be elected at-large and without party designations; ~~or~~

(2) One voter ~~shall be~~ member is elected from each voting district or ward in the same manner as municipal officers, except that ~~they~~ the voter member must be elected without party designation; ~~or~~

(3) Voter members are elected both at-large and by district or ward, as long as the number of voter members is the same as the number of municipal officers on the board or council of that municipality and the voter members are elected in the same manner as the municipal officers, except that they must be elected without party designation.

Election of voter members may be held either at the same municipal election as the referendum for the charter commission, ~~but must be held within 90 days of the referendum election or at the next scheduled regular or special municipal or state election that is no more than 200 days after the referendum authorizing the charter commission.~~ The names of the candidates on the ballot ~~shall~~ must be arranged alphabetically by last name. If the elections are held at the same time, the names of the candidates ~~shall~~ must appear immediately below the question relating to the charter commission.

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

Effective March 14, 2008.

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## CHAPTER 496

**H.P. 1374 - L.D. 1940**

### **An Act To Assist Distressed Businesses Organized as Limited Liability Companies**

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