

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

within the municipality, including, but not limited to:

- (1) Costs of funding economic development programs or events developed by the municipality or funding the marketing of the municipality as a business or arts location;
- (2) Costs of funding environmental improvement projects developed by the municipality for commercial or arts district use or related to such activities;
- (3) Funding to establish permanent economic development revolving loan funds or investment funds;
- (4) Costs of services to provide skills development and training for residents of the municipality. These costs may not exceed 20% of the total project costs and must be designated as training funds in the development program; ~~and~~
- (5) Quality child care costs, including finance costs and construction, staffing, training, certification and accreditation costs related to child care; and
- (6) Costs relating to planning, design, construction, maintenance, grooming and improvements to new or existing recreational trails determined by the department to have significant potential to promote economic development, including bridges that are part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses; and

See title page for effective date.

CHAPTER 86

S.P. 390 - L.D. 1026

An Act Concerning Mercury-added Button Cell Batteries

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

Sec. 1. 38 MRSA §1661-C, sub-§9, as enacted by PL 2005, c. 509, §2, is repealed and the following enacted in its place:

9. Button cell batteries. This subsection governs the sale of mercury-added button cell batteries.

A. After June 30, 2011, a person may not sell or offer to sell or distribute for promotional purposes a mercury-added button cell battery identified in this paragraph or a product that contains a

mercury-added button cell battery identified in this paragraph:

- (1) A zinc-air button cell battery;
- (2) An alkaline manganese button cell battery; or
- (3) A silver oxide button cell battery stamped with the designation SR357, SR364, SR371, SR377 or SR395; and

B. After January 1, 2015, a person may not sell or offer to sell or distribute for promotional purposes a silver oxide mercury-added button cell battery or a product that contains a silver oxide mercury-added button cell battery.

Sec. 2. 38 MRSA §2165, sub-§6, ¶D, as enacted by PL 1991, c. 808, §2, is amended to read:

D. An alkaline manganese battery manufactured on or after January 1, 1996 that contains any added mercury except that, until June 30, 2011, any alkaline manganese battery resembling a button or coin in size and shape, may contain that contains no more than 25 milligrams of mercury may be sold.

See title page for effective date.

CHAPTER 87

S.P. 86 - L.D. 245

An Act To Calculate the School Year by Number of Hours

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

Whereas, weather, failure of heating systems or other extraordinary events may necessitate a school board to alter the school calendar; and

Whereas, allowing the Commissioner of Education to approve alternatives to the minimum number of school days offers a school board flexibility in adjusting the calendar to best meet students' needs; 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. 20-A MRSA §4801, sub-§1, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. The commissioner may reduce or waive the minimum number of days required on application from a school board. The commissioner may authorize an equivalent number of hours to be substituted for days for a limited time period upon application from a school board. The application must be supported in writing with a statement of the reasons for the request.

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

Effective May 8, 2009.

CHAPTER 88

S.P. 70 - L.D. 220

An Act To Increase the Availability of Solar and Wind Power

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

Whereas, promoting renewable energy and energy efficiency are significant priorities of the American Recovery and Reinvestment Act of 2009; and

Whereas, significant funding from the American Recovery and Reinvestment Act of 2009 will be disbursed to the Public Utilities Commission in the immediate future for energy initiatives, including renewable energy initiatives such as the solar and wind energy rebate program; 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-§6, as amended by PL 2007, c. 661, Pt. D, §1, is further amended to read:

6. Limitation to residents of State; repeal. Participation in the solar and wind energy rebate program and fund established in this section is limited to residents of the State. This section is repealed December 31, 2010 2015.

Sec. 2. Solar and wind energy rebate program; federal stimulus funds; report. The Public Utilities Commission, to the extent allowed, shall apply federal funds received by the commission under

the American Recovery and Reinvestment Act of 2009, Public Law 111-5, to increase funding for the solar and wind energy rebate program established in the Maine Revised Statutes, Title 35-A, section 3211-C by \$500,000 per year for the 2-year period during which the federal funds are available. In the solar and wind energy rebate program annual report for December 1, 2010 required by Title 35-A, section 3211-C, subsection 5, the commission shall report the results of the funding expansion to the solar and wind energy rebate program made possible by the American Recovery and Reinvestment Act of 2009 and make recommendations regarding future funding of the solar and wind energy rebate program, including, but not limited to, funding level and sources of funds.

Sec. 3. Solar and wind energy rebate program rules; performance standard; payback calculation. The Public Utilities Commission shall amend the rules governing the solar and wind energy rebate program adopted pursuant to the Maine Revised Statutes, Title 35-A, section 3211-C, subsection 4 to:

1. Establish performance standards for solar and wind energy systems. The purpose of the standards must be to inform rebate program applicants about relevant performance criteria and the relative performance of different solar and wind energy systems; and

2. Require each applicant, as part of the application form, to complete a simple payback period calculation for the applicant's solar or wind energy system. For the purposes of this subsection, "simple payback period" is the estimated amount of time it will take to recover the initial investment through energy savings, determined by dividing the initial installed cost by the estimated annual energy cost savings.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Solar Rebate Program Fund Z012

Initiative: Allocates funds to the solar and wind energy rebate program now continued beyond its original sunset date of December 31, 2010 until the new sunset of December 31, 2015.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$250,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$250,000

Solar Rebate Program Fund Z012