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

6. Commission order; certificate of public convenience. In its order, the commission shall make specific findings with regard to the need for the proposed transmission line. If the commission finds that a need exists, it shall issue a certificate of public convenience and necessity for the transmission line. If the commission orders or allows the erection of the transmission line, the order is subject to all other provisions of law and the right of any other agency to approve the transmission line. A person may submit a petition for and obtain approval of a proposed transmission line under this section before applying for approval under municipal ordinances adopted pursuant to Title 30-A, Part 2, Subpart 6-A; and Title 38, section 438-A and, except as provided in subsection 4, before identifying a specific route or route options for the proposed transmission line. Except as provided in subsection 4, the commission may not consider the petition insufficient for failure to provide identification of a route or route options for the proposed transmission line. The issuance of a certificate of public convenience and necessity establishes that, as of the date of issuance of the certificate, the decision by the person to erect or construct was prudent. At the time of its issuance of a certificate of public convenience and necessity, the commission shall send to each municipality through which a proposed corridor or corridors for a transmission line extends a separate notice that the issuance of the certificate does not override, supersede or otherwise affect municipal authority to regulate the siting of the proposed transmission line. The commission may deny a certificate of public convenience and necessity for a transmission line upon a finding that the transmission line is reasonably likely to adversely affect any transmission and distribution utility or its customers.

Sec. 6. 35-A MRSA §3132, sub-§13, as enacted by PL 2007, c. 148, §11, is amended to read:

13. Public lands. The State, any agency of the State or any political subdivision of the State may not sell, lease or otherwise convey any interest in public land, other than a future interest or option to purchase an interest in land that is conditioned on satisfaction of the terms of this subsection, to any person for the purpose of constructing a transmission line, unless the ~~following conditions are met:~~ person has received a certificate of public convenience and necessity from the commission pursuant to this section.

~~A. For a transmission line subject to the requirements of subsection 2, the person has received a certificate of public convenience and necessity from the commission pursuant to this section; or~~

~~B. For a transmission line capable of operating at 69 kilovolts or more but less than 100 kilovolts that is not subject to the requirements of subsection 2, the person has provided written notice of the proposed transmission line to the commission and:~~

~~(1) Within 30 days of the filing of the notice, the commission has not acted to initiate an investigation of the proposed transmission line; or~~

~~(2) Within 30 days of the filing of the notice, the commission has initiated an investigation of the proposed transmission line and notified the person of the requirement to file a petition for approval of the proposed transmission line in accordance with subsection 2, and:~~

~~(a) The commission has, as a result of the investigation, issued a certificate of public convenience and necessity for the transmission line; or~~

~~(b) The commission has determined that an investigation is no longer needed in this instance and has terminated the investigation.~~

As used in this subsection, "public land" means land that is owned or controlled by the State, by an instrumentality of the State or by a political subdivision of the State.

As used in this subsection, "future interest or option to purchase an interest in land" includes an option, purchase and sale agreement or other equivalent legal instrument that conveys the intent to pursue a future sale, lease or other conveyance of land.

See title page for effective date.

CHAPTER 124

H.P. 296 - L.D. 389

An Act To Facilitate the State's Existing Commitment to the Production of Liquid Biofuels

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

Sec. 1. 10 MRSA §997-A, as amended by PL 2007, c. 395, §§5 and 6, is repealed.

Sec. 2. 10 MRSA §1023-K, as amended by PL 2003, c. 537, §§25 and 26 and affected by §53, is further amended to read:

§1023-K. Clean Fuel Vehicle Fund

1. Established; fund administration. The Clean Fuel Vehicle Fund, referred to in this section as the "fund," is established under the jurisdiction of the authority to support production, distribution and consumption of clean fuels and biofuels. In administering the fund, the authority shall consult and provide op-

portunity for input from the Governor's Office of Energy Independence and Security within the Executive Department.

1-A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Clean fuel" has the same meaning as in section 963-A.

B. "Sustainable biofuel" means fuel that:

(1) Satisfies the definition of "biofuel" in Title 36, section 5219-X; and

(2) Is produced in a manner that relies on sustainable natural resource and use practices and, on a life-cycle basis, results in net reductions in greenhouse gas emissions.

2. Sources of money. The following money must be paid into the fund:

A. All money appropriated for inclusion in the fund;

B. Subject to any pledge, contract or other obligation, all interest, dividends or other pecuniary gains from investment of money from the fund;

C. Subject to any pledge, contract or other obligation, any money that the authority receives in repayment of advances from the fund;

D. Any sums designated for deposit into the fund from any source, public or private, including, but not limited to, grants, air pollution penalties ~~and~~, bond issues and voluntary contributions; and

E. Any other money available to the authority and directed by the authority to be paid into the fund.

~~**3. Application of fund.** The fund may be applied to carry out any power of the authority under or in connection with section 1026-A, subsection 1, paragraph A, subparagraph (1), division (c), including, but not limited to, the pledge or transfer and deposit of money in the fund as security for and the application of the fund to pay principal, interest and other amounts due on insured loans. The fund may be used for direct loans to finance all or part of any clean fuel vehicle project when the authority determines that:~~

~~A. The applicant demonstrates a reasonable likelihood that the applicant will be able to repay the loan;~~

~~B. The applicant demonstrates a reasonable likelihood that the applicant will not be able to obtain the funds necessary to undertake all or any part of the project from any other source, including a loan insured under section 1026-A, subsection 1, paragraph A, subparagraph (1), division (c);~~

~~C. The project is technologically feasible; and~~

~~D. The project will contribute to a reduction of or more efficient use of fossil fuels.~~

~~The authority shall adopt rules for determining eligibility, project feasibility, terms, conditions and security for loans under this section. Rules adopted pursuant to this section are routine technical rules under Title 5, chapter 375, subchapter 2-A. Money in the fund not currently needed to meet the obligations of the authority as provided in this section may be invested in such a manner as permitted by law.~~

3-B. Application of fund. The fund may be used in accordance with this subsection.

A. The fund may be applied to carry out any power of the authority under or in connection with section 1026-A, subsection 1, paragraph A, subparagraph (1), division (c), including, but not limited to, the pledge or transfer and deposit of money in the fund as security for and the application of the fund to pay principal, interest and other amounts due on insured loans.

B. The fund may be used for direct loans to finance all or part of any clean fuel or sustainable biofuel vehicle project when the authority determines that:

(1) The applicant demonstrates a reasonable likelihood that the applicant will be able to repay the loan;

(2) The project is technologically feasible; and

(3) The project will contribute to a reduction of or more efficient use of fossil fuels.

C. The fund may be used for grants to support clean fuel and sustainable biofuel production, distribution and consumption. The authority, in consultation with the Governor's Office of Energy Independence and Security within the Executive Department, shall establish a formula and method for the awarding of grants under this paragraph.

D. The fund may be used for reasonable development and administration costs for an online contribution process, in accordance with subsection 6.

E. The fund may be used for reasonable initial and ongoing administrative costs of the authority to implement this section.

The authority, in consultation with the Governor's Office of Energy Independence and Security within the Executive Department, shall adopt rules for determining eligibility, project feasibility, terms, conditions and security for loans under this section. Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter 375, subchapter 2-A.

4. Accounts within fund. The authority may divide the fund into separate accounts as it determines necessary or convenient for carrying out this section, including, but not limited to, accounts reserved for direct loan funds, accounts reserved for grants and accounts segmented to support production, distribution and supply of clean fuels and sustainable biofuels.

5. Revolving fund. The fund is a nonlapsing, revolving fund. The fund must be continuously applied by the authority to carry out this section and section 1026-A, subsection 1, paragraph A, subparagraph (1), division (c).

6. Online voluntary contribution. The Secretary of State, in consultation with the authority, may develop and administer a cost-effective method for a person to make a voluntary contribution to the fund through an online process. If such a method is developed, reasonable development and administration costs for the online contribution process must be deducted from contributions to the fund.

Sec. 3. 10 MRSA §1026-A, sub-§1, ¶A, as amended by PL 2003, c. 537, §30 and affected by §53, is further amended to read:

A. Loan insurance may not exceed:

(1) One hundred percent of the principal amount of the loan made to any borrower including related entities for any of the following types of loans or projects:

(a) Loans to veterans and wartime veterans, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding $5,000,000;

(b) Underground and aboveground oil storage facility projects and projects to install equipment related to the improvement of air quality pursuant to requirements for gasoline service station vapor control and petroleum liquids transfer vapor recovery, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding $5,000,000;

(c) Clean fuel vehicle projects and sustainable biofuel vehicle projects, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding $5,000,000;

(d) Waste oil disposal site clean-up projects, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding $1,000,000; or

(e) The Plymouth waste oil remedial study, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding $1,000,000; and

(2) Ninety percent of the principal amount of the loan made to any borrower, including related entities for any other manufacturing enterprise, industrial enterprise, recreational enterprise, fishing enterprise, agricultural enterprise, natural resource enterprise or any other eligible business enterprise;

See title page for effective date.

CHAPTER 125

S.P. 369 - L.D. 986

An Act To Protect the Public Health and the Environment by Prohibiting the Sale of Wheel Weights Containing Lead or Mercury

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

Sec. 1. 38 MRSA §1606-A is enacted to read:

§1606-A. Wheel weights

1. Tire service. Beginning January 1, 2011, when replacing or balancing a tire on a motor vehicle required to be registered under Title 29-A, chapter 5, a person may not use a wheel weight or other product for balancing motor vehicle wheels if the weight or other balancing product contains lead or mercury that was intentionally added during the manufacture of the product.

2. Sales ban. Except as provided in subsection 3, beginning January 1, 2011, a person may not sell or offer to sell or distribute weights or other products for balancing motor vehicle wheels if the weight or other balancing product contains lead or mercury that was intentionally added during the manufacture of the product.

3. New motor vehicles. Beginning January 1, 2012, a person may not sell a new motor vehicle that is equipped with a weight or other product for balancing motor vehicle wheels if the weight or other balancing product contains lead or mercury that was intention-