

# 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.**

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**Augusta, Maine**  
**2009**

**CHAPTER 208**  
**S.P. 365 - L.D. 982**

**An Act To Amend the Laws  
Governing Legislative Ethics**

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

**Sec. 1. 1 MRSA §1009**, as enacted by PL 2005, c. 301, §2, is amended to read:

**§1009. Recommendations to Legislature**

Following a general election, the commission may solicit suggestions for improving campaign financing and reporting and the administration of the other areas within the commission's jurisdiction. The commission shall review the suggestions and may submit legislation within 90 days of the general election based on those suggestions or on proposals by individual members of the commission or its staff.

**Sec. 2. 1 MRSA §1012, sub-§2-A** is enacted to read:

**2-A. Domestic partner.** "Domestic partner" means the partner of a Legislator who:

A. Has been legally domiciled with the Legislator for at least 12 months;

B. Is not legally married to or legally separated from an individual;

C. Is the sole partner of the Legislator and expects to remain so; and

D. Is jointly responsible with the Legislator for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property.

**Sec. 3. 1 MRSA §1012, sub-§6**, as enacted by PL 1989, c. 561, §4, is amended to read:

**6. Immediate family.** "Immediate family" means a Legislator's spouse, domestic partner or dependent children.

**Sec. 4. 1 MRSA §1012, sub-§8**, as enacted by PL 1989, c. 561, §4, is amended to read:

**8. Relative.** "Relative" means an individual who is related to the Legislator or the Legislator's spouse as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, domestic partner, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or

half sister, and ~~shall be deemed to include~~ includes the fiance or fiancee of the Legislator.

See title page for effective date.

**CHAPTER 209**  
**H.P. 810 - L.D. 1171**

**An Act To Amend the Laws  
Governing Outdoor Wood  
Boilers**

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

**Sec. 1. 38 MRSA §582, sub-§8-C, ¶A**, as enacted by PL 2007, c. 442, §1, is amended to read:

A. Designed to burn wood, biomass fuel products or other solid fuels;

**Sec. 2. 38 MRSA §582, sub-§8-C, ¶B**, as enacted by PL 2007, c. 442, §1, is amended to read:

B. That the manufacturer specifies for outdoor installation or in structures not normally occupied by humans or is an indoor-rated device housed in a modular or containerized structure; and

**Sec. 3. 38 MRSA §582, sub-§8-C, ¶C**, as enacted by PL 2007, c. 442, §1, is amended to read:

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

**Sec. 4. 38 MRSA §610-B, sub-§2-A** is enacted to read:

**2-A. Voluntary, technology-forcing emission standard.** An outdoor wood boiler meeting a particulate matter emission limit of 0.06 pounds per million British Thermal Units heat output is not subject to a setback requirement as long as it meets the stack height requirements for an outdoor wood boiler meeting the emission standard in subsection 2 in accordance with rules adopted by the department.

**Sec. 5. 38 MRSA §610-C, sub-§3**, as enacted by PL 2007, c. 680, §2, is amended to read:

**3. Application of fund.** The department shall apply the money in the fund toward the upgrade, purchase and replacement of outdoor wood boilers ~~installed prior to February 1, 2008 and~~ determined by the department to constitute a nuisance condition or threat to public health or safety. The department shall adopt rules that include, but are not limited to, criteria for determining whether an outdoor wood boiler constitutes a nuisance condition or threat to public health or safety and is eligible for use of the fund, compensa-

tion criteria and amounts and procedures for certification and verification of removal and possible replacement of eligible outdoor wood boilers. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 6. Outdoor wood boiler rules.** The Department of Environmental Protection shall adopt rule amendments to Chapter 150: Control of Emissions from Outdoor Wood Boilers, a rule of the Department of Environmental Protection, Bureau of Air Quality Control, that:

1. Change the current requirement that any person intending to install or operate a commercial outdoor wood boiler must obtain an evaluation, a report and installation recommendations from a professional engineer to a requirement that the evaluation, report and installation recommendations must be obtained from a qualified professional, including a professional engineer or a master solid fuel burner technician;
2. Amend the definition of "commercial outdoor wood boiler" to exclude outdoor wood boilers used solely for space heating or domestic hot water; and
3. Allow a person who upgrades or replaces a nuisance outdoor wood boiler when money is not available from the Outdoor Wood Boiler Fund to be eligible for reimbursement from the fund when money is available.

Notwithstanding anything to the contrary in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A and Title 38, section 610-B, last paragraph, the Department of Environmental Protection is not required to hold hearings or conduct other formal proceedings prior to adopting the rules amendments in accordance with subsections 1 and 2. Notwithstanding Title 38, section 610-B, last paragraph, the initial rule amendments adopted pursuant to subsection 3 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. After adoption of the initial rule amendments pursuant to this section, any further rule amendment adopted pursuant to this section is considered a major substantive rule and is subject to legislative review in accordance with Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 210  
H.P. 979 - L.D. 1400**

**An Act To Designate July 12th  
as Wyeth Day**

**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 legislation needs to take effect before July 12, 2009, the birthday of Andrew Wyeth; 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. 1 MRSA §150-D** is enacted to read:

**§150-D. Wyeth Day**

The Governor shall annually issue a proclamation designating July 12th of each year as Wyeth Day in recognition of the birthday of Andrew Wyeth, one of America's great artists. The observance is created to honor Andrew Wyeth, who had long and lasting ties with this State, and his family and their strong contributions to the State's artistic and cultural heritage and is meant to coincide with appropriate commemorative activities throughout the State. The Department of Education shall make appropriate information available to the people and the schools within the limits of its budget.

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

Effective May 26, 2009.

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**CHAPTER 211  
S.P. 182 - L.D. 479**

**An Act To Recognize Maine  
Youth Camps**

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

**PART A**

**Sec. A-1. 22 MRSA §2491, sub-§7,** as amended by PL 1979, c. 672, Pt. A, §59, is further amended to read:

**7. Eating establishment.** "Eating establishment" means any place where food or drink is prepared and served, or served to the public for consumption on the premises, or catering establishments, or establishments dispensing food from vending machines, or establishments preparing foods for vending machines dispensing foods other than in original sealed packages, such as hotels, motels, boarding homes, restaurants, mobile eating places, coffee shops, cafeterias, short order cafes, luncheonettes, grills, tearooms, sandwich shops, soda fountains, bars, cocktail lounges, night clubs, roadside stands, industrial feeding establishments,