

# 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**

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.

**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,