

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

resources, shall provide assistance to the trust in implementing Title 35-A, chapter 99.

Sec. 3. Review; PACE program implementation and municipal funding options. The Efficiency Maine Trust shall convene a stakeholder group to review and make recommendations regarding the implementation of PACE programs pursuant to the Maine Revised Statutes, Title 35-A, chapter 99 and the development of and sources of funding for municipally funded PACE programs. The review conducted under this section must consider program features to ensure long-term energy savings, promote quality workmanship and otherwise contribute to achieving the state policy goal of weatherizing 100% of residences and 50% of businesses by 2030. The review must include, but is not limited to:

1. An examination of the PACE program implementation experience, including program participation and barriers to participation, types of energy savings improvements financed, quality assurance issues, adequacy of consumer and lender protections and the roles of the Efficiency Maine Trust and municipalities; and

2. Funding sources and options for municipally funded programs, including, but not limited to, municipal bonding and private capital markets. The review must consider:

A. Available sources of funding for municipalities in addition to the federal Energy Efficiency and Conservation Block Grant Program and appropriate methods for a municipality to approve the use of such sources;

B. Program features that would maximize the opportunities for accessing the private capital markets for long-term sustainable financing, including measurement and verification of energy savings; heightened lien priority consistent with the public purpose of a contractual assessment program; establishment of reserve funds; and reasonable limitations on the size of loans and types of eligible projects;

C. Approaches for independently managing municipally funded programs through one or more 3rd-party administrators that can provide support for multiple participating municipalities;

D. Measures to limit the liability of any municipality, municipal official or municipal employee involved in a municipally funded program;

E. Standard contracts, ordinances and other documents that may be useful in facilitating the implementation of contractual assessment programs; and

F. Proper allocation of the costs of administering contractual assessment programs, including loan origination fees, municipal administrative ex-

penses and any reasonable expenses incurred by the Efficiency Maine Trust for the oversight or support of such programs.

Sec. 4. Interim and final reports; authority for legislation. No later than March 1, 2011, the Efficiency Maine Trust shall submit an interim report of the findings and recommendations, including any suggested draft legislation, under section 3 to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. Following receipt of the interim report, the joint standing committee of the Legislature having jurisdiction over utilities and energy matters may submit a bill related to the report to the First Regular Session of the 125th Legislature.

No later than January 30, 2012, the Efficiency Maine Trust shall submit a final report of the findings and recommendations, including any suggested draft legislation, under section 3 to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. Following receipt of the final report, the joint standing committee of the Legislature having jurisdiction over utilities and energy matters may submit a bill related to the report to the Second Regular Session of the 125th Legislature.

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

Effective April 1, 2010.

CHAPTER 592

H.P. 1263 - L.D. 1774

**An Act To Strengthen
Collection of Unredeemed
Beverage Container Deposits**

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

Whereas, it is in the public interest to ensure that initiators of deposit are in compliance with reporting and payment requirements as soon as possible; and

Whereas, revisions are needed to facilitate compliance with those requirements; 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. 32 MRSA §1866-E, sub-§8 is enacted to read:

8. Removal of beverage. The department may remove from sale a beverage that is sold or distributed in the State by an initiator of deposit who is not in compliance with the reporting and payment requirements established in this section if the department is notified by the State Tax Assessor of that noncompliance. The department shall allow the sale of the beverage to resume upon notification by the State Tax Assessor that all delinquent reports have been submitted and all payments are current.

Sec. 2. 36 MRSA §191, sub-§2, ¶PP is enacted to read:

PP. The disclosure of registration, reporting and payment information to the Department of Agriculture, Food and Rural Resources necessary for the administration of Title 32, chapter 28.

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

Effective April 1, 2010.

CHAPTER 593

H.P. 1298 - L.D. 1814

**An Act To Implement
Recommendations Concerning
Domestic Violence and
Parental Rights and
Responsibilities**

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

Sec. 1. 19-A MRSA §1653, sub-§1, ¶C, as enacted by PL 2001, c. 329, §1, is amended to read:

C. The Legislature finds and declares that, except when a court determines that the best interest of a child would not be served, it is the public policy of this State to assure minor children of frequent and continuing contact with both parents after the parents have separated or dissolved their marriage and that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy.

Sec. 2. 19-A MRSA §1653, sub-§3, ¶L, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

L. The existence of domestic abuse between the parents, in the past or currently, and how that abuse affects:

- (1) The child emotionally; ~~and~~

- (2) The safety of the child; and

- (3) The other factors listed in this subsection, which must be considered in light of the presence of past or current domestic abuse;

Sec. 3. 19-A MRSA §1653, sub-§3, ¶Q, as amended by PL 2005, c. 567, §2, is further amended to read:

Q. The existence of a parent's conviction for a sex offense or a sexually violent offense as those terms are defined in Title 34-A, section 11203; ~~and~~

Sec. 4. 19-A MRSA §1653, sub-§3, ¶R, as enacted by PL 2005, c. 567, §3, is amended to read:

R. If there is a person residing with a parent, whether that person:

- (1) Has been convicted of a crime under Title 17-A, chapter 11 or 12 or a comparable crime in another jurisdiction;

- (2) Has been adjudicated of a juvenile offense that, if the person had been an adult at the time of the offense, would have been a violation of Title 17-A, chapter 11 or 12; or

- (3) Has been adjudicated in a proceeding, in which the person was a party, under Title 22, chapter 1071 as having committed a sexual offense; and

Sec. 5. 19-A MRSA §1653, sub-§3, ¶S is enacted to read:

S. Whether allocation of some or all parental rights and responsibilities would best support the child's safety and well-being.

See title page for effective date.

CHAPTER 594

H.P. 1316 - L.D. 1829

**An Act To Support the Dairy
Industry**

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

Sec. 1. PL 2009, c. 467, §10 is amended to read:

Sec. 10. Administrator authorized to make monthly adjustments during the period from July 1, 2010 to June 30, 2011. During the period from July 1, 2010 to June 30, 2011, the administrator of the Maine Milk Pool shall monitor milk price projections and each month calculate the amounts to be paid out under the dairy stabilization program for fiscal year 2010-11 based on these projections. The ad-