

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

7. Human health, including increases in heat-related and vector-borne diseases;

8. Water supplies and drinking water; and

9. Emergency response systems and planning; and be it further

Sec. 3. Report. Resolved: That by February 27, 2010 the department shall report recommendations related to the evaluation under this resolve, along with any necessary implementing legislation, to the Joint Standing Committee on Natural Resources. The recommendations must be organized by the affected natural resource and economic sectors and may include proposals for legislation, modifications to existing rules and specific initiatives for one or more agencies to undertake in collaboration with stakeholder organizations to implement the recommendations. The Joint Standing Committee on Natural Resources is authorized to submit legislation related to the report to the Second Regular Session of the 124th Legislature; and be it further

Sec. 4. Funding of report. Resolved: That the department is authorized to accept public and private funds for the costs incurred to prepare the report under section 3. All funds received for these purposes must be deposited into the Maine Environmental Protection Fund established in the Maine Revised Statutes, Title 38, section 351 and must be used exclusively for purposes related to the preparation of this report.

See title page for effective date.

CHAPTER 17

H.P. 579 - L.D. 843

Resolve, To Designate the Great South Bridge in the Town of Milbridge as the Harold West Bridge

Sec. 1. Bridge renamed. Resolved: That the Department of Transportation shall designate the Great South Bridge over the Narraguagus River, located 0.30 of a mile northeasterly of Route 1 on Route 1-A in the Town of Milbridge, as the Harold West Bridge in honor of town citizen Harold West's more than 50 years of service to the town.

See title page for effective date.

CHAPTER 18

SP. 151 - L.D. 407

Resolve, To Identify Funding Available To Promote the Use of Energy-efficient Furnaces

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 the expiration of the 90-day period in order to be in effect for the current heating season; 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

Sec. 1. Public Utilities Commission to identify funding available to promote the use of energy-efficient furnaces. Resolved: That the Public Utilities Commission shall identify funding sources available to the State and strategies to use such funding to promote the use of energy-efficient furnaces, particularly among low-income residents.

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

Effective April 30, 2009.

CHAPTER 19

H.P. 271 - L.D. 335

Resolve, Regarding Legislative Review of Chapter 2: Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements, a Major Substantive Rule of the Energy and Carbon Savings Trust

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 2: Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements, a provisionally adopted major substantive rule of the Energy and Carbon Savings Trust that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if that portion of the rule pertaining to funding criteria is amended to provide that the trust may calculate reductions in greenhouse gas emissions and reductions in consumption of electricity on a basis other than simply reductions from current levels when the trust determines it is appropriate to calculate reductions from the level of greenhouse gas emissions or consumption of electricity that would exist if alternative, less energy efficient technologies were used for the program or project instead of the technologies proposed by the applicant.

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

Effective April 30, 2009.

CHAPTER 20

H.P. 272 - L.D. 336

Resolve, Regarding Legislative Review of Chapter 313: Net Energy Billing Rule To Allow Shared Ownership, a Major Substantive Rule of the Public Utilities Commission

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 313: Net Energy Billing Rule to Allow Shared Ownership, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. Definition of "eligible facility." That portion of the rule designated as definitions must be amended to include micro-combined heat and power systems within the definition of "eligible facility;"

2. Definition of "micro-combined heat and power system." That portion of the rule designated as definitions must be amended to add a definition of "micro-combined heat and power system" that specifies that a micro-combined heat and power system is a system that:

A. Produces heat and electricity from one fuel input, without restriction to specific fuel or generating technology;

B. Has an electric generating capacity rating of at least one kilowatt and not more than 30 kilowatts and a fuel system efficiency of not less than 80% in the production of heat and electricity or has an electric generating capacity of at least 31 kilowatts and not more than 660 kilowatts and a fuel system efficiency of not less than 65% in the production of heat and electricity;

C. May work in combination with supplemental or parallel conventional heating systems;

D. Is manufactured, installed and operated in accordance with applicable government and industry standards; and

E. Is connected to the electric grid and operated in conjunction with the facilities of a transmission and distribution utility; and

3. Installed capacity limit of eligible facilities. That portion of the rule regarding eligible facilities within the section on annualized consumer net energy billing must be amended to change the installed ca-