

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

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-

capacity limit for eligible facilities from 500 kilowatts to 660 kilowatts.

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

Effective April 30, 2009.

CHAPTER 21

H.P. 412 - L.D. 574

Resolve, To Increase the Blood Supply

Sec. 1. Assistance for approval to receive hereditary hemochromatosis donations. Resolved: That the Department of Health and Human Services shall provide information and guidance to assist blood donation centers in meeting the United States Department of Health and Human Services, Food and Drug Administration requirements to receive blood and blood components collected through therapeutic phlebotomies from individuals with diagnosed hereditary hemochromatosis.

See title page for effective date.

CHAPTER 22

H.P. 6 - L.D. 11

Resolve, To Encourage the Preservation of Dark Skies

Sec. 1. State Planning Office to establish standards. Resolved: That the Executive Department, State Planning Office shall review existing commercial outdoor lighting standards and make recommendations on standard language that will limit light pollution and encourage the preservation of the area's natural state, as well as identify policy options for promoting outdoor lighting standards for commercial development. The State Planning Office shall present its findings in a report to the Joint Standing Committee on Business, Research and Economic Development no later than January 15, 2010.

See title page for effective date.

CHAPTER 23

H.P. 285 - L.D. 378

Resolve, To Direct the Department of Marine Resources To Study the Issues Surrounding the Harvest of Bait Fish within Territorial Waters

Sec. 1. Harvest of bait fish within territorial waters of the State. Resolved: That the Commissioner of Marine Resources shall conduct, within the existing budget of the Department of Marine Resources, a study of the harvest of bait fish within the territorial waters of the State and develop a plan to address the issues surrounding the harvest of bait fish; and be it further

Sec. 2. Report. Resolved: That the Commissioner of Marine Resources shall report the findings, recommendations and plan developed as a result of the study to the Joint Standing Committee on Marine Resources by January 4, 2010. The report must also contain a series of regulatory options that may be used to implement the commissioner's recommendations and plan; and be it further

Sec. 3. Authority to submit legislation. Resolved: That the Joint Standing Committee on Marine Resources may submit legislation relating to the study to the Second Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 24

S.P. 48 - L.D. 129

Resolve, Directing the Secretary of State To Conduct a Pilot Program for Early Voting for the November 2009 Election

Sec. 1. Secretary of State to conduct a pilot program for early voting. Resolved: That the Secretary of State shall administer a pilot program that allows selected municipalities to conduct early voting at polling places up to 10 days prior to election day, November 3, 2009. The Secretary of State shall select the municipalities to participate in the program, subject to the consent of the municipal clerks. In administering the early voting program, the Secretary of State shall use findings of the April 1, 2007 report and