

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

Sec. 2. Reports. Resolved: That the Public Utilities Commission, in cooperation with the University of Maine Cooperative Extension Service, shall prepare and submit an interim report and a final report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding the outreach and education program required by section 1. The interim report must address the status and progress of the program and must be submitted no later than April 1, 2010. The final report on the program and results achieved must be submitted no later than December 31, 2011; and be it further

Sec. 3. Rules. Resolved: That the Public Utilities Commission may adopt rules as necessary to implement this resolve. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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

Effective June 15, 2009.

CHAPTER 132

H.P. 913 - L.D. 1310

Resolve, Relating to a Review of International Trade Agreements and the Management of Groundwater Resources

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

Whereas, obligations under international trade agreements may compromise the ability of the State to manage its groundwater resources; and

Whereas, an examination of the potential legal impacts of international trade agreements on the State's ability to manage its groundwater resources will enable the Legislature to make informed and timely decisions; 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. Review established. Resolved: That the Water Resources Planning Committee, of the Land and Water Resources Council, established pursuant to the Maine Revised Statutes, Title 5, section 3331, sub-

section 8, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission established in Title 5, section 12004-I, subsection 79-A, shall conduct an examination of the potential legal impacts of international trade agreements on the State's ability to manage its groundwater resources, including, but not limited to, the potential consequences of permitting foreign companies to extract groundwater. The examination may include a review and assessment of the following subjects as they relate to or impact international trade agreement issues and the State's regulation of its groundwater:

1. Property rights related to the ownership of groundwater;

2. The various common law doctrines relating to the use of groundwater, including the absolute dominion rule and the reasonable use rule; and

3. Natural resources other than groundwater; and be it further

Sec. 2. Experts. Resolved: That outside funding accepted by the Citizen Trade Policy Commission pursuant to the Maine Revised Statutes, Title 10, section 11, subsection 10 may be used to contract with experts in the field of international trade agreements; and be it further

Sec. 3. Report. Resolved: That, by January 1, 2010, the Water Resources Planning Committee, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission, shall submit a report related to the review to the Joint Standing Committee on Natural Resources. The report must include findings, recommendations and any legislation necessary to implement the recommendations. The Joint Standing Committee on Natural Resources is authorized to report out legislation to the Second Regular Session of the 124th Legislature; and be it further

Sec. 4. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

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Initiative: Provides a base allocation in the event that the Citizen Trade Policy Commission receives outside funding to contract with experts in the field of international trade agreements.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$500	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$0

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

Effective June 15, 2009.

CHAPTER 133

H.P. 1036 - L.D. 1483

Resolve, To Stimulate the Maine Economy by Allowing the Federal First-time Home Buyer Tax Credit To Be Used at Closing of a Real Estate Transaction

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 Federal Government has provided a federal housing tax credit for first-time home buyers; and

Whereas, the best and most efficient use of the federal housing tax credit for first-time home buyers is for the funds to be available to home buyers at or near the time of closing; and

Whereas, the use of the federal housing tax credit for first-time home buyers will assist families with home ownership and stimulate the State's economy; and

Whereas, the federal housing tax credit for first-time home buyers must be used prior to December 1, 2009; 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 of rules to allow use of tax credit funds. Resolved: That if the United States Internal Revenue Service permits the first-time home buyer tax credit available under the federal American Recovery and Reinvestment Act of 2009 to be paid directly to 3rd parties, the administrator of the Maine Consumer Credit Code, as defined in the Maine Revised Statutes, Title 9-A, section 1-301, subsection 2, may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A, to facilitate the use of the tax credit funds for the financing of all or part of the down payment, closing costs, prepaid expenses and home energy improvement costs of first-time home buyers by supervised lenders and supervised

financial organizations as defined in Title 9-A, section 1-301.

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

Effective June 15, 2009.

CHAPTER 134

S.P. 357 - L.D. 935

Resolve, Regarding Building Energy Efficiency and Carbon Performance Ratings

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

Whereas, promoting renewable energy and energy efficiency are significant priorities of the federal American Recovery and Reinvestment Act of 2009; and

Whereas, significant funding from the federal American Recovery and Reinvestment Act of 2009 will be disbursed to the Public Utilities Commission as administrator of the United States Department of Energy State Energy Program in the immediate future for energy initiatives, including energy efficiency programs; 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. Building energy efficiency and carbon performance rating system. Resolved: That the Public Utilities Commission, as administrator of the United States Department of Energy State Energy Program, in consultation with the stakeholder group convened pursuant to section 2, shall:

1. Develop or select a standardized rating system and reporting form for building energy efficiency and carbon performance;

2. Include the standardized rating system and reporting form in professional education and training programs sponsored by the Public Utilities Commission;

3. Encourage real estate professionals and other stakeholders to promote voluntary use of the standardized rating system and reporting form by residential and commercial property owners, including, but not