

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

acy beginning in 2012. The Department of Education review must include an evaluation of the following areas that, as part of the National Assessment of Educational Progress assessment, the National Assessment Governing Board will include in its assessment of technological literacy:

1. Technology and society; including:
 - A. Interactions of technology and humans;
 - B. Effects of technology on the natural world;
 - C. Effects of technology on the world of information and knowledge; and
 - D. Ethics, equity and responsibility;
2. Design and systems, including:
 - A. Nature of technology;
 - B. Engineering design;
 - C. Systems thinking; and
 - D. Maintenance and troubleshooting;
3. Information and communication technology, including:
 - A. Construction and exchange of ideas and solutions;
 - B. Information research;
 - C. Investigation of problems;
 - D. Acknowledgement of ideas and information; and
 - E. Selection and use of digital tools; and be it further

Sec. 3. Report. Resolved: That the Department of Education shall submit a report by February 1, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters on the status of the State plan for science, technology, engineering and mathematics learning prepared pursuant to section 1 and on the review of state learning standards and opportunities for learning related to technological literacy pursuant to section 2. The joint standing committee of the Legislature having jurisdiction over education matters may submit a bill based on the findings and recommendations of the report submitted by the Department of Education to the First Regular Session of the 125th Legislature.

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

Effective February 23, 2010.

CHAPTER 152

H.P. 1098 - L.D. 1556

Resolve, To Review Certification Requirements for Installation of Solar Photovoltaic Systems

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

Whereas, during these hard economic times, solar and wind energy systems could alleviate financial hardships arising from the operation of heating and cooling systems for personal residences and businesses; and

Whereas, this resolve would require a thorough review to ascertain that the State's requirements under the solar and wind energy rebate program are appropriate for ensuring proper installation of solar photovoltaic systems; and

Whereas, this review must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to this legislative session; 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. Certification requirements reviewed. Resolved: That the Public Utilities Commission, energy programs division shall review the installation qualifications required for a rebate for solar photovoltaic systems under the Maine Revised Statutes, Title 35-A, section 3211-C, subsection 2, paragraph A, subparagraph (2) and evaluate whether those rebate program requirements are necessary and appropriate for ensuring safe and proper installation of solar photovoltaic systems, with particular attention to the requirement of certification by a North American board of certified energy practitioners. The division shall consider the appropriateness of a requirement based on a photovoltaic entry-level exam offered by a North American board of certified energy practitioners; and be it further

Sec. 2. Report and recommended actions to be made. Resolved: That the Public Utilities Commission, energy programs division shall report its findings and recommendations under section 1, including suggested legislation, to the Joint Standing Committee on Utilities and Energy within 30 days of the effective date of this resolve. The Joint Standing Committee on Utilities and Energy may introduce a

bill to implement the recommendations to the Second Regular Session of the 124th Legislature.

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

Effective March 1, 2010.

CHAPTER 153

S.P. 262 - L.D. 687

Resolve, To Direct the Department of Conservation To Seek To Acquire Public Access to the Dead River

Sec. 1. Access to the Dead River; direction to the Department of Conservation. Resolved: That the Department of Conservation shall seek to acquire a public right-of-way approximately 16 miles in length along the Lower Enchanted Road, from Route 201 in West Forks Plantation westward to and including an area commonly used for vehicle parking, trip staging and watercraft access to the Dead River near its confluence with Spencer Stream.

The Department of Conservation shall exhaustively pursue all opportunities to acquire the public right-of-way through participating in any process by which public access via easements or fee acquisitions might reasonably be solicited and obtained; and be it further

Sec. 2. No obligation to maintain. Resolved: That the Department of Conservation may assume but is not required to assume any obligation to improve or maintain the right-of-way at public expense; and be it further

Sec. 3. Request for funds. Resolved: That the Department of Conservation shall seek public and private funds to acquire public access to the Dead River via easements or fee acquisitions; and be it further

Sec. 4. Report. Resolved: That the Department of Conservation shall report to the joint standing committee of the Legislature having jurisdiction over conservation matters no later than January 10, 2011 on the status of negotiations for access to the Dead River; and be it further

Sec. 5. Bill authorized. Resolved: That the joint standing committee of the Legislature having jurisdiction over conservation matters may submit a bill relating to public access to the Dead River to the First Regular Session of the 125th Legislature.

See title page for effective date.

CHAPTER 154

H.P. 1100 - L.D. 1563

Resolve, To Develop Model Academic Year Calendars

Sec. 1. Model academic year calendars. Resolved: That the Commissioner of Education shall establish a working group of kindergarten-to-grade-12 school officials, primarily superintendents and career and technical education directors, to prepare draft model academic year calendars that account for regional differences within the State to be submitted to the joint standing committee of the Legislature having jurisdiction over education matters by February 1, 2011. The working group may seek input from other stakeholders as it determines appropriate and shall present recommendations to the Commissioner of Education as to how to present the model academic year calendars for statewide review; and be it further

Sec. 2. Authorization to submit legislation. Resolved: That the joint standing committee of the Legislature having jurisdiction over education matters is authorized to submit a bill to the First Regular Session of the 125th Legislature to implement the findings of the working group under section 1.

See title page for effective date.

CHAPTER 155

H.P. 1067 - L.D. 1517

Resolve, Regarding Legislative Review of Portions of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk 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