

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

**CHAPTER 120**  
**S.P. 64 - L.D. 175**

**An Act To Update the Laws  
Governing Energy Efficiency  
Building Performance  
Standards**

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

**Sec. 1. 10 MRSA §1412**, as amended by PL 1985, c. 370, §1, is repealed.

**Sec. 2. 10 MRSA §1413, sub-§1-A**, as enacted by PL 2003, c. 151, §2, is repealed.

**Sec. 3. 10 MRSA §1413, sub-§1-B**, as enacted by PL 2003, c. 151, §2, is repealed.

**Sec. 4. 10 MRSA §1413, sub-§3**, as enacted by PL 1979, c. 503, §2, is repealed.

**Sec. 5. 10 MRSA §1413, sub-§9-A**, as enacted by PL 1987, c. 818, §1, is repealed.

**Sec. 6. 10 MRSA §1413, sub-§12**, as amended by PL 2005, c. 350, §3, is repealed.

**Sec. 7. 10 MRSA §1413, sub-§14**, as enacted by PL 1979, c. 503, §2, is repealed.

**Sec. 8. 10 MRSA §1413, sub-§16**, as amended by PL 2005, c. 350, §4, is repealed.

**Sec. 9. 10 MRSA §1414-A**, as amended by PL 2005, c. 350, §5, is repealed.

**Sec. 10. 10 MRSA §1415-E**, as amended by PL 2005, c. 350, §10, is repealed.

**Sec. 11. 10 MRSA §1415-G, sub-§4**, as amended by PL 2005, c. 350, §11, is further amended to read:

**4. Performance-based compliance.** The commission may waive the requirements of subsection 3 for any building if the commission determines that the building's calculated annual energy consumption is not greater than the annual energy consumption of a similar building constructed in accordance with subsection 3.

~~The commission may adopt rules that establish a performance-based compliance procedure for residential buildings. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

**Sec. 12. 10 MRSA §1415-I**, as enacted by PL 2005, c. 350, §13, is repealed.

**Sec. 13. 10 MRSA §9721, sub-§1-A**, as enacted by PL 2009, c. 261, Pt. A, §5, is amended to read:

**1-A. Building code.** "Building code" means any part or portion of any edition of a code that regulates the construction of a building, including codes published by the International Code Council or Building Officials and Code Administrators International, Inc., ~~or the Maine Model Building Code~~ or the International Existing Building Code adopted pursuant to Title 10, section 9702, but does not include the fire and life safety codes in Title 25, section 2452.

**Sec. 14. Repeal rules.** The Public Utilities Commission shall repeal rules that established the standards that comprised the Maine Model Building Energy Code.

See title page for effective date.

**CHAPTER 121**  
**S.P. 306 - L.D. 881**

**An Act To Improve the Unused  
Pharmaceutical Disposal  
Program**

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

**Sec. 1. 22 MRSA §2700**, as amended by PL 2005, c. 297, §§1 and 2 and affected by §3, is further amended to read:

**§2700. Unused Pharmaceutical Disposal Program**

**1. Establishment; purpose.** There is established the Unused Pharmaceutical Disposal Program, referred to in this chapter as "the program." The purpose of the program is to ensure the safe, effective and proper disposal of unused pharmaceuticals. For purposes of compliance with federal law and regulation, the return of pharmaceuticals under this section is deemed to be for law enforcement purposes.

**2. Administration.** The program is administered by the Maine Drug Enforcement Agency, referred to in this chapter as "the agency," established in Title 25, section 2955.

**3. Return of pharmaceuticals.** The agency ~~shall~~ may create ~~a system~~ systems for the ~~return~~ safe, effective and proper disposal of unused pharmaceuticals. ~~The system must~~ systems may include the use of prepaid mailing envelopes into which the unused pharmaceuticals are placed and returned to a single collection location. The prepaid mailing envelopes must be made available to the public at various locations, including, but not limited to, pharmacies, physicians' offices and post offices. The agency may randomly assess the toxicity of materials received under the program as long as the assessment results do not identify the patient, person who mailed the material, prescriber or pharmacy.

~~4. Disposal of pharmaceuticals. The agency shall ensure that only agency officers handle the unused pharmaceuticals received pursuant to subsection 3. The All unused pharmaceuticals received under the program must be disposed of by the agency in a manner that is designed to be effective, secure and in compliance with local, state and federal environmental requirements, including the federal Resource Conservation and Recovery Act of 1976, as amended.~~

**5. Unused Pharmaceutical Disposal Program Fund; funding.** The Unused Pharmaceutical Disposal Program Fund, referred to in this chapter as "the fund," is established within the agency to be used by the director of the agency to fund or assist in funding the ~~program~~ safe, effective and proper disposal of unused pharmaceuticals. Any balance in the fund does not lapse but is carried forward to be expended for the same purposes in succeeding fiscal years. The fund must be deposited with and maintained and administered by the agency. The agency may accept funds into the fund from any non-General Fund source, including grants or contributions of money or other things of value, that it determines necessary to carry out the ~~purposes of this chapter~~ safe, effective and proper disposal of unused pharmaceuticals. Money ~~received~~ accepted into the fund by the agency to ~~establish and maintain the program~~ must be used for the expenses of ~~administering this chapter~~ safe, effective and proper disposal of unused pharmaceuticals.

**6. Rulemaking.** The agency shall adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**7. Disposal; funding.** The program must operate with funding solely from the fund provided in subsection 5. ~~The program may begin operation for 2 years on July 1st of any year in which notice is given by April 1st by the director of the agency to the State Budget Officer that funding has been procured for the fund that is sufficient to operate the program for 2 years.~~

See title page for effective date.

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## CHAPTER 122

### S.P. 302 - L.D. 877

#### An Act To Establish Separate Geospatial Data Accounts for Use by the Maine Library of Geographic Information Board

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

Sec. 1. 5 MRSA §2006 is enacted to read:

#### §2006. Geospatial data accounts

**1. Accounts established.** There are established within the office separate accounts, referred to in this section as "the accounts," to be administered by the geographic information board.

**2. Sources of funding.** The following must be paid into the accounts:

A. All money appropriated for inclusion in the accounts;

B. All interest earned from investments of the accounts;

C. Any money allocated from Other Special Revenue Funds accounts for the purpose of the accounts;

D. Proceeds from any bonds issued for the purpose of the accounts; and

E. Matching funds received from the Federal Government or other legal entity for geospatial data acquisition expenditures made from the accounts pursuant to subsection 4.

**3. Use of accounts.** The purpose of the accounts is to continue projects developed by the geographic information board. The accounts must be used to provide and maintain to the extent practicable statewide GIS data sets necessary for the efficient delivery of state services and to conserve state expenditures through partnerships with other GIS stakeholders interested in acquiring the same data sets. The accounts may be used at the discretion of the geographic information board for acquiring geospatial data primarily including but not limited to the following data sets:

A. An orthoimagery program. Imagery collected through this program must be from all areas of the State and be 4-band images that include the red, green, blue and near infrared bands; and

B. An elevation data set. A consistent statewide elevation data set must be collected using light detection and ranging technology or an equivalent method.

**4. Matching funds.** Money in the accounts used to purchase geospatial data must be matched by funding from other sources at at least a one-to-one ratio.

**5. Annual report.** The Chief Information Officer shall submit a written report by January 15, 2014 and annually thereafter to the Governor and the Legislature on the accounts' balance and expenditures.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Information Services 0155