

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
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Non-Emergency Laws Is
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Non-Emergency Laws Is
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2004

sion for periodic review of designated spawning areas and consultation with affected persons prior to designation of a stretch of water as a spawning area.

See title page for effective date.

CHAPTER 665

H.P. 1429 - L.D. 1929

An Act To Promote Economic Development in the State by Encouraging the Production of Electricity from Renewable and Indigenous Resources

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

Sec. 1. 35-A MRSA §3210, sub-§7 is enacted to read:

7. Information. The commission shall inform electricity consumers in this State of the benefits of electricity generated in this State using renewable resources and of the opportunities available in this State to purchase electricity that is generated using those resources. The commission may not promote any renewable resources over others. The commission may apply for, receive and expend grant money from the United States Department of Energy and other government agencies for this purpose. Notwithstanding section 3211-A, subsection 5, the commission also may use up to \$100,000 per year from the conservation program fund established under section 3211-A, subsection 5 to support the purposes of this subsection. The commission may create or cause to be created a brand or logo to identify Maine renewable resources to consumers. The commission shall register any mark or logo created pursuant to this subsection with the United States Patent and Trademark Office or in accordance with Title 10, chapter 301-A, or both. Any brand or logo created pursuant to this subsection may only be used in accordance with the purposes of this subsection as approved by the commission.

Sec. 2. 35-A MRSA §3212, sub-§4-A is enacted to read:

4-A. Renewables; hedging. The commission shall adopt rules establishing standards and procedures for incorporating renewable resources that are constructed after March 1, 2004 into standard-offer service. The rules must provide for the incorporation of such resources if the commission finds that the incorporation will reduce the risk of price volatility, offer an effective hedging strategy and provide a competitively priced supply option. The commission may enter into or require standard-offer providers

chosen by a competitive bidding process to enter into contracts with appropriate terms in order to achieve the purposes of this subsection consistent with the legislative findings established in chapter 34 and rules adopted pursuant to this subsection. For purposes of this subsection, "renewable resources" has the same meaning as in section 3210, subsection 2. Rules adopted pursuant to this subsection are major substantive rules, as defined in Title 5, chapter 375, subchapter 2-A, and must be submitted to the Legislature for review by March 1, 2005.

Sec. 3. 35-A MRSA c. 34 is enacted to read:

CHAPTER 34

THE MAINE WIND ENERGY ACT

§3401. Short title

This chapter may be known and cited as "the Maine Wind Energy Act."

§3402. Legislative findings

The Legislature finds that it is in the public interest to explore opportunities for and encourage the development, where appropriate, of wind energy production in the State in a manner that is consistent with high environmental standards and that achieves reliable, cost-effective, sustainable energy production on those sites in the State that will attract investment and permit the development of viable wind energy projects. The Legislature finds that the development of the wind energy potential in the State needs to be integrated into the existing energy supply and transmission systems in a way that achieves system reliability, total capital cost-effectiveness and optimum short-term and long-term benefits to Maine people.

§3403. Specific measures to support wind energy

1. Monitoring. The commission shall monitor electricity markets and sale opportunities physically accessible to wind power installations in this State to determine whether such markets and opportunities are available for the sale of wind energy in accordance with federal and state law.

2. Legal action. After consultation with the Attorney General, the commission may initiate regulatory and other legal action to protect access to markets by wind power facilities located in the State.

Sec. 4. Wind power study. The Public Utilities Commission shall conduct a study of the viability of and potential for the development of wind power facilities in this State. In conducting the study, the commission shall examine at least the following:

1. The total realistic development potential and associated costs of wind power in the State;
2. Potential sites for wind power development, in order to identify such sites;
3. Available markets both in and out of this State for sales of potential power generated by wind power development in this State;
4. Transmission modifications that may be required to realize the potential for wind power development in this State and potential costs of and obstacles to such modifications;
5. The impact of potential wind power development on existing electric generation resources in this State and total system impacts, including those related to the integration of such development into existing generation and transmission systems;
6. Obstacles to wind power development in this State;
7. Methods of mitigating the cost to Maine ratepayers of renewable portfolio requirements;
8. In consultation with appropriate governmental agencies, financing or incentive mechanisms to support wind power development, including Pine Tree Development Zone incentives, financing through the Finance Authority of Maine, the possible use of the conservation program fund established in the Maine Revised Statutes, Title 35-A, section 3211-A to provide capitalization resources to the Finance Authority of Maine and other state agencies that might provide financing;
9. The potential benefits and costs of siting wind power development on lands in this State owned by federally recognized Indian tribes in this State, including consideration of financing, siting and all other issues relating to wind power development that are examined by the commission pursuant to this study; and
10. Such other issues regarding the development of wind power in this State as the commission determines important.

In light of emerging and changing technologies, the commission shall also review what qualifies as renewable resources under Title 35-A, section 3210, subsection 2 and may make suggestions for changes to the definition of that term. The commission shall consult with all agencies it determines necessary in order to adequately carry out the study required under this section. The commission shall propose methods of accomplishing the goal of cost-effective wind energy development in this State, while mitigating the financial risk to Maine ratepayers and maintaining

high standards of protection for the State's environment. The commission shall submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by March 15, 2005.

See title page for effective date.

CHAPTER 666

S.P. 97 - L.D. 263

An Act to Define a Scope of Practice for Acupuncture

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

Sec. 1. 32 MRSA §12501, sub-§1, as enacted by PL 1995, c. 671, §13, is amended to read:

1. Acupuncture. "Acupuncture" means the insertion of fine metal needles through the skin at specific points on or near the surface of the body with or without the ~~palpitation~~ palpation of specific points on the body and with or without the application of electric current or heat to the needles or skin, or both. The practice of acupuncture is based on traditional oriental theories and serves to normalize physiological function, treat certain diseases and dysfunctions of the body, prevent or modify the perception of pain and promote health and well-being.

Sec. 2. 32 MRSA §12503, sub-§1, ¶C, as enacted by PL 1995, c. 671, §13, is repealed.

Sec. 3. 32 MRSA §12513-A is enacted to read:

§12513-A. Scope of practice

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Chinese patent remedies" means patent remedies used in accordance with traditional Chinese, Japanese and Korean herbal literature.

B. "Chinese premade herbal remedies" means premade herbal remedies used in accordance with traditional Chinese, Japanese and Korean herbal literature.

C. "Custom-made Chinese herbal formulations" means custom-made herbal formulations used in accordance with traditional Chinese, Japanese and Korean herbal literature.

2. Scope of practice. The scope of practice of acupuncturists includes acupuncture and the allied