

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

may designate. ~~The board shall notify persons licensed under this chapter of the date of expiration of the license and the fee required for its renewal. The notice must be mailed to the person's last known address at least 30 days in advance of the expiration date of the license.~~

A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee in addition to the renewal fee as set under section 15225-A. Any person who submits an application for renewal more than 90 days after the license expiration date must pay an additional late fee as set under section 15225-A and is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion waive the examination and other requirements. ~~The board may levy penalties for nonrenewal in an amount not to exceed \$100.~~ Notwithstanding any other provision of this chapter, the board shall waive the examination if a renewal application is made within 90 days after separation from the United States Armed Forces, under conditions other than dishonorable, by a person who failed to renew that person's license because that person was on active duty in the Armed Forces; except that the waiver of examination may not be granted if the person served a period of more than 4 years in the Armed Forces, unless that person is required by some mandatory provision to serve a longer period and that person submits satisfactory evidence of this mandatory provision to the board.

Sec. NN-6. 32 MRSA §15225-A, as enacted by PL 2001, c. 573, Pt. B, §30 and affected by §36, is repealed and the following enacted in its place:

§15225-A. Fees

The Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose other than permit and inspection fees may not exceed \$500. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

PART OO

Sec. OO-1. Revisor's review; cross-references. The Revisor of Statutes shall review the Maine Revised Statutes and include in the errors and inconsistencies bill submitted to the Second Regular Session of the 123rd Legislature pursuant to Title 1, section 94 any sections necessary to correct and update any cross-references in the statutes to provisions of law repealed in this Act.

See title page for effective date.

**CHAPTER 403
H.P. 1356 - L.D. 1920**

**An Act To Stimulate Demand
for Renewable Energy**

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

Sec. 1. 35-A MRSA §3210, sub-§2, ¶A-1 is enacted to read:

A-1. "Alternative compliance payment rate" means a certain dollar amount per kilowatt-hour set by the commission that a competitive electricity provider may pay to the commission to satisfy the portfolio requirements of subsection 3-A.

Sec. 2. 35-A MRSA §3210, sub-§2, ¶B-1 is enacted to read:

B-1. "New renewable capacity resources" has the same meaning as in section 3210-C, subsection 1, paragraphs C and E.

Sec. 3. 35-A MRSA §3210, sub-§2, ¶B-2 is enacted to read:

B-2. "Renewable energy credit" means a tradable instrument that represents an amount of electricity generated from renewable capacity resources as defined in section 3210-C, subsection 1, paragraph E.

Sec. 4. 35-A MRSA §3210, sub-§3-A is enacted to read:

3-A. Portfolio requirements; new renewable capacity resources. Portfolio requirements for new renewable capacity resources are governed by this subsection.

A. Except as provided in paragraph B, beginning January 1, 2008, as a condition of licensing pursuant to section 3203, each competitive electricity provider in this State must demonstrate in a manner satisfactory to the commission that the percentage of its portfolio of supply sources for retail electricity sales in this State accounted for by new renewable capacity resources is as follows:

- (1) One percent for the period from January 1, 2008 to December 31, 2008;
- (2) Two percent for the period from January 1, 2009 to December 31, 2009;
- (3) Three percent for the period from January 1, 2010 to December 31, 2010;
- (4) Four percent for the period from January 1, 2011 to December 31, 2011;
- (5) Five percent for the period from January 1, 2012 to December 31, 2012;

(6) Six percent for the period from January 1, 2013 to December 31, 2013;

(7) Seven percent for the period from January 1, 2014 to December 31, 2014;

(8) Eight percent for the period from January 1, 2015 to December 31, 2015;

(9) Nine percent for the period from January 1, 2016 to December 31, 2016; and

(10) Ten percent for the period from January 1, 2017 to December 31, 2017.

New renewable capacity resources used to satisfy the requirements of this paragraph may not be used to satisfy the requirements of section 3210, subsection 3.

B. Suspensions of scheduled increases in the portfolio requirements as provided in paragraph A are governed by this paragraph.

(1) If by March 31st of the years 2010, 2012, 2014 and 2016 the commission determines that investment in new renewable capacity resources in the preceding 2 calendar years has not been sufficient for competitive electricity providers to meet the portfolio requirements under paragraph A and that the resulting use of renewable energy credits pursuant to subsection 8 or the alternative compliance payment mechanism pursuant to subsection 9, or both of these methods, has burdened electricity customers in the State without providing the benefits of new renewable capacity resources, the commission may suspend all or some of the future scheduled increases in the portfolio requirements under paragraph A.

(2) If the commission finds that alternative compliance payments are made pursuant to subsection 9 in 3 consecutive calendar years, the commission shall temporarily suspend all or some of the future scheduled increases in the portfolio requirements under paragraph A.

(3) If the commission suspends any scheduled increases in the portfolio requirements under paragraph A pursuant to subparagraph (1) or (2), the commission may resume increases, limited to no more than one percentage point per year over the previous year, in the portfolio requirements after a minimum of one year.

C. No later than March 31, 2008 and annually thereafter, the commission shall submit a report regarding the status of new renewable capacity resources in the State and compliance with the portfolio requirements under paragraph A to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. The

report must include, but is not limited to, a description of new renewable capacity resources available to meet the portfolio requirements under paragraph A, documentation of the loss of any existing renewable generation capacity in the State, the status of implementation of the new renewable capacity resources portfolio requirements, including any suspensions pursuant to paragraph B, and recommendations to stimulate investment in new renewable capacity resources.

D. Retail electricity sales pursuant to a supply contract or standard-offer service arrangement executed by a competitive electricity provider that is in effect on the effective date of this subsection is exempt from the requirements of this subsection until the end date of the current term of the supply contract or standard-offer service arrangement.

The commission shall adopt rules to implement this subsection. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 5. 35-A MRSA §3210, sub-§7, as enacted by PL 2003, c. 665, §1, is amended 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, including, but not limited to, green power supply products and renewable energy credit products certified under section 3212-A. 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, including green power supply products and renewable energy credit products certified under section 3212-A, 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. 6. 35-A MRSA §3210, sub-§8, as enacted by PL 2005, c. 646, §2, is amended to read:

8. Credit trading. The commission shall allow competitive electricity providers to satisfy the portfolio requirements of ~~subsection~~ subsections 3 and 3-A

through the use of renewable energy credits if the commission determines that a reliable system of electrical attribute trading exists.

Sec. 7. 35-A MRSA §3210, sub-§9 is enacted to read:

9. Alternative compliance payment; portfolio requirements for new renewable capacity resources. The commission shall allow competitive electricity providers to satisfy the portfolio requirements for new renewable capacity resources under subsection 3-A through an alternative compliance payment mechanism in accordance with this subsection.

A. The commission shall set the alternative compliance payment rate by rule and shall publish the alternative compliance payment rate by January 31st of each year. In setting the rate, the commission shall take into account prevailing market prices, standard-offer service prices for electricity, reliance on alternative compliance payments to meet the requirements of subsection 3-A and investment in new renewable capacity resources in the State during the previous calendar year.

B. The commission shall collect alternative compliance payments made by competitive electricity providers and shall deposit all funds collected under this paragraph in the Renewable Resource Fund established under subsection 6 to be used to fund research, development and demonstration projects relating to renewable energy technologies.

The commission shall adopt rules to implement this subsection. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 8. 35-A MRSA §3212-A is enacted to read:

§3212-A. Green power options

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

A. "Green power supply" means electricity supply generated only from renewable capacity resources as defined in section 3210-C, subsection 1, paragraph E, except that the total power production capacity limit of 100 megawatts under section 3210, subsection 2, paragraph C does not apply to wind power installations. For the purposes of this section, "green power supply" includes a biomass generator, whose fuel may include, but is not limited to, anaerobic digestion of agricultural products, byproducts or wastes.

B. "Renewable energy credit" has the same meaning as in section 3210, subsection 2, paragraph B-1, except that the total power production capacity limit of 100 megawatts under section 3210, subsection 2, paragraph C does not apply to wind power installations.

2. Certification of products; information in bill inserts. Beginning July 1, 2008, information regarding the availability of green power supply products and renewable energy credit products that are certified by the commission may, at the option of the provider of the products and with the cooperation of the transmission and distribution utility, be presented through inserts in customer bills issued by transmission and distribution utilities. The costs of the inserts, including but not limited to printing and postage costs, are the responsibility of the provider of the product. The commission may define the criteria for certification of green power supply products and renewable energy credit products by order or by rule, and the commission may limit the criteria for certification for consumer protection and eligibility verification purposes. Rules adopted to implement this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Repeal. This section is repealed July 1, 2010.

Sec. 9. Report on green power options. No later than January 31, 2010, the Public Utilities Commission shall report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding green power options that have been certified and promoted since July 1, 2008 pursuant to the Maine Revised Statutes, Title 35-A, section 3212-A. The report must include information regarding the number and type of products that have been certified by the commission, the extent to which information regarding such certified products has been presented through inserts in electric bills and available data on customer migration to green power options.

Sec. 10. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Public Utilities - Administrative Division 0184

Initiative: Provides funds for a part-time Utility Analyst position.

| OTHER SPECIAL REVENUE FUNDS | 2007-08 | 2008-09 |
|-----------------------------|----------|----------|
| POSITIONS - FTE COUNT | 0.250 | 0.250 |
| Personal Services | \$18,361 | \$25,958 |

| | | |
|---------------------|----------|----------|
| OTHER SPECIAL | \$18,361 | \$25,958 |
| REVENUE FUNDS TOTAL | | |

See title page for effective date.

**CHAPTER 404
H.P. 678 - L.D. 893**

**An Act To Exempt from Excise
Tax Maine Military Personnel
Who Are Serving Their Tours
of Duty in Maine**

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

Sec. 1. 36 MRSA §1483, sub-§14, as amended by PL 1995, c. 12, §2 and as affected by §4, is further amended to read:

14. Antique and experimental aircraft. Antique and experimental aircraft as defined in Title 6, section 3, subsections 10-A and 18-E and registered according to the provisions of Title 6; ~~and~~

Sec. 2. 36 MRSA §1483, sub-§15, as enacted by PL 1995, c. 12, §3 and as affected by §4, is amended to read:

15. Adaptive equipment. Adaptive equipment installed on a motor vehicle owned by a disabled person or the family of a disabled person to make that vehicle operable or accessible by a disabled person; and

Sec. 3. 36 MRSA §1483, sub-§16 is enacted to read:

16. Active military stationed in Maine. Vehicles owned by a person on active duty serving in the Armed Forces of the United States who is permanently stationed at a military or naval post, station or base in the State. A member of the Armed Forces of the United States stationed in the State who desires to register that member's vehicle in this State shall present certification from the commander of the member's post, station or base, or from the commander's designated agent, that the member is permanently stationed at that post, station or base. For purposes of this subsection, "a person on active duty serving in the Armed Forces of the United States" does not include a member of the National Guard or the Reserves of the United States Armed Forces.

Sec. 4. Effective date. This Act takes effect November 1, 2007.

Effective November 1, 2007.

**CHAPTER 405
H.P. 533 - L.D. 702**

**An Act To Allow
Municipalities To Establish
Foundations To Support
Education**

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

Sec. 1. 30-A MRSA §5652, first ¶, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

The municipal officers may accept a donation of money to the municipality to supplement a specific appropriation already made, to reduce the tax assessment, to endow a municipal education foundation pursuant to section 5724, subsection 10 or to reduce the permanent debt.

Sec. 2. 30-A MRSA §5652, sub-§2 is enacted to read:

2. Funding municipal education foundations. A municipality may accept endowment funds from citizens, estates, municipal contributions and bond money to fund a municipal education foundation to support local education pursuant to section 5724, subsection 10. The foundation may not spend the funds until it meets certain growth standards recommended by the Executive Department, State Planning Office.

Sec. 3. 30-A MRSA §5724, sub-§10 is enacted to read:

10. Municipal education foundations. A municipal education foundation is established with the assistance of the Executive Department, State Planning Office and must contain the following provisions.

A. The endowment of a municipal education foundation is funded by contributions by citizens, estates, municipalities and bond money if the foundation meets the Executive Department, State Planning Office standards pursuant to section 5652, subsection 2.

B. Trustees of a municipal education foundation must be citizens of the municipality and contain at least one member who is a teacher or administrator in the municipality's education system to be a liaison between the school system and the municipal education foundation.

Sec. 4. Executive Department, State Planning Office to create template. The Executive Department, State Planning Office shall create a template for municipalities to use in establishing municipal education foundations pursuant to the Maine Revised Statutes, Title 30-A, section 5724, subsection 10. The template must include: