

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

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

Whereas, to protect the public peace, health and safety and to address the financial needs of combined water and sewer districts, procedures governing the disconnection of water service for nonpayment of sewer service must be established as soon as possible; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRS §6111-C is enacted to read:

§6111-C. Disconnection of water service for non-payment of sewer services

Except as provided in subsection 4, this section applies to any consumer-owned water utility that is authorized to provide sewer services, notwithstanding any provision in its charter. Notwithstanding any other provision of law, in the event a user of the consumer-owned water utility's sewer system fails within a reasonable time to pay the utility's rates, fees or charges for sewer service, the utility may disconnect water service to the user, as long as the disconnection is accomplished in accordance with procedures established in applicable law or rules governing disconnection of utility services and terms and conditions approved by the commission. In order to exercise this authority, the utility must apply to the commission and the commission must approve terms and conditions consistent with the requirements of this section.

1. Annual filings. The terms and conditions under this section must include a requirement that the consumer-owned water utility annually file with the commission a report that includes:

A. The total number of each of the following over the preceding 12 months:

- (1) Disconnection notices issued;
- (2) Disconnections completed; and
- (3) Reconnections of disconnections; and

B. The reason for each disconnection.

2. Assistance program information. The terms and conditions under this section must include a requirement that the consumer-owned water utility provide to customers to whom the utility sends disconnection notices information about available assistance

programs, including programs that offer assistance in paying for sewer or water service, programs that offer assistance in paying for other utility services or in paying for heating fuel or similar assistance programs that could provide sufficient support to the customer to allow the customer to pay the utility's rates, fees or charges for sewer service.

3. Limitations. The terms and conditions under this section must prohibit:

A. A disconnection based solely on a customer's nonpayment of a fee or charge for estimated sewer service usage; and

B. A disconnection of a multiunit rental facility greater than 2 units unless the owner of the facility occupies a unit that would be subject to the disconnection.

4. Exception. Subsection 3, paragraph B does not apply to a consumer-owned water utility that has authority pursuant to its charter to disconnect water service in the event a user of the consumer-owned water utility's sewer system fails to pay the utility's rates, fees or charges for sewer service, provided the charter provision establishing that authority was enacted prior to August 1, 2010.

Sec. 2. Report. The Public Utilities Commission shall provide a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2012 that includes the information submitted by consumer-owned water utilities authorized to provide sewer services, pursuant to the terms and conditions required under the Maine Revised Statutes, Title 35-A, section 6111-C as well as information on customer complaints to the commission regarding actions taken by utilities pursuant to Title 35-A, section 6111-C and any recommendations by the commission with regard to changes to Title 35-A, section 6111-C or other actions to address any issues identified by the commission.

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

Effective March 24, 2010.

CHAPTER 542
S.P. 654 - L.D. 1682

An Act To Amend the Electric Utility Industry Laws as They Relate to Renewable Resources

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

Sec. 1. 35-A MRS §3210, sub-§2, ¶B-1, as enacted by PL 2007, c. 403, §2, is repealed.

Sec. 2. 35-A MRSA §3210, sub-§2, ¶B-2, as enacted by PL 2007, c. 403, §3, is amended to read:

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

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

B-3. "Renewable capacity resource" means a source of electrical generation:

(1) Whose total power production capacity does not exceed 100 megawatts and relies on one or more of the following:

- (a) Fuel cells;
- (b) Tidal power;
- (c) Solar arrays and installations;
- (d) Geothermal installations;
- (e) Hydroelectric generators that meet all state and federal fish passage requirements applicable to the generator; or
- (f) Biomass generators that are fueled by wood or wood waste, landfill gas or anaerobic digestion of agricultural products, by-products or wastes; or

(2) That relies on wind power installations.

Sec. 4. 35-A MRSA §3210, sub-§2, ¶B-4 is enacted to read:

B-4. "New" as applied to any renewable capacity resource means a renewable capacity resource that:

- (1) Has an in-service date after September 1, 2005;
- (2) Was added to an existing facility after September 1, 2005;
- (3) For at least 2 years was not operated or was not recognized by the New England independent system operator as a capacity resource and, after September 1, 2005, resumed operation or was recognized by the New England independent system operator as a capacity resource; or
- (4) Was refurbished after September 1, 2005 and is operating beyond its previous useful life or is employing an alternate technology that significantly increases the efficiency of the generation process.

For the purposes of this paragraph, "capacity resource" has the same meaning as in section 3210-C, subsection 1, paragraph A.

Sec. 5. 35-A MRSA §3210, sub-§2, ¶C, as repealed and replaced by PL 1999, c. 398, Pt. I, §2, is amended to read:

C. "Renewable resource" means a source of electrical generation:

(1) That qualifies as a small power production facility under the Federal Energy Regulatory Commission rules, 18 Code of Federal Regulations, Part 292, Subpart B, as in effect on January 1, 1997; or

(2) Whose total power production capacity does not exceed 100 megawatts and that relies on one or more of the following:

- (a) Fuel cells;
- (b) Tidal power;
- (c) Solar arrays and installations;
- (d) Wind power installations;
- (e) Geothermal installations;
- (f) Hydroelectric generators;
- (g) Biomass generators that are fueled by wood or wood waste, landfill gas or anaerobic digestion of agricultural products, by-products or wastes; or
- (h) Generators fueled by municipal solid waste in conjunction with recycling.

Sec. 6. 35-A MRSA §3210-C, sub-§1, ¶E, as amended by PL 2007, c. 293, §1, is further amended to read:

~~E. "Renewable capacity resource" means a renewable resource, as defined has the same meaning as in section 3210, subsection 2, paragraph C, except the maximum total power production capacity limit of 100 megawatts under section 3210, subsection 2, paragraph C does not apply and "renewable capacity resource" does not include: B-3.~~

~~(1) A generator fueled by municipal solid waste in conjunction with recycling; or~~

~~(2) A hydroelectric generator unless it meets all state and federal fish passage requirements applicable to the generator.~~

Sec. 7. 35-A MRSA §3212-A, sub-§1, as amended by PL 2009, c. 329, Pt. B, §2, is further amended to read:

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 or renewable energy credits for electricity generated from renewable capacity resources as defined in section ~~3210-C~~ 3210, subsection ~~4~~ 2, paragraph ~~E~~ or from a generator fueled by landfill gas ~~B-3~~, including electricity generated by community-based renewable energy projects as defined in section 3602, subsection 1. "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 ~~B-2~~.

Sec. 8. 35-A MRSA §3602, sub-§2, as enacted by PL 2009, c. 329, Pt. A, §4, is amended to read:

2. Eligible renewable resource. "Eligible renewable resource" means a renewable capacity resource as defined in section 3210, subsection 2, paragraph ~~C~~, except that "eligible renewable resource" does not include a generator fueled by municipal solid waste in conjunction with recycling and does include a generator fueled by landfill gas. "Eligible renewable resource" includes a biomass generator whose fuel includes anaerobic digestion of agricultural products, byproducts or wastes ~~B-3~~.

See title page for effective date.

**CHAPTER 543
S.P. 584 - L.D. 1519**

An Act To Ensure Search and Rescue Dogs Are Afforded Access to Public Accommodations without an Extra Charge

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

Sec. 1. 12 MRSA §10105, sub-§4-A is enacted to read:

4-A. Search and rescue dogs. A person assisting the commissioner under subsection 4 with a search and rescue dog certified by or in training with an organization recognized by the Bureau of Warden Service may be accompanied by the search and rescue dog in a place of public accommodation without being required to pay an extra charge or security deposit for the search and rescue dog. The owner of the search and rescue dog is liable for any damages done to the premises by that animal. For purposes of this subsection,

"place of public accommodation" has the same meaning as in Title 5, section 4553, subsection 8, paragraph A.

See title page for effective date.

**CHAPTER 544
H.P. 857 - L.D. 1238**

An Act Concerning the National Animal Identification System

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

Sec. 1. 7 MRSA §1708 is enacted to read:

§1708. National animal identification system

1. Mandatory system. The commissioner may adopt rules to carry out the provisions of a national animal identification system, referred to in this section as "the system," only if the system becomes mandatory through final federal action pursuant to the Administrative Procedure Act, 5 United States Code, Section 500 et seq., as amended. If the system becomes mandatory but allows a farmer to opt out of the system, then the commissioner must inform the farmer of the farmer's right to opt out of the system. Rules adopted pursuant to this subsection may be no more stringent than federal law or regulation and are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

2. Voluntary system. If the system is voluntary, the commissioner may not:

A. Mandate or force participation in the system that regulates livestock or poultry as defined in section 1302, subsection 3, including premises registration, animal identification or the tracking or surveillance of livestock or poultry;

B. Withhold indemnity under section 1756 or 1757 based solely on nonparticipation in the system; or

C. Deny, revoke or limit a service, license, permit, grant or another benefit or incentive to a person if that person does not participate in the system.

3. Municipal ordinance. A municipality, county or other political subdivision may not adopt or maintain an ordinance, rule or regulation that requires participation in the system, including premises registration, animal identification or the tracking or surveillance of livestock or poultry as defined in section 1302, subsection 3, except in conformance with a program of the department. An ordinance, rule or regulation in violation of this subsection is void and unenforceable.