

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

to all requests for information from the central voter registration system pursuant to this section within 5 business days of receipt of a written request and upon payment of any applicable fee. A municipal clerk or registrar may provide only information concerning voters registered within that municipal jurisdiction. The Secretary of State may design a form to be used for all requests for information or lists from the central voter registration system.

Sec. 9. 21-A MRSA §312, as amended by PL 2005, c. 453, §45, is further amended to read:

§312. Municipal caucus list

The chair or secretary of the municipal committee or the person or persons calling a biennial municipal caucus, including any resident voter pursuant to section 311, subsection 5, may request from the municipal registrar and receive at no charge a certified copy of a list of voters registered in that municipality a list of registered voters pursuant to section 196-A, subsection 1 for use by the municipal committee once each biennial election cycle beginning January 1st in an election year. Upon receipt of a request, the registrar has 5 business days to prepare and provide the municipal caucus list to the requester. The municipal caucus list may include only the following information for each voter: name, residence address, mailing address, enrollment status, electoral district, voter status as active or inactive, voter record number and any special designation indicating whether the voter is a uniformed service voter, overseas voter or township voter.

Sec. 10. Application. This Act does not apply to any requests for information from the central voter registration system submitted to a municipal registrar or to the Secretary of State prior to the effective date of this Act, except that any person or entity that has requested information from the central voter registration system in electronic form within 12 months prior to the effective date of this Act and that has paid the fees required under the Maine Revised Statutes, Title 21-A, former section 196, subsection 4 may obtain free monthly updates of the data for the remainder of the 12-month period, upon request.

See title page for effective date.

CHAPTER 565

H.P. 1197 - L.D. 1696

**An Act Regarding
Community-based Renewable
Energy**

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

Whereas, legislation is necessary to ensure that community-based renewable energy projects are eligible for grants from the Renewable Resource Fund; and

Whereas, the Public Utilities Commission is preparing to distribute \$600,000 of funds made available under the American Recovery and Reinvestment Act of 2009 through the Renewable Resource Fund; 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 MRSA §3210, sub-§5, as amended by PL 2007, c. 644, §§1 to 3 and PL 2009, c. 372, Pt. K, §1 and affected by §5 and c. 415, Pt. E, §2, is repealed and the following enacted in its place:

5. Funding for research and development; community demonstration projects. The commission by rule shall establish and administer a program allowing retail consumers of electricity to make voluntary contributions to fund renewable resource research and development and to fund community demonstration projects using renewable energy technologies. The program must:

A. Include a mechanism for customers to indicate their willingness to make contributions;

B. Provide that transmission and distribution utilities collect and account for the contributions and forward them to the commission;

C. Provide for a distribution of the funds to the University of Maine System, the Maine Maritime Academy or the Maine Community College System for renewable resource research and development;

D. Provide for a distribution of the funds to Maine-based nonprofit organizations that qualify under the federal Internal Revenue Code, Section 501(c)(3), consumer-owned transmission and distribution utilities, community-based nonprofit organizations, community action programs, municipalities, quasi-municipal corporations or districts as defined in Title 30-A, section 2351, community-based renewable energy projects, as defined in section 3602, subsection 1 and school administrative units as defined in Title 20-A, section 1 for community demonstration projects using renewable energy technologies; and

E. Provide for an annual distribution of 35% of the funds to the Maine Technology Institute to

support the development and commercialization of renewable energy technologies.

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

This subsection is repealed July 1, 2010.

Sec. 2. 35-A MRSA §3210, sub-§6, as amended by PL 2007, c. 18, §2 and PL 2009, c. 372, Pt. K, §2 and affected by §5 and c. 415, Pt. E, §2, is repealed.

Sec. 3. 35-A MRSA §3210, sub-§6-A, as enacted by PL 2007, c. 18, §3 and amended by PL 2009, c. 372, Pt. K, §3 and affected by §5 and c. 415, Pt. E, §2, is repealed.

Sec. 4. 35-A MRSA §3210, sub-§9, ¶B, as enacted by PL 2007, c. 403, §7, is amended to read:

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 section 10121, subsection 6 2 to be used to fund research, development and demonstration projects relating to renewable energy technologies.

Sec. 5. 35-A MRSA §3603, sub-§3, ¶A, as enacted by PL 2009, c. 329, Pt. A, §4, is amended to read:

A. Provide documentation of a resolution of support passed by the municipal legislative body or by the municipal officers, ~~as appropriate if the municipal legislative body has delegated this authority to the municipal officers,~~ of the municipality in which the community-based renewable energy project is proposed to be located, except that any project that is proposed to be located wholly in an unorganized or deorganized area of the State or that has a generating capacity of less than 100 kilowatts is exempt from the requirement set forth in this paragraph;

Sec. 6. 35-A MRSA §10109, sub-§4, ¶D, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

D. Nonelectric savings programs must be used to maximize fossil fuel energy efficiency and conservation and associated greenhouse gas reductions, subject to the apportionment between fossil fuel and electricity conservation set forth in paragraph A. Community-based renewable energy projects, as defined in section 3602, subsection 1, may apply for funding from the trust as nonelectric savings programs.

Sec. 7. 35-A MRSA §10121 is enacted to read:

§10121. Renewable Resource Fund

1. Funding for renewable resource research and development; community demonstration projects. The trust by rule shall establish and administer a program allowing retail consumers of electricity to make voluntary contributions to fund renewable resource research and development and to fund community demonstration projects using renewable energy technologies. The program must:

A. Include a mechanism for customers to indicate their willingness to make contributions;

B. Provide that transmission and distribution utilities collect and account for the contributions and forward them to the trust;

C. Provide for a distribution of the funds to the University of Maine System, the Maine Maritime Academy or the Maine Community College System for renewable resource research and development;

D. Provide for a distribution of the funds to Maine-based nonprofit organizations that qualify under the federal Internal Revenue Code, Section 501(c)(3), consumer-owned transmission and distribution utilities, community-based nonprofit organizations, community action programs, municipalities, quasi-municipal corporations or districts as defined in Title 30-A, section 2351, community-based renewable energy projects as defined in section 3602, subsection 1 and school administrative units as defined in Title 20-A, section 1 for community demonstration projects using renewable energy technologies; and

E. Provide for an annual distribution of 35% of the funds to the Maine Technology Institute to support the development and commercialization of renewable energy technologies.

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

2. Fund established. There is established the Renewable Resource Fund, referred to in this section as "the fund." The fund is a nonlapsing fund administered by the trust. All funds collected by the trust pursuant to subsection 1 must be deposited in the fund for distribution by the trust in accordance with subsection 1. The trust may seek and accept funding for the program established pursuant to subsection 1 from other sources, public or private. Any funds accepted for use in the program established pursuant to subsection 1 must be deposited in the fund.

3. Report. The trust shall report by December 1st of each year to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on the fund. The report must include:

A. A description of actions taken by the trust pursuant to subsections 1 and 2 during the prior 12 months;

B. An accounting of total deposits into and expenditures from the fund during the prior 12 months; and

C. A description of any research and development or community demonstration project that received a distribution from the fund during the prior 12 months, including its objectives, current status and results.

Sec. 8. Federal stimulus funds; community-based renewable energy projects.

A state agency or instrumentality administering American Reinvestment and Recovery Act of 2009 funds may not prohibit a community-based renewable energy project, as defined in the Maine Revised Statutes, Title 35-A, section 3602, that is eligible to receive such funds under applicable federal guidelines from applying to the state agency or instrumentality for such funds.

Sec. 9. Effective date. Those sections of this Act that repeal the Maine Revised Statutes, Title 35-A, section 3210, subsections 6 and 6-A and amend Title 35-A, section 3210, subsection 9 and section 10109, subsection 4, paragraph D and enact Title 35-A, section 10121 take effect July 1, 2010.

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

Effective March 29, 2010, unless otherwise indicated.

CHAPTER 566

H.P. 1278 - L.D. 1790

An Act To Implement the Recommendations of the Working Group To Study Landlord and Tenant Issues

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

Sec. 1. 14 MRSA §6001, sub-§1-A is enacted to read:

1-A. Foreclosure. A bona fide tenancy in a building for which a foreclosure action brought pursuant to either section 6203-A or 6321 is pending or for which a foreclosure judgment has been entered may be terminated only pursuant to the provisions of the federal Protecting Tenants at Foreclosure Act of 2009, Public Law 111-22, Sections 701 to 704.

Sec. 2. 14 MRSA §6001, sub-§3, as amended by PL 1989, c. 484, §§1 and 2, is further amended to read:

3. Presumption of retaliation. In any action of forcible entry and detainer there ~~shall be~~ is a rebuttable presumption that the action was commenced in retaliation against the tenant if, within 6 months prior to the commencement of the action, the tenant has:

A. Asserted ~~his~~ the tenant's rights pursuant to section 6021;

B. Complained as an individual, or if a complaint has been made in that individual's behalf, in good faith, of conditions affecting that individual's dwelling unit ~~which that~~ that may constitute a violation of a building, housing, sanitary or other code, ordinance, regulation or statute, presently or hereafter adopted, to a body charged with enforcement of that code, ordinance, regulation or statute, or such a body has filed a notice or complaint of such a violation;

C. Complained in writing or made a written request, in good faith, to the landlord or the landlord's agent to make repairs on the premises as required by any applicable building, housing or sanitary code, or by section 6021, or as required by the rental agreement between the parties; or

E. Filed, in good faith, a fair housing complaint with the Maine Human Rights Commission or filed, in good faith, a fair housing complaint with the United States Department of Housing and Urban Development concerning acts affecting that individual's tenancy.

No writ of possession may issue in the absence of rebuttal of the presumption of retaliation.

Sec. 3. 14 MRSA §6001, sub-§5 is enacted to read:

5. Affirmative defense. A tenant may raise the affirmative defense of failure of the landlord to provide the tenant with a reasonable accommodation pursuant to Title 5, chapter 337 or the federal Fair Housing Act, 42 United States Code, Section 3601, et seq. If the court determines that the landlord has a duty to offer a reasonable accommodation and has failed to do so, the court shall deny the forcible entry and detainer and not grant possession to the landlord. If the court determines that the landlord is otherwise entitled to possession and either has no duty to offer a reasonable accommodation or has, in fact, offered a reasonable accommodation, the court shall grant the forcible entry and detainer.

Sec. 4. 14 MRSA §6002, as amended by PL 2009, c. 171, §§1 to 3, is further amended by adding after the first paragraph a new paragraph to read: