

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

**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**  
**2011**

CHAPTER 273  
S.P. 218 - L.D. 729

An Act To Ensure Ratepayer  
Benefits from Long-term  
Contracts for Renewable  
Energy Credits

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

Sec. 1. 35-A MRSA §3210-C, sub-§3, ¶C, as enacted by PL 2009, c. 518, §3, is amended to read:

C. Any available renewable energy credits associated with capacity resources contracted under paragraph A ~~to the extent the cost of the renewable energy credits is below market value or the purchase of renewable energy credits adds value to the transaction.~~ The price paid by the investor-owned transmission and distribution utility for the renewable energy credits must be lower than the price received for those renewable energy credits at the time they are sold by the transmission and distribution utility.

Sec. 2. 35-A MRSA §3210-C, sub-§10, as amended by PL 2007, c. 575, §5 and c. 656, Pt. B, §5, is further amended to read:

10. Rules. The commission shall adopt rules to implement this section. In adopting rules, the commission shall consider the financial implications of this section ~~on~~ for investor-owned transmission and distribution utilities. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. ~~The commission may not enter into or direct any investor-owned transmission and distribution utility to enter into any contract pursuant to this section until rules are finally adopted under this subsection.~~

Sec. 3. Application. The sections of this Act that amend the Maine Revised Statutes, Title 35-A, section 3210-C do not apply to contracts entered into pursuant to Public Law 2009, chapter 615, Part A, section 6.

See title page for effective date.

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CHAPTER 274

H.P. 1103 - L.D. 1502

An Act To Amend the Maine  
Business Corporation Act

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

Sec. 1. 13-C MRSA §102, sub-§3, as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, is amended to read:

3. Conspicuous. "Conspicuous" means so written, displayed or presented that a reasonable person against whom the writing is to operate should have noticed it. Words that are printed in italics ~~or~~ bold-face or ~~or~~ contrasting color or typed in capitals or that are underlined are conspicuous.

Sec. 2. 13-C MRSA §102, sub-§5, as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, is amended to read:

5. Deliver; delivery. "Deliver" or "delivery" means any method of delivery used in conventional commercial practice, including delivery by hand, mail, commercial delivery and, if authorized in accordance with section 103-A, by electronic transmission.

Sec. 3. 13-C MRSA §102, sub-§6-A is enacted to read:

6-A. Document. "Document" means:

A. A tangible medium on which information is inscribed and includes any writing or any written instrument; or

B. An electronic record.

Sec. 4. 13-C MRSA §102, sub-§8, as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, is amended to read:

8. Effective date of notice. "Effective date of notice" has the meaning set forth in section ~~403~~ 103-A.

Sec. 5. 13-C MRSA §102, sub-§8-A is enacted to read:

8-A. Electronic. "Electronic" means relating to technology that has electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

Sec. 6. 13-C MRSA §102, sub-§8-B is enacted to read:

8-B. Electronic record. "Electronic record" means information that is stored in an electronic or other medium and is retrievable in paper form through an automated process used in conventional commercial practice, unless otherwise authorized in accordance with section 103-A, subsection 10.

Sec. 7. 13-C MRSA §102, sub-§9, as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, is repealed and the following enacted in its place:

9. Electronic transmission; electronically transmitted. "Electronic transmission" or "electronically transmitted" means any form or process of communication, not directly involving the physical transfer of paper or other tangible medium, that: