

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

ers who sell gasoline in 7 southern counties in the State may sell only gasoline that has a Reid vapor pressure no greater than 7.8 psi; and

Whereas, before the State can require the 7 counties to sell only reformulated gasoline during the summer months, the Department of Environmental Protection must submit a request to the United States Environmental Protection Agency; and

Whereas, sufficient lead time is necessary for submission of the State's request by the Department of Environmental Protection and review of the State's request by the United States Environmental Protection Agency prior to the 2015 summer season; 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. 38 MRSA §585-N, as enacted by PL 2013, c. 221, §2, is amended to read:

§585-N. Reformulated gasoline

Beginning ~~May 1, 2014~~ June 1, 2015, a retailer who sells gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox or Lincoln County may sell only reformulated gasoline in those counties.

Sec. 2. Report. The Department of Environmental Protection shall study the feasibility of easing the multiple gasoline requirements in this State and achieving the use of a single type of gasoline for all of the State. The Department of Environmental Protection shall submit a report and implementing legislation directing the State to use a single type of gasoline to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters by January 30, 2015. The joint standing committee may report out a bill on the subject matter of the department's report to the First Regular Session of the 127th Legislature.

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

Effective March 6, 2014.

CHAPTER 454

S.P. 440 - L.D. 1278

**An Act To Ensure Equitable
Support for Long-term Energy
Contracts**

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

Sec. 1. 35-A MRSA §3210-C, sub-§8, as repealed and replaced by PL 2009, c. 415, Pt. A, §23, is amended to read:

8. Cost recovery. The commission shall ensure that ~~an investor-owned transmission and distribution utility recovers in rates~~ all costs of and direct financial benefits associated with contracts entered into ~~pursuant to subsection 3, including but not limited to any impacts on the utility's costs of capital~~ under this section are allocated to ratepayers in accordance with section 3210-F. A price differential existing at any time during the term of the contract between the contract price and the prevailing market price at which the capacity resource is sold or any gains or losses derived from contracts for differences must be reflected in ~~rates~~ the amounts charged to ratepayers and may not be ~~deemed to be~~ considered imprudent.

Sec. 2. 35-A MRSA §3210-F is enacted to read:

§3210-F. Allocation of costs and benefits of long-term energy contracts

The commission shall ensure that all eligible costs and benefits associated with a long-term energy contract are allocated to ratepayers in accordance with this section.

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

A. "Eligible costs and benefits" means the net amount of all costs and direct financial benefits associated with long-term energy contracts entered into by investor-owned transmission and distribution utilities, including but not limited to any effects on a utility's cost of capital as a result of these contracts.

B. "Long-term energy contract" means a contract with an investor-owned transmission and distribution utility entered into under section 3210-C or section 3604.

2. Eligible costs and benefits. The commission shall determine the eligible costs and benefits of a long-term energy contract annually.

3. Allocation of eligible costs and benefits. The commission shall annually allocate to each investor-owned transmission and distribution utility its pro rata share of eligible costs and benefits as determined under subsection 2. The allocation must be based on each utility's total retail kilowatt-hour energy sales to ratepayers that receive the benefits and pay the costs of long-term energy contracts. The commission may determine the means to be used for the allocation required under this section, which may include the direct

transfer of funds between investor-owned transmission and distribution utilities.

4. Rules. The commission may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 3. 35-A MRSA §3603, sub-§2, ¶C, as enacted by PL 2009, c. 329, Pt. A, §4, is repealed.

Sec. 4. 35-A MRSA §3604, sub-§8, as enacted by PL 2009, c. 329, Pt. A, §4, is repealed and the following enacted in its place:

8. Cost and benefit allocation. The commission shall ensure that all costs and benefits associated with contracts involving investor-owned transmission and distribution utilities entered into under this section are allocated to electricity consumers in accordance with section 3210-F.

Sec. 5. Transition; intent. The cost and benefit allocation mechanism set forth in the Maine Revised Statutes, Title 35-A, section 3210-F applies to all costs and benefits incurred after the effective date of this Act, including the costs and benefits from long-term energy contracts entered into prior to the effective date of this Act and including contracts entered into pursuant to Public Law 2009, chapter 615, Part A, section 6, as amended. This Act is not intended to change which customer or ratepayer classes within each investor-owned transmission and distribution utility receive the benefits or pay the costs of long-term energy contracts but rather to distribute the benefits and costs of the State's long-term energy contracts equitably among the State's investor-owned transmission and distribution utilities based on a utility's pro rata share of total retail kilowatt-hour energy sales to ratepayers that receive the benefits and pay the costs of long-term contracts.

See title page for effective date.

CHAPTER 455

H.P. 1179 - L.D. 1607

An Act To Reinstate Statutory Authority for Local Property Tax Assistance Programs

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

Whereas, Public Law 2013, chapter 368 discontinued the Circuitbreaker Program and the legislative authorization of municipal property tax assistance programs, effective August 1, 2013; and

Whereas, although municipal property tax assistance programs may be linked to the Circuitbreaker Program, it was not the intent of the Legislature to discontinue the authorization of municipalities to offer property tax assistance programs; and

Whereas, this legislation needs to take effect as soon as possible to restore the ability of municipalities to offer property tax assistance programs; 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. 36 MRSA §6231, as enacted by PL 2005, c. 395, §4, is repealed.

Sec. 2. 36 MRSA §6232, sub-§2, as enacted by PL 2005, c. 395, §4, is repealed.

Sec. 3. 36 MRSA §6233, as corrected by RR 2013, c. 1, §56, is repealed.

Sec. 4. Retroactivity. That section of this Act that repeals the Maine Revised Statutes, Title 36, section 6233 applies retroactively to June 26, 2013.

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

Effective March 9, 2014.

CHAPTER 456

H.P. 1162 - L.D. 1591

An Act To Amend the Process Controlling the Transfer of a Student between School Administrative Units

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

Sec. 1. 20-A MRSA §5205, sub-§6, ¶A, as amended by PL 2013, c. 337, §1, is further amended to read:

A. Two superintendents may approve the transfer of a student from one school administrative unit to another if:

- (1) They find that a transfer is in the student's best interest; and
- (2) The student's parent approves.

The superintendents shall notify the commissioner of any transfer approved under this paragraph. If