

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

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

Sec. 1. 38 MRSA §488, sub-§19, as amended by PL 2011, c. 655, Pt. FF, §13 and affected by §16 and amended by c. 657, Pt. W, §5, is further amended to read:

19. Municipal capacity. A structure, as defined in section 482, subsection 6, that is from 3 acres up to and including 7 acres or a subdivision, as defined in section 482, subsection 5, that is made up of 15 or more lots for single-family, detached, residential housing, common areas or open space with an aggregate area of from 30 acres up to and including 100 acres is exempt from review under this article if it is located wholly within a municipality or municipalities meeting the criteria in paragraphs A to D as determined by the department and it is located wholly within a designated growth area as identified in a comprehensive plan adopted pursuant to Title 30-A, chapter 187, subchapter 2. The planning board of the municipality in which the development is located or an adjacent municipality may petition the commissioner to review such a structure or subdivision if it has regional environmental impacts. This petition must be filed within 20 days of the receipt of the application by the municipality. State jurisdiction must be exerted, if at all, within 30 days of receipt of the completed project application by the commissioner from the municipality or within 30 days of receipt of any modification to that application from the municipality. Review by the department is limited to the identified regional environmental impacts. The criteria are as follows:

- A. A municipal planning board or reviewing authority is established and the municipality has adequate resources to administer and enforce the provisions of its ordinances. In determining whether this criterion is met, the commissioner may consider any specific and adequate technical assistance that is provided by a regional council;
- B. The municipality has adopted a site plan review ordinance. In determining the adequacy of the ordinance, the commissioner may consider model site plan review ordinances commonly used by municipalities in this State that address the issues reviewed under applicable provisions of this article prior to July 1, 1997;
- C. The municipality has adopted subdivision regulations. In determining the adequacy of these regulations, the commissioner may consider model subdivision regulations commonly used by municipalities in this State; and
- D. The former State Planning Office or the Department of Agriculture, Conservation and Forestry has determined that the municipality has a comprehensive land use plan and land use ordinances or zoning ordinances that are consistent

with Title 30-A, chapter 187 in providing for the protection of wildlife habitat, fisheries, unusual natural areas and archaeological and historic sites.

The department, in consultation with the Department of Agriculture, Conservation and Forestry, shall publish a list of those municipalities determined to have capacity pursuant to this subsection. This list need not be established by rule and must be published by January 1st of each year. The list must specify whether a municipality has capacity to review structures or subdivisions of lots for single-family, detached, residential housing, common areas or open space or both types of development. The department may recognize joint arrangements among municipalities and regional organizations in determining whether the requirements of this subsection are met. The department may review municipalities that are determined to have capacity pursuant to this subsection for compliance with the criteria in paragraphs A to D, and if the department determines that a municipality does not meet the criteria, the department may modify or remove the determination of capacity.

A modification to a development that was reviewed by a municipality and exempted pursuant to this subsection or was reviewed by the department prior to a determination that a municipality has capacity pursuant to this subsection is exempt as long as the modification will not cause the total area of the development to exceed the maximum acreage specified in this subsection for that type of development or, based upon information submitted by the municipality concerning the development and modification, the department determines that the modification may be adequately reviewed by the municipality.

See title page for effective date.

CHAPTER 29

S.P. 209 - L.D. 593

An Act To Allow the Resale of Electricity by Electric Vehicle Charging Stations

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

Sec. 1. 35-A MRSA §313-A is enacted to read:

§313-A. Submetering by electric vehicle charging station providers

An electric vehicle charging station provider, as defined in section 3201, subsection 8-B, may install an electrical submeter and may charge a submeter user only for kilowatt hours used.

Sec. 2. 35-A MRSA §3201, sub-§5, as enacted by PL 1997, c. 316, §3, is amended to read:

5. **Competitive electricity provider.** "Competitive electricity provider" means a marketer, broker, aggregator or any other entity selling electricity to the public at retail, but does not include an electric vehicle charging station provider.

Sec. 3. 35-A MRSA §3201, sub-§8-B is enacted to read:

8-B. Electric vehicle charging station provider. "Electric vehicle charging station provider" means a person selling electricity for the sole purpose of transferring electric energy between a charger and the battery or other energy storage device in an electric vehicle.

See title page for effective date.

**CHAPTER 30
S.P. 217 - L.D. 624**

An Act To Make a Technical Correction to the Law Establishing the State Trauma Prevention and Control Advisory Committee within the Field of Public Safety

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

Sec. 1. 5 MRSA §12004-I, sub-§49-B, as enacted by PL 1993, c. 311, §1, is repealed.

Sec. 2. 5 MRSA §12004-I, sub-§74-I is enacted to read:

74-I.

Public Safety	State Trauma Prevention and Control Advisory Committee	Not Authorized	32 MRSA §87-A
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Sec. 3. 32 MRSA §87-A, sub-§2, as amended by PL 2007, c. 274, §17, is further amended to read:

2. **State Trauma Prevention and Control Advisory Committee.** The State Trauma Prevention and Control Advisory Committee, as established in Title 5, section 12004-I, subsection ~~49-B~~ 74-I, is appointed by the board to advise the board on all matters related to trauma care system development. The committee's members must be broadly representative of trauma prevention and care providers as a whole, must be as

geographically diverse as possible and must include, without limitation:

- A. A representative of the board;
- B. Four surgeons representing trauma-related subspecialties;
- C. Two emergency physicians;
- D. The director;
- E. An emergency nurse;
- F. A critical care nurse;
- G. A trauma rehabilitation specialist;
- H. A representative of the regional councils;
- I. A representative of air ambulance services;
- J. Two representatives of prehospital care providers;
- K. Three hospital administrators, one from a small hospital, one from a medium hospital and one from a large hospital;
- L. A representative of the Maine Hospital Association; and
- M. A representative of trauma care system users.

See title page for effective date.

**CHAPTER 31
H.P. 35 - L.D. 37**

An Act Regarding Emergency Lights on a Vehicle Used by a Member of a Municipal or Volunteer Fire or Emergency Medical Services Department

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

Sec. 1. 29-A MRSA §2054, sub-§2, ¶C, as amended by PL 2013, c. 462, §4, is further amended to read:

- C. The use of amber lights on vehicles is governed by the following.
 - (1) A vehicle engaged in highway maintenance or in emergency rescue operations by emergency management and public safety agencies and a public utility emergency service vehicle may be equipped with auxiliary lights that emit an amber light.
 - (1-A) A Department of Labor motor vehicle operated by a workplace safety inspector may be equipped with auxiliary lights that emit an amber light.