

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

3. **Acceptance of military credentials.** The board, commission, office or agency shall permit a ~~returning military~~ recently separated veteran whose military training qualifies the veteran for a license in a profession or occupation that requires a license in this State to acquire a temporary license until a license is issued.

4. **Continuing education requirements.** The board, commission, office or agency may allow a full or partial exemption from continuing education requirements for a ~~returning military veteran or the spouse of a returning military veteran or of an active duty service member~~ qualified person. Evidence of completion of continuing education requirements may be required for a subsequent license or renewal. A board, commission, office or agency shall provide that continuing education requirements may be met by comparable military training.

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

A. "Good standing" as applied to an applicant under this section means that the applicant does not have a license complaint, allegation or investigation pending, does not have a license that is suspended or subject to practice restrictions and has never surrendered a license or had a license revoked.

B. "Qualified person" means:

(1) A recently separated veteran, a spouse of a recently separated veteran or a domestic partner of a recently separated veteran; or

(2) An active duty service member, a spouse of an active duty service member or a domestic partner of an active duty service member.

C. "Recently separated veteran" means a veteran of the Armed Forces of the United States during the 3-year period beginning on the date of the veteran's honorable discharge or release from active duty.

See title page for effective date.

CHAPTER 107

H.P. 370 - L.D. 507

An Act To Improve Consumer Protections for Community Solar Projects

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

Sec. 1. 35-A MRSA §3209-A, sub-§1, ¶D is enacted to read:

D. "Project sponsor" means an entity or its successor or assignee that solicits customers to participate

in a net energy billing arrangement based upon a shared financial interest in a distributed generation resource.

Sec. 2. 35-A MRSA §3209-A, sub-§5 is enacted to read:

5. Consumer protection. To protect customers who participate in or are solicited to participate in a net energy billing arrangement based upon a shared financial interest in a distributed generation resource from fraud or unfair and deceptive business practices, a project sponsor:

A. Must obtain a customer's explicit affirmative authorization before serving the customer;

B. Must provide to a residential customer such information as the commission may require by rule or order in a standard disclosure form before entering into an agreement with the residential customer to participate in a net energy billing arrangement based upon a shared financial interest in a distributed generation resource;

C. Must allow a customer to rescind the customer's decision to participate in a net energy billing arrangement based upon a shared financial interest in a distributed generation resource, as long as the customer requests such rescission orally or in writing within 5 days of the customer's receipt of the first bill or invoice under the arrangement that the customer is responsible for paying in full;

D. May not collect or seek to collect unreasonable costs from a customer who is in default;

E. Must comply with any other applicable standards or requirements adopted by the commission by rule or order;

F. May not release to any other entity, other than for purposes of debt collection or credit reporting pursuant to state and federal law or to law enforcement agencies pursuant to lawful process, any personal information regarding a customer, including name, address, telephone number and usage and historical payment information, without the explicit affirmative consent of the customer;

G. Must comply with the Maine Unfair Trade Practices Act;

H. Must comply with all applicable provisions of the federal Equal Credit Opportunity Act, 15 United States Code, Sections 1691 to 1691f; and

I. Must comply with all federal and state laws, federal regulations and state rules regarding the prohibition or limitation of telemarketing.

Sec. 3. 35-A MRSA §3209-A, sub-§6 is enacted to read:

6. Enforcement. The commission, through its own counsel or through the Attorney General, may apply to the Superior Court of any county of the State to enforce any lawful order made or action taken by the commission pursuant to subsection 5, paragraphs A to E, and the court may issue any preliminary or final order that the court determines proper. The commission may impose administrative penalties under chapter 15 upon a project sponsor and may order restitution for any party injured by a violation for which a penalty may be assessed pursuant to chapter 15. If the commission has reason to believe a project sponsor has violated subsection 5, paragraphs F to I, the commission shall report this information to the Attorney General for appropriate action. A violation of subsection 5 is a violation of the Maine Unfair Trade Practices Act.

Sec. 4. Net energy billing; consumer protection rules. Notwithstanding the Maine Revised Statutes, Title 35-A, section 3209-A, rules initially adopted by the Public Utilities Commission to implement this Act are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Amendments or changes to those rules after that initial adoption are major substantive rules in accordance with Title 35-A, section 3209-A.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Public Utilities - Administrative Division 0184

Initiative: Provides allocations for one Staff Attorney position and 2 Senior Consumer Assistance Specialist positions and associated All Other costs.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	3,000	3,000
Personal Services	\$239,384	\$332,704
All Other	\$24,339	\$24,583
OTHER SPECIAL REVENUE FUNDS TOTAL	\$263,723	\$357,287

See title page for effective date.

CHAPTER 108

H.P. 371 - L.D. 508

An Act To Improve Regulation of Door-to-door Marketing of Retail Energy Supply

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

Sec. 1. 35-A MRSA §102, sub-§4-C is enacted to read:

4-C. Door-to-door sales. "Door-to-door sales" means the practice by which a representative of a competitive electricity provider, including a 3rd-party sales agent, solicits or sells electric services to residential or small commercial consumers by means of personal visits to consumers at locations other than the representative's place of business. "Door-to-door sales" does not include sales conducted entirely by mail, telephone or other electronic means; sales conducted during a scheduled appointment at a consumer's residence or place of business; or sales conducted following an initial contact that was solicited by the consumer.

Sec. 2. 35-A MRSA §102, sub-§19-A is enacted to read:

19-A. Third-party sales agent. "Third-party sales agent" means a person or entity that has a business relationship with a competitive electricity provider in which the person or entity conducts or arranges to conduct residential or small commercial consumer sales of electricity to the public at retail on behalf of the competitive electricity provider through door-to-door sales. "Third-party sales agent" does not include an employee of a competitive electricity provider.

Sec. 3. 35-A MRSA §1508-A, sub-§1, ¶B-1 is enacted to read:

B-1. In addition to any penalty imposed on a competitive electricity provider under paragraph A or B, the commission may:

(1) For a willful violation of this Title by any 3rd-party sales agent undertaking the retail sale or marketing of electricity on behalf of a competitive electricity provider, impose an additional administrative penalty on the competitive electricity provider in an amount that does not exceed \$5,000 or .25% of the annual gross revenue that the 3rd-party sales agent received from sales and commissions in the State. Each day a violation continues constitutes a separate offense. The maximum administrative penalty for any related series of violations may not exceed \$500,000 or 5% of the annual gross revenue that 3rd-party sales agent received from sales and commissions in the State, whichever amount is lower; and

(2) For a violation in which a 3rd-party sales agent was explicitly notified by the commission that it was not in compliance with the requirements of this Title, a commission rule or a commission order and that failure to comply could result in the imposition of administrative penalties or the termination of the 3rd-party sales agent's registration, impose an administrative penalty that does not exceed \$500,000 and may terminate the registration of the 3rd-party sales agent.