

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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Lewiston, Maine
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sion may consider the extent to which the program promotes sustainable economic development or reduces greenhouse gas emissions to the extent the commission can quantify or otherwise reasonably identify such effects. Consistent with the other requirements of this section, a gas utility, in adopting and implementing conservation programs, shall seek to encourage efficiency in natural gas use, provide incentives for the development of new, energy-efficient business activity in the State and take into account the cost and benefits of energy efficiency and conservation to existing business activity in the State.

A. The gas utility shall consider, without limitation, conservation programs that:

- (1) Increase consumer awareness of cost-effective options for conserving energy;
- (2) Create more favorable market conditions for the increased use of efficient products and services; and
- (3) Promote sustainable economic development and reduced environmental damage.

B. The gas utility shall apportion available funds under subsection 3 in accordance with rules adopted by the commission.

- (1) The commission shall ensure that a reasonable percentage of the available funds is directed to programs for low-income residential consumers, as defined by the commission by rule. The commission shall establish the percentage based on an assessment of the opportunity for cost-effective conservation measures for such consumers, including an assessment of the number of low-income residential consumers that may be eligible for such programs.
- (2) The commission shall ensure that a reasonable percentage of the available funds is directed to programs for small business consumers, as defined by the commission by rule. The commission shall establish the percentage based on an assessment of the opportunity for cost-effective conservation measures for such consumers. In defining "small business" for the purposes of this subparagraph, the commission shall consider definitions of that term used for other programs in this State that assist small businesses.
- (3) The commission shall ensure that, to the greatest extent practicable, the remaining available funds are apportioned in a manner that allows all other consumers to

have a reasonable opportunity to participate in one or more conservation programs.

2. Cost recovery. The commission shall include in rates for a gas utility all costs incurred in compliance with this section and commission rules adopted under this section, as long as such costs have been prudently incurred.

3. Funding level. Each gas utility to which this section applies shall undertake energy efficiency programs designed to operate within a budget, upon full implementation, that is no less than 3% of the gas utility's delivery revenues as defined by the commission by rule.

4. Rules. The commission shall adopt rules necessary to implement this section. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

- A.** A description of actions taken by gas utilities pursuant to this section, including descriptions of all conservation programs implemented during the prior 12 months and all conservation programs that the gas utilities plan to implement during the next 12 months;
- B.** A description of how the commission determines the cost-effectiveness of each conservation program and its assessment of the cost-effectiveness of programs implemented during the prior 12 months;
- C.** For each gas utility to which this section applies, total expenditures for its conservation programs during the prior 12 months and projected expenditures during the next 12 months; and
- D.** Any recommendations for changes to the laws relating to energy conservation by gas utilities.

See title page for effective date.

CHAPTER 111

S.P. 221 - L.D. 685

An Act To Waive Continuing Education Requirements and To Provide an Automatic Extension of a License, Certificate or Registration for Mobilized Military Members

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

Sec. 1. 10 MRSA §8003, sub-§5, ¶C, as amended by PL 2003, c. 204, Pt. B, §1, is further amended to read:

C. The bureau, office, board or commission may:

(1) Require all applicants for license or registration renewal to have responded under oath to all inquiries set forth on renewal forms;

(2) ~~Require~~ Except as provided in Title 37-B, section 390-A, require applicants for license or registration renewal to present proof of satisfactory completion of continuing professional or occupational education in accordance with each bureau's, office's, board's or commission's rules. Failure to comply with the continuing education rules may, in the bureau's, office's, board's or commission's discretion, result in a decision to deny license or registration renewal or may result in a decision to enter into a consent agreement and probation setting forth terms and conditions to correct the licensee's or registrant's failure to complete continuing education. Terms and conditions of a consent agreement may include requiring completion of increased hours of continuing education, civil penalties, suspension and other terms as the bureau, office, board, commission, the licensee or registrant and the Department of the Attorney General determine appropriate. Notwithstanding any contrary provision set forth in a bureau's, office's, board's or commission's governing law, continuing education requirements may coincide with the license or registration renewal period;

(3) Refuse to renew a license or registration or deny a license when the bureau, office, board or commission finds a licensee or registrant to be in noncompliance with a bureau, office, board or commission order or consent agreement;

(4) Allow licensees or registrants to hold inactive status licenses or registrations in accordance with each bureau's, office's, board's or commission's rules. The fee for an inactive license or registration may not exceed the statutory fee cap established for the bureau's, office's, board's or commission's license or registration renewal set forth in its governing law; or

(5) Delegate to staff the authority to review and approve applications for licensure pursuant to procedures and criteria established by rule. Rules developed pursuant to this subparagraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 12 MRSA §6311 is enacted to read:

§6311. Active duty military members

1. Definition. As used in this section, unless the context otherwise indicates, "active duty for a period of more than 30 days" has the same meaning as in 10 United States Code, Section 101(d)(2).

2. Partial waiver of lobster apprentice requirements. Notwithstanding Title 37-B, section 390-A or any other provision of this Part, the commissioner shall waive a portion of the number of days and hours of practical lobster fishing experience required under the apprentice program established pursuant to section 6422, subsection 1 for a person who is a member of the National Guard or the Reserves of the United States Armed Forces if:

A. The person was under an order to active duty for a period of more than 30 days;

B. The period of active duty conflicts with the requirements of the apprentice program; and

C. The person was licensed pursuant to section 6421, subsection 1, paragraphs D and E.

This waiver does not apply to the 2-year minimum required under section 6422, subsection 2.

3. Waiver of licensing requirements. Notwithstanding Title 37-B, section 390-A or any other provision of this Part, the commissioner shall waive the licensing requirements under section 6421, subsection 5, paragraph A; section 6505-A, subsection 2, paragraph C; and section 6749-O, subsection 2-A for a person who is a member of the National Guard or the Reserves of the United States Armed Forces and was under an order to active duty for a period of more than 30 days. This subsection does not apply to a person who did not possess a license pursuant to section 6421, 6505-A, 6748, 6748-D or 6749 or in the calendar year prior to that person's being called to active duty.

4. Limited application. This section applies only if the member's service is in support of:

A. An operational mission for which members of the Reserves of the United States Armed Forces have been ordered to active duty without volunteering for that mission; or

B. Forces activated during a period of war declared by the United States Congress or a period of national emergency declared by the President of the United States or the United States Congress.

Sec. 3. 37-B MRSA §390-A is enacted to read:

§390-A. Waiver of continuing education requirements; extension of license, certificate or registration

1. Definitions. As used in this section, unless the context otherwise indicates, "active duty for a period of more than 30 days" has the same meaning as in 10 United States Code, Section 101(d)(2).

2. Waiver of continuing education requirements. Notwithstanding any other provision of law, except as provided in Title 12, section 6311 a person who is a member of the National Guard or the Reserves of the United States Armed Forces under an order to active duty for a period of more than 30 days and who was licensed, registered or certified to engage in a profession or occupation prior to entering into active duty for a period of more than 30 days may not be required to complete the continuing education requirements for that profession or occupation for any licensing, registration or certification period during that period of active duty and for 6 months after that person is released from active duty.

3. Automatic extension of license, certificate or registration. Notwithstanding any other provision of law, except as provided in Title 12, section 6311 a person who is a member of the National Guard or the Reserves of the United States Armed Forces under an order to active duty for a period of more than 30 days and who was licensed, certified or registered to engage in a profession or occupation prior to being called to active duty for a period of more than 30 days and whose license, certificate or registration expires during that period of active duty must have that license, certificate or registration automatically extended for the period of active duty and for 6 months after that person has been released from active duty.

4. Limited application. This section applies only if the member's service is in support of:

A. An operational mission for which members of the Reserves of the United States Armed Forces have been ordered to active duty without their consent; or

B. Forces activated during a period of war declared by the United States Congress or a period of national emergency declared by the President

of the United States or the United States Congress.

See title page for effective date.

CHAPTER 112

H.P. 348 - L.D. 473

An Act To Increase Vital Records Fees

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

Sec. 1. 30-A MRSA §2652, sub-§3, ¶A, as amended by PL 1997, c. 32, §2, is further amended to read:

A. Certificate of birth, marriage or death, the clerk may charge up to \$7 \$10 for the first copy and up to \$3 \$5 for each additional copy; and

Sec. 2. 30-A MRSA §2652, sub-§3, ¶B, as amended by PL 1993, c. 405, §1, is further amended to read:

B. Burial permit, \$4 \$5; and

See title page for effective date.

CHAPTER 113

H.P. 696 - L.D. 1012

An Act To Improve Security at State Courthouses

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

Sec. 1. 4 MRSA §58 is enacted to read:

§58. Courthouse Security Fund

1. Creation of fund. The Courthouse Security Fund, referred to in this section as "the fund," is created under the jurisdiction and control of the Supreme Judicial Court.

2. Source of fund. The fund consists of all money appropriated or allocated for inclusion in the fund, from whatever source, and any other resources available to the fund.

3. Application of fund. Money in the fund may be used to improve security and improve public safety at court facilities under the control of the State or a subdivision of the State. Money in the fund not needed to meet the requirements of this subsection