

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

storage tanks in accordance with the conditions and limitations of the certification until the certification expires by its terms.

Sec. 48. Retroactivity. That section of this Act that amends Public Law 2005, chapter 549, section 7 is retroactive to February 1, 2007.

See title page for effective date.

CHAPTER 293

H.P. 224 - L.D. 268

An Act Regarding the Long-term Contracting Authority of the Public Utilities Commission

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

Sec. 1. 35-A MRSA §3210-C, sub-§1, as enacted by PL 2005, c. 677, Pt. C, §1, is amended to read:

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

A. "Capacity resource" means any renewable capacity resource, nonrenewable capacity resource or ~~new~~ interruptible, demand response or energy efficiency capacity resource.

B. "Interruptible, demand response or energy efficiency capacity resource" means a resource that has demand response, interruptible or energy efficiency capacity recognized by the commission.

C. "New" as applied to any capacity resource means a capacity resource that:

- (1) Has an in-service date after September 1, 2005;
- (2) Was added to an existing facility after September 1, 2005;
- (3) For at least 2 years was not operated or was not recognized by the New England independent system operator as a capacity resource and, after September 1, 2005, resumed operation or was recognized by the New England independent system operator as a capacity resource; or
- (4) Was refurbished after September 1, 2005 and is operating beyond its previous useful life or is employing an alternate technology that significantly increases the efficiency of the generation process.

D. "Nonrenewable capacity resource" means an electric generation resource other than a renewable capacity resource.

E. "Renewable capacity resource" means a renewable resource, as defined in section 3210, subsection 2, paragraph C, except the maximum total power production capacity limit of 100 megawatts under section 3210, subsection 2, paragraph C does not apply and "renewable capacity resource" does not include:

(1) A generator fueled by municipal solid waste in conjunction with recycling; or

(2) A hydroelectric generator unless it meets all state and federal fish passage requirements applicable to the generator.

Sec. 2. 35-A MRSA §3210-C, sub-§3, as enacted by PL 2005, c. 677, Pt. C, §1, is amended to read:

3. Commission authority. The commission may direct large investor-owned transmission and distribution utilities to enter into long-term contracts for:

A. Capacity resources; and

B. Any available energy associated with capacity resources contracted under paragraph A:

(1) To the extent necessary to fulfill the policy of subsection 2, paragraph A; or

(2) If the commission determines appropriate for purposes of supplying or lowering the cost of standard-offer service pursuant to section 3212. If contracts are entered into Available energy contracted pursuant to this subparagraph, the contracts must be treated as standard offer service contracts pursuant to section 3212 may be sold into the wholesale electricity market in conjunction with solicitations for standard-offer supply bids.

The commission may direct large investor-owned transmission and distribution utilities to enter into contracts under this subsection only as agents for their customers and only in accordance with this section. To the greatest extent possible, the commission shall develop procedures having the same legal and financial effect as the procedures used for standard-offer service pursuant to section 3212 for large investor-owned transmission and distribution utilities.

The commission may enter into contracts for interruptible, demand response or energy efficiency capacity resources. These contracts are not subject to the rules of the State Purchasing Agent.

Capacity resources contracted under this subsection may not exceed the amount necessary to ensure the reliability of the electric grid of this State or to lower customer costs as determined by the commission pursuant to rules adopted under subsection 10.

Unless the commission determines the public interest requires otherwise, a capacity resource may not be

contracted under this subsection unless the commission determines that the capacity resource is recognized as a capacity resource for purposes of any regional or federal capacity requirements.

Sec. 3. 35-A MRSA §3210-C, sub-§4, ¶A, as enacted by PL 2005, c. 677, Pt. C, §1, is amended to read:

A. The commission shall select capacity resources that are competitive and the lowest price when compared to other available offers for capacity resources of the same or similar contract duration or terms. ~~The commission shall consider the cost of the capacity and the cost of related energy. The commission shall, by rules adopted pursuant to subsection 10, establish a methodology for calculating and considering the cost of related energy for capacity only offers.~~

Sec. 4. 35-A MRSA §3210-C, sub-§7, as enacted by PL 2005, c. 677, Pt. C, §1, is amended to read:

7. Disposition of resources. A large investor-owned transmission and distribution utility shall sell capacity resources and energy purchased pursuant to subsection 3 or take other action relative to such capacity resources and energy as directed by the commission.

See title page for effective date.

CHAPTER 294

H.P. 334 - L.D. 418

An Act To Require the Collection of DNA from Persons Who Committed Felonies Prior to 1996 Who Then Reoffend by Committing Offenses for Which They Would Not Otherwise Have To Submit to a DNA Test

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

Sec. 1. 25 MRSA §1574-A is enacted to read:
§1574-A. Collection from person convicted prior to January 1, 1996 who reoffends

1. Collection. A person who is convicted of a Class D or E crime for which the person is not otherwise required to submit to having a DNA sample taken shall submit to having a DNA sample taken if that person has a conviction for an offense committed prior to January 1, 1996 that if committed on January 1, 1996 or after would require that the person submit to having a DNA sample taken.

2. Penalty. A person who fails to submit to having a DNA sample taken as required in subsection 1 after receiving notice from the State Bureau of Identification to do so commits a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

See title page for effective date.

CHAPTER 295

H.P. 1284 - L.D. 1844

An Act Concerning Maine's Highway Safety Laws

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

Sec. 1. 23 MRSA §4208, first ¶, as amended by PL 1989, c. 616, §1, is further amended to read:

The Department of Public Safety is authorized to conduct defensive driving courses for the purpose of promoting highway safety and to charge a registration fee of ~~\$20~~ \$35 to participants in the defensive driving courses conducted under the auspices of the department. The fee ~~shall~~ must be used to cover the cost of conducting the courses. Any balances remaining at the end of the fiscal year ~~shall~~ may not lapse but ~~shall~~ must be carried forward to be used for the purposes stated in this section.

Sec. 2. 29-A MRSA §2081, sub-§3, ¶B, as amended by PL 2003, c. 380, §3 and affected by §5, is further amended to read:

B. The operator shall ensure that a child who is less than 18 years of age and at least 8 years of age or who is less than 18 years of age and more than 4 feet, ~~7~~ 9 inches in height is properly secured in a seat belt.

See title page for effective date.

CHAPTER 296

H.P. 1167 - L.D. 1658

An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home

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

Sec. 1. 38 MRSA §1609, as reallocated by RR 2003, c. 2, §119, is amended to read: