

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2010 to April 12, 2010**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 12, 2010**

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

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**Augusta, Maine**  
**2010**

pay; or transferred to another position within the utility at a site more than 50 miles away from the employee's current site of employment.

**7. Compliance with safety, security and reliability standards.** In implementing the policies specified in this section, the commission and other agencies and instrumentalities of the State shall ensure that applicable regional, national and international grid safety, security and reliability standards are met. The commission and other agencies and instrumentalities of the State shall seek to cause standards that promote cost-effective technologies and practices supporting smart grid functions to be integrated into national and international grid safety, security and reliability standards.

**8. Cost recovery.** The commission shall, upon petition, permit a transmission and distribution utility to adjust its rates to recover the utility's prudently incurred incremental costs associated with implementing smart grid functions and associated infrastructure, technology and applications or otherwise taking reasonable actions consistent with the policies of this section, to the extent that the costs are not already reflected in the utility's rates and the adjustment does not result in rates that are unjust or unreasonable. A grant by a utility in an amount approved by the commission to the University of Maine System for smart grid research and development is deemed to be a prudently incurred incremental cost associated with implementing smart grid functions.

**9. Report.** The commission, as part of its annual report pursuant to section 120, shall include a report on the progress of the State in achieving the purposes of this section. The commission may include in its report any recommendations for changes to law to promote the purposes of this section.

**10. Consumer education.** A transmission and distribution utility that implements smart grid functions shall, to the extent the commission determines appropriate, provide information to customers about the purpose and goals of smart grid functions, the ways in which smart grid functions, including but not limited to time-of-use pricing, may involve customer interaction and how the implementation of smart grid functions can benefit customers.

**11. Savings clause.** Nothing in this section limits any other authority of the commission with respect to smart grid implementation.

**Sec. 3. Report.** As part of the report regarding smart grid policy implementation that is due February 1, 2011, pursuant to the Maine Revised Statutes, Title 35-A, section 3143, subsection 9, the Public Utilities Commission shall report on the results or progress of any proceeding conducted pursuant to Title 35-A, section 3143, subsection 5 and any recommendations regarding smart grid policy to the joint standing com-

mittee of the Legislature having jurisdiction over utilities and energy matters. Following review of the commission's recommendations, the joint standing committee may submit a bill regarding smart grid policy to the First Regular Session of the 125th Legislature.

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

Effective March 23, 2010.

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## CHAPTER 540

### H.P. 1261 - L.D. 1771

#### An Act To Include All Children in the Conditions of Education Report

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

**Sec. 1. 20-A MRSA §10, first ¶,** as enacted by PL 1995, c. 395, Pt. J, §1, is amended to read:

The Education Research Institute, referred to in this section as the "institute," is established to collect and analyze education information and perform targeted education research for the Legislature. The institute shall create and maintain an ~~education~~ information system that tracks important early care and education data for public preschool programs, kindergarten and grades one to 12. The institute shall also conduct exploratory, long-term research on education issues.

**Sec. 2. 20-A MRSA §10, sub-§2, ¶G,** as enacted by PL 1995, c. 395, Pt. J, §1, is amended to read:

G. The Maine Municipal Association; ~~and~~

**Sec. 3. 20-A MRSA §10, sub-§2, ¶H,** as enacted by PL 1995, c. 395, Pt. J, §1, is amended to read:

H. The Maine Principals Association; ~~and~~

**Sec. 4. 20-A MRSA §10, sub-§2, ¶I** is enacted to read:

I. The Maine Children's Growth Council.

See title page for effective date.

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## CHAPTER 541

### H.P. 1173 - L.D. 1645

#### An Act To Streamline Collections for Consumer- owned Consolidated Water and Wastewater Utilities

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

**Whereas,** to protect the public peace, health and safety and to address the financial needs of combined water and sewer districts, procedures governing the disconnection of water service for nonpayment of sewer service must be established as soon as possible; 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. 35-A MRS §6111-C** is enacted to read:

**§6111-C. Disconnection of water service for non-payment of sewer services**

Except as provided in subsection 4, this section applies to any consumer-owned water utility that is authorized to provide sewer services, notwithstanding any provision in its charter. Notwithstanding any other provision of law, in the event a user of the consumer-owned water utility's sewer system fails within a reasonable time to pay the utility's rates, fees or charges for sewer service, the utility may disconnect water service to the user, as long as the disconnection is accomplished in accordance with procedures established in applicable law or rules governing disconnection of utility services and terms and conditions approved by the commission. In order to exercise this authority, the utility must apply to the commission and the commission must approve terms and conditions consistent with the requirements of this section.

**1. Annual filings.** The terms and conditions under this section must include a requirement that the consumer-owned water utility annually file with the commission a report that includes:

**A.** The total number of each of the following over the preceding 12 months:

- (1) Disconnection notices issued;
- (2) Disconnections completed; and
- (3) Reconnections of disconnections; and

**B.** The reason for each disconnection.

**2. Assistance program information.** The terms and conditions under this section must include a requirement that the consumer-owned water utility provide to customers to whom the utility sends disconnection notices information about available assistance

programs, including programs that offer assistance in paying for sewer or water service, programs that offer assistance in paying for other utility services or in paying for heating fuel or similar assistance programs that could provide sufficient support to the customer to allow the customer to pay the utility's rates, fees or charges for sewer service.

**3. Limitations.** The terms and conditions under this section must prohibit:

**A.** A disconnection based solely on a customer's nonpayment of a fee or charge for estimated sewer service usage; and

**B.** A disconnection of a multiunit rental facility greater than 2 units unless the owner of the facility occupies a unit that would be subject to the disconnection.

**4. Exception.** Subsection 3, paragraph B does not apply to a consumer-owned water utility that has authority pursuant to its charter to disconnect water service in the event a user of the consumer-owned water utility's sewer system fails to pay the utility's rates, fees or charges for sewer service, provided the charter provision establishing that authority was enacted prior to August 1, 2010.

**Sec. 2. Report.** The Public Utilities Commission shall provide a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2012 that includes the information submitted by consumer-owned water utilities authorized to provide sewer services, pursuant to the terms and conditions required under the Maine Revised Statutes, Title 35-A, section 6111-C as well as information on customer complaints to the commission regarding actions taken by utilities pursuant to Title 35-A, section 6111-C and any recommendations by the commission with regard to changes to Title 35-A, section 6111-C or other actions to address any issues identified by the commission.

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

Effective March 24, 2010.

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**CHAPTER 542**  
**S.P. 654 - L.D. 1682**

**An Act To Amend the Electric Utility Industry Laws as They Relate to Renewable Resources**

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

**Sec. 1. 35-A MRS §3210, sub-§2, ¶B-1,** as enacted by PL 2007, c. 403, §2, is repealed.