

# 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**

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

Effective March 22, 2010.

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**CHAPTER 167  
H.P. 1068 - L.D. 1518**

**Resolve, Regarding Legislative Review of Section 16 Activities in Coastal Sand Dunes, a Major Substantive Rule of the Department of Environmental Protection**

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

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of Section 16 Activities in Coastal Sand Dunes, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

**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 168  
H.P. 1196 - L.D. 1695**

**Resolve, Directing the Public Utilities Commission To Address Public Safety Issues Relating to Disconnection of Certain 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 promote the protection of life and safety, promote the protection of private property, ensure the privacy of customer information and ensure that both owners and tenants receive appropriate information about available utility payment assistance programs, standards or procedures relating to disconnection of service by electric, gas and water utilities should be developed 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

**Sec. 1. Development of standards or procedures to address utility disconnection safety issues. Resolved:** That the Public Utilities Commission, in consultation with representatives of transmission and distribution utilities, gas utilities and water utilities as well as representatives of owners of rental units and representatives of tenants and other interested persons, shall seek to develop appropriate and reasonable procedures to allow owners of rental units to receive notice of disconnection of electric, gas or water service to a tenant. In establishing any procedures, the commission shall seek to promote the protection of life and safety and of private property, to ensure the privacy of customer information and to ensure that both owners and tenants receive appropriate information about available utility payment assistance programs. Any procedures established by the commission must apply to tenancies in which there is a written lease, and the commission shall examine how and whether to apply any procedures to tenancies at will. The commission may not modify procedures relating to utility liens for nonpayment of charges. The commission shall establish appropriate time frames for any required notices and shall make clear the penalties that will apply under existing law for violations of established procedures. In developing any procedures, the commission shall examine all existing relevant laws and rules, including the Maine

Revised Statutes, Title 14, section 6024-A, relating to landlord failure to pay for utility services; Title 35-A, section 706, relating to disconnection of a tenant's utilities for a landlord's failure to pay for utility service; and Title 35-A, section 6111-B, relating to water utilities. The commission shall also consider enhancing notice to both tenants and owners of existing assistance programs that could help in paying for utility bills, including but not limited to low-income home energy assistance programs and "lifeline" programs. The commission shall review existing voluntary agreements that allow a utility account to be transferred to a landlord if a tenant's service is disconnected. The commission shall seek to limit the number of any new notices that are provided to landlords to the fewest possible consistent with the goals of this resolve. The commission shall examine and seek to resolve the following issues: how owners should notify utilities of the existence of rental units and whether the notice should be mandatory or voluntary; when a utility, after disconnection of a customer's service, may treat that person as no longer a customer and when policies governing the privacy of a customer's account should no longer apply; how any procedures adopted by the commission should apply to consumer-owned utilities; whether utilities should be permitted to collect a charge for providing any notifications under any new procedures adopted by the commission; whether procedures should be different for water, gas and transmission and distribution utilities; and whether a model clause for inclusion in lease agreements should be created that, if used, would allow notification to landlords of any disconnection of utility services to tenants. The commission may not establish any new fees for procedures or notices established under current law or rules; and be it further

**Sec. 2. Rules. Resolved:** That the Public Utilities Commission may adopt rules as necessary to accomplish the goals of this resolve. Any rules adopted under this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

**Sec. 3. Report. Resolved:** That the Public Utilities Commission shall report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2011 the results of its examination under section 1 as well as any procedures established, including a description of any rules adopted under section 2.

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

Effective March 24, 2010.

## CHAPTER 169 S.P. 676 - L.D. 1762

### Resolve, Regarding Energy Conservation through Voltage Regulation

**Sec. 1. Energy conservation through voltage regulation; examination. Resolved:** That the Efficiency Maine Trust, in the development and implementation of conservation programs pursuant to the Maine Revised Statutes, Title 35-A, section 10110, shall examine voltage regulation technologies and evaluate the potential for and cost-effectiveness of the application of these technologies for energy conservation by industrial, commercial and residential electricity customers of the State. In conducting the examination, the Efficiency Maine Trust shall seek input from the Public Utilities Commission and transmission and distribution utilities with respect to utility incentive issues and voltage regulation technologies in the context of smart grid implementation; and be it further

**Sec. 2. Report. Resolved:** That the Efficiency Maine Trust shall report on its examination and evaluation under section 1 as part of its annual report due by December 1, 2010 pursuant to the Maine Revised Statutes, Title 35-A, section 10104, subsection 5.

See title page for effective date.

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## CHAPTER 170 H.P. 1256 - L.D. 1766

### Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections

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

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and