

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.

Augusta, Maine
2010

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.

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

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 Chapter 15: Batterer Intervention Program Certification, a provisionally adopted major substantive rule of the Department of Corrections 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 24, 2010.

CHAPTER 171

H.P. 1093 - L.D. 1551

Resolve, Directing the Right To Know Advisory Committee To Examine Issues Related to Communications of Members of Public Bodies

Sec. 1. Right To Know Advisory Committee review and recommendations. Resolved: That the Right To Know Advisory Committee shall examine the following issues and include recommendations in the annual report due January 15, 2011 under Title 1, section 411, subsection 10 concerning:

1. How the freedom of access laws can appropriately address the use of communication technologies, both existing and those to be developed in the future, to ensure that decisions are made in proceedings that are open and accessible to the public;
2. If penalties for violations of the freedom of access laws should be revised, including consideration of criminalizing violations and making the individual who violates the laws responsible for the penalty, rather than the governmental entity; and
3. If partisan party caucuses should be specifically excluded from the definition of "public proceedings."

See title page for effective date.

CHAPTER 172

H.P. 1254 - L.D. 1763

Resolve, Directing the Department of Transportation To Place Signs at the Interstate Exits in Pittsfield Directing Motorists to Maine Central Institute

Preamble. Whereas, Maine Central Institute is a college preparatory boarding and day school located in the Town of Pittsfield; and

Whereas, Maine Central Institute's student body currently represents 16 countries and 12 states; and

Whereas, Maine Central Institute is located 3 miles from Interstate 95, and increased visibility on the Interstate 95 corridor is critical to the ability of the public, as well as those members of the student body who are unfamiliar with the State, to identify and locate Maine Central Institute; now, therefore, be it

Sec. 1. Signs placed for Maine Central Institute. Resolved: That the Department of Transportation, notwithstanding national guidelines relating to directional signs for highways, shall place directional signs on Interstate 95 at the northbound and southbound exits of the highway at Pittsfield to direct motorists to Maine Central Institute in Pittsfield, and Maine Central Institute shall assume any and all costs associated with the directional signs.

See title page for effective date.

CHAPTER 173

H.P. 1225 - L.D. 1726

Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control

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