

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2011

quire an energy services company to have more than 3 years of experience in the energy conservation field, a minimum number of prior projects or project references or membership in or accreditation from a regional, national or international association of energy services companies or to use equipment that is not generally available to energy services companies or terms that are otherwise included for the purpose of bias or favoritism toward a particular energy services company.

Objections to the terms of a request for qualifications or a request for proposals under this subsection are deemed waived if not delivered in writing to the office of the superintendent of schools in that school administrative unit within 7 days of the last publication of the newspaper advertisement. If an objection is received, the school board shall conduct a hearing on the objection within 14 days of its receipt. The school board shall allow interested energy services companies to speak at the hearing and shall issue a decision to either validate or invalidate the request for qualifications or the request for proposals within 7 days of the close of the hearing. A decision by the school board in response to an objection is a final government action subject to appeal to the Superior Court.

Sec. 2. 20-A MRS §15915, sub-§1-A is enacted to read:

1-A. Performance criteria. An agreement under this section between a school administrative unit and an energy services company must include performance criteria that guarantee:

A. Energy savings;

B. A maximum price, including operation, maintenance and financing costs;

C. That the project will meet local, state and federal codes;

D. That measurement and verification of energy savings are determined using the international performance measurement and verification protocol published by the United States Department of Energy, Office of Scientific and Technical Information; and

E. An annual reconciliation of energy savings based on the measurement and verification process under this section.

Prior to entering into an agreement, a school administrative unit may request that the Department of Administrative and Financial Services, Bureau of General Services review the performance criteria in the agreement for conformance with this subsection. The Bureau of General Services shall review and advise school administrative units to the extent resources allow.

Sec. 3. Guidance for procuring energy conservation and air quality improvement services. The Department of Administrative and Financial Services, Bureau of General Services and the Department of Education, in consultation with representatives of energy services companies and representatives of school management, shall develop guidance for school administrative units procuring energy conservation and related air quality improvement services under the Maine Revised Statutes, Title 20-A, section 15915. No later than January 1, 2012, the agencies shall make accessible:

1. Guidance for preparing a request for qualifications and a request for proposals, including a sample of each type of request and a sample of a notice to be given;

2. A list of performance criteria recommended for inclusion in an energy services agreement; and

3. Guidelines for obtaining independent 3rd-party verification of energy savings by a qualified professional.

See title page for effective date.

CHAPTER 280

H.P. 570 - L.D. 763

An Act To Allow the Sale of Locally Produced Beer and Wine at Farmers' Markets

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

Sec. 1. 7 MRS §415, sub-§1, ¶B, as amended by PL 2009, c. 547, §1, is further amended to read:

B. "Farm and food products" means any agricultural, horticultural, forest or other product of the soil or water, including, but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, fruit juice, malt liquor, wine, ornamental or vegetable plants, nursery products, fiber or fiber products, firewood and Christmas trees.

Sec. 2. 28-A MRS §1355, sub-§10 is enacted to read:

10. Farmers' market. A licensee under subsection 2 or 3 may sell wine or malt liquor pursuant to the provisions of section 1366.

Sec. 3. 28-A MRS §1366 is enacted to read:

§1366. Retail sales at farmers' market

1. Retail sales at farmers' market. A licensee under section 1355, subsection 2 or 3 or an employee of the licensee who is at least 21 years of age may sell wine or malt liquor manufactured in the State by the licensee at a farmers' market pursuant to this section.

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

A. "Farmer" means a natural person who sells, with or without processing, agricultural products raised by the person on land in the State owned or leased by the person.

B. "Farmers' market" has the same meaning as in Title 7, section 415, subsection 1, paragraph B.

3. Conditions. A licensee under subsection 1 may sell wine or malt liquor at a farmers' market under the following conditions:

A. The licensee shall apply for and must have received authorization to sell at farmers' markets from the bureau and paid an annual fee of \$75. The application pursuant to this paragraph must be in a form determined by the bureau. The licensee shall submit the application at least 30 days prior to the date when wine or malt liquor is to be sold at a farmers' market;

B. Prior to each month during which the licensee wishes to sell at a farmers' market, the licensee shall provide to the bureau a list of the date, time and location of each farmers' market at which the licensee intends to sell and must receive approval from the bureau for that month;

C. The farmers' market must consist of at least 6 separate stalls or booths that sell farm or food products, not including alcoholic beverages, and must be authorized by the bureau under subsection 4;

D. The stall or booth operated by the licensee at the farmers' market is considered part of the licensed premises of the licensee for purposes of this chapter;

E. All wine and malt liquor must be prepackaged and sold by the bottle or case; and

F. Taste testing or sampling of wine and malt liquor is not permitted at the farmers' market.

4. Farmers' market authorization. At least 30 days prior to the sale of wine or malt liquor, a farmers' market must obtain municipal approval to sell wine and malt liquor under this section and apply for and receive authorization from the bureau for a licensee authorized under subsection 3, paragraph A to sell wine or malt liquor at the farmers' market. If the farmers' market is held on private property, the appli-

cation must include a written statement signed by the owner of the property permitting the sale of wine or malt liquor in accordance with this section. The bureau may request a diagram of the layout of the farmers' market. An application required by this subsection must be in a form determined by the bureau.

5. Rules. The bureau may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 281
S.P. 246 - L.D. 802**An Act To Amend the Requirements for Electric Transmission Lines**

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

Sec. 1. 35-A MRS §3132, sub-§6, as amended by PL 2009, c. 615, Pt. A, §1 and c. 655, Pt. A, §4, is repealed and the following enacted in its place:

6. Commission order; certificate of public convenience and necessity. In its order, the commission shall make specific findings with regard to the public need for the proposed transmission line. Except as provided in subsection 6-A for a high-impact electric transmission line, if the commission finds that a public need exists, it shall issue a certificate of public convenience and necessity for the transmission line. In determining public need, the commission shall, at a minimum, take into account economics, reliability, public health and safety, scenic, historic and recreational values, state renewable energy generation goals, the proximity of the proposed transmission line to inhabited dwellings and alternatives to construction of the transmission line, including energy conservation, distributed generation or load management. If the commission orders or allows the erection of the transmission line, the order is subject to all other provisions of law and the right of any other agency to approve the transmission line. The commission shall, as necessary and in accordance with subsections 7 and 8, consider the findings of the Department of Environmental Protection under Title 38, chapter 3, subchapter 1, article 6, with respect to the proposed transmission line and any modifications ordered by the Department of Environmental Protection to lessen the impact of the proposed transmission line on the environment. A person may submit a petition for and obtain approval of a proposed transmission line under this section before applying for approval under municipal ordinances adopted pursuant to Title 30-A, Part 2, Subpart 6-A;