

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

**Sec. 5. 17-A MRSA §903**, as enacted by PL 1975, c. 499, §1, is amended to read:

**§903. Misuse of entrusted property**

1. A person is guilty of misuse of entrusted property if ~~he that person~~ deals with property that has been entrusted to ~~him that person~~ as a fiduciary, or property of the government or of a financial institution, in a manner ~~which he that that person~~ knows is a violation of ~~his that person's~~ duty and ~~which that~~ involves a substantial risk of loss to the owner or to a person for whose benefit the property was entrusted.

2. As used in this section "fiduciary" includes any person carrying on fiduciary functions on behalf of an organization ~~which that~~ is a fiduciary.

3. ~~Misuse~~ Except as provided in subsection 4, misuse of entrusted property is a Class D crime.

4. If a misuse of entrusted property results in the loss of a vulnerable person's property or the loss of property entrusted to a person for the benefit of a vulnerable person and, at the time of the offense, the owner or the beneficiary of the property is a vulnerable person:

A. If the value of the property is more than \$1,000 but not more than \$10,000, the misuse of entrusted property is a Class C crime; and

B. If the value of the property is more than \$10,000, the misuse of entrusted property is a Class B crime.

As used in this subsection, "vulnerable person" means an incapacitated adult as defined in Title 22, section 3472, subsection 10 or a dependent adult as defined in Title 22, section 3472, subsection 6.

See title page for effective date.

**CHAPTER 415**

**H.P. 651 - L.D. 927**

**An Act To Further Energy Independence for the State**

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

**Sec. 1. 2 MRSA §9, sub-§2-A, ¶B**, as enacted by PL 2011, c. 655, Pt. MM, §2 and affected by §26, is amended to read:

B. To the extent federal funds are inadequate to meet the funding needs of the office, the office may receive funds from the Efficiency Maine Trust, established in Title 35-A, chapter 97, but only for that portion of the office's activities that support or reasonably relate to programs or activities of the Efficiency Maine Trust. The director

shall keep an accounting of the office's resources devoted to its various duties and activities, including that portion of its resources devoted to activities in support of or reasonably related to programs or activities of the Efficiency Maine Trust. The office shall ~~annually by January 15th~~ provide the accounting to the joint standing committee of the Legislature having jurisdiction over energy matters as part of its annual report under subsection 3, paragraph C-1. The joint standing committee of the Legislature having jurisdiction over energy matters shall make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs with regard to any proposed allocation of the Efficiency Maine Trust funds to support the office. In accordance with any legislative allocation or deallocation of Efficiency Maine Trust funds to support the office, the director shall request from the Efficiency Maine Trust and the trust shall provide the allocated resources to the office.

**Sec. 2. 2 MRSA §9, sub-§3, ¶C**, as amended by PL 2011, c. 400, §1, is further amended to read:

C. In consultation with the Efficiency Maine Trust Board, established in Title 5, section 12004-G, subsection 10-C, prepare and submit a comprehensive state energy plan to the Governor and the Legislature by January 15, 2009 and submit an updated plan every 2 years thereafter. Within the comprehensive state energy plan, the director shall identify opportunities to lower the total cost of energy to consumers in this State and transmission capacity and infrastructure needs and recommend appropriate actions to lower the total cost of energy to consumers in this State and facilitate the development and integration of new renewable energy generation within the State and support the State's renewable resource portfolio requirements specified in Title 35-A, section 3210 and wind energy development goals specified in Title 35-A, section 3404. The comprehensive state energy plan must include a section that specifies the State's progress in meeting the oil dependence reduction targets in subsection 5. The office shall make recommendations, if needed, for additional legislative and administrative actions to ensure that the State can meet the reduction targets in subsection 5. The recommendations must include a cost and resource estimate for technology development needed to meet the reduction targets.

(1) Beginning in 2015, the update to the plan must:

(a) Be submitted to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and the joint standing committee of

the Legislature having jurisdiction over natural resources matters;

(b) Address the association between energy planning and meeting the greenhouse gas reduction goals in the state climate action plan pursuant to Title 38, section 577. The director shall consult with the Department of Environmental Protection in developing this portion of the plan;

(c) Include a section devoted to wind energy development, including:

(i) The State's progress toward meeting the wind energy development goals established in Title 35-A, section 3404, subsection 2, including an assessment of the likelihood of achieving the goals and any recommended changes to the goals;

(ii) Examination of the permitting process and any recommended changes to the permitting process;

(iii) Identified successes in implementing the recommendations contained in the February 2008 final report of the Governor's Task Force on Wind Power Development created by executive order issued May 8, 2007;

(iv) A summary of tangible benefits provided by expedited wind energy developments, including, but not limited to, documentation of community benefits packages and community benefit agreement payments provided;

(v) A review of the community benefits package requirement under Title 35-A, section 3454, subsection 2, the actual amount of negotiated community benefits packages relative to the statutorily required minimum amount and any recommended changes to community benefits package policies;

(vi) Projections of wind energy developers' plans, as well as technology trends and their state policy implications;

(vii) Recommendations, including, but not limited to, identification of places within the State's unorganized and deorganized areas for inclusion

in the expedited permitting area established pursuant to Title 35-A, chapter 34-A and the creation of an independent siting authority to consider wind energy development applications; and

(d) Include a description of activities undertaken pursuant to paragraph H.

The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may report out legislation by February 1st of each odd-numbered year relating to the content of the plan. The joint standing committee of the Legislature having jurisdiction over natural resources matters may make recommendations regarding that legislation to the joint standing committee of the Legislature having jurisdiction over energy matters.

**Sec. 3. 2 MRSA §9, sub-§3, ¶C-1**, as enacted by PL 2009, c. 372, Pt. H, §2, is amended to read:

C-1. By ~~February 1st~~ January 15th of each year, prepare and submit to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters an annual report that describes the activities of the office during the previous calendar year in carrying out its duties under this subsection and describes the State's progress in implementation of the state energy plan prepared pursuant to paragraph C and its annual accounting pursuant to subsection 2-A, paragraph B. After receipt and review of the annual report required under this paragraph, the joint standing committee of the Legislature having jurisdiction over utilities and energy matters may submit legislation relating to energy policy;

**Sec. 4. 2 MRSA §9, sub-§3, ¶H**, as enacted by PL 2007, c. 656, Pt. C, §1, is amended to read:

H. Work with transmission and distribution utilities, state agencies involved in the permitting of energy generation facilities and other relevant entities to negotiate agreements that create value for electricity consumers with developers of renewable generation who are interested in building energy generation facilities or developing or utilizing energy transmission infrastructure in this State. This paragraph does not authorize the director to be a signatory to any such agreement unless that authority is otherwise granted by law. ~~The director shall report on activities undertaken pursuant to this paragraph by February 1, 2009, and annually thereafter, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters;~~

**Sec. 5. 38 MRSA §578**, as amended by PL 2005, c. 144, §1, is further amended to read:

**§578. Progress evaluation**

By January 1, 2006 and by that date every 2 years thereafter, the department shall evaluate the State's progress toward meeting the reduction goals specified in section 576, review the cost-effectiveness of the actions taken toward meeting the reduction goals and shall amend the action plan as necessary to ensure that the State can meet the reduction goals. The department shall submit a report of its evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, ~~2006~~ 2016 and by that date every 2 years thereafter. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to report out legislation relating to the evaluation to the second regular session of any Legislature. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may make recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding that legislation. Starting no earlier than January 1, 2008, the department may recommend to the joint standing committee of the Legislature having jurisdiction over natural resources matters that the reduction goals specified in section 576 be increased or decreased.

**Sec. 6. 38 MRSA §579, first ¶**, as amended by PL 2007, c. 608, §3, is further amended to read:

The department may participate in the regional greenhouse gas initiative ~~as described in the climate action plan required in section 577 under chapter 3-B.~~ The commissioner and the members of the Public Utilities Commission are authorized to act as representatives for the State in the regional organization as defined in section 580-A, subsection 20, may contract with organizations and entities when such arrangements are necessary to efficiently carry out the purposes of this section and may coordinate the State's efforts with other states and jurisdictions participating in that initiative, with respect to:

**Sec. 7. PL 2007, c. 661, Pt. A, §8**, as amended by PL 2009, c. 642, Pt. A, §9, is repealed.

**Sec. 8. 2013 biennial update to the comprehensive energy plan.** For the year 2013, the plan to reduce the use of oil in all sectors of the economy under the Maine Revised Statutes, Title 2, section 9, subsection 5 serves as the biennial update to the comprehensive energy plan required under Title 2, section 9, subsection 3, paragraph C.

**Sec. 9. Appropriations and allocations.** The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF**

**Administration - Environmental Protection 0251**

Initiative: Allocates funds for administrative costs related to consulting with the Governor's Energy Office on the development of a new comprehensive state energy plan.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$506	\$675
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$506	\$675

**Air Quality 0250**

Initiative: Provides funding for a half-time Environmental Special IV position and related administrative expenses to consult with the Governor's Energy Office in developing an analysis of the interaction between energy planning and greenhouse gas reduction goals and to assist with an analysis of wind energy development, including permitting issues.

<b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNCIL	0.500	0.500
Personal Services	\$29,561	\$42,073
All Other	\$1,415	\$1,887
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GENERAL FUND TOTAL	\$30,976	\$43,960

<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2013-14</b>	<b>2014-15</b>
GENERAL FUND	\$30,976	\$43,960
OTHER SPECIAL REVENUE FUNDS	\$506	\$675
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DEPARTMENT TOTAL - ALL FUNDS	\$31,482	\$44,635

See title page for effective date.

**CHAPTER 416  
S.P. 401 - L.D. 1164**

**An Act To Allow Cooperative Housing Owners Who Are Blind To Qualify for the Property Tax Exemption**