

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

- (1) They find that a transfer is in the student's best interest; and
- (2) The student's parent approves.

The superintendents shall notify the commissioner of any transfer approved under this paragraph. If either of the superintendents decides not to approve the transfer, that superintendent shall provide to the parent of the student requesting transfer under this paragraph a written description of the basis of that superintendent's determination.

B. On the request of the parent of a student requesting transfer under paragraph A, the commissioner shall review the transfer. The commissioner shall review the superintendents' determinations and communicate with the superintendents and with the parent of the student prior to making a decision. The commissioner may approve or disapprove the transfer and shall provide to the parent of the student and to the superintendents a written decision describing the basis of the commissioner's determination.

C. The superintendents shall annually review any transfer under this subsection.

D. For purposes of the state school subsidy, a student transferred under this subsection is considered a resident of the school administrative unit to which transferred. Upon request of the superintendent of schools in the unit in which a student is placed in accordance with this subsection, the state share percentage for subsidized educational costs for that student is equivalent to the state share percentage of the unit in which the student's parent or legal guardian resides or the average state share percentage, whichever is greater. If the parent or legal guardian does not reside in the State or can not be located, the subsidy is the state average subsidy.

E. A school administrative unit may not charge tuition for a transfer approved under this subsection.

F. If dissatisfied with the commissioner's decision, a parent of a student requesting transfer or either superintendent may, within 10 calendar days of the commissioner's decision, request that the state board review the transfer. The state board shall review the superintendents' determinations and communicate with the commissioner, the superintendents and the parent of the student. The state board may approve or disapprove the transfer. The state board shall make a decision within 45 calendar days of receiving the request and shall provide to the parent of the student, the superintendents and the commissioner a written decision describing the basis of the state board's determination. The state board's decision is final and binding.

A transfer ~~approved~~ under this subsection may ~~not~~ be made ~~only~~ to a receiving school administrative unit that ~~operates~~ does not operate a public school that includes the grade level of the student whose parent requests the transfer, unless the superintendents of both the sending and receiving school administrative units approve the transfer.

See title page for effective date.

CHAPTER 562

S.P. 644 - L.D. 1652

An Act To Support Solar Energy Development in Maine

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

Sec. 1. 35-A MRSA c. 34-B is enacted to read:

CHAPTER 34-B

THE MAINE SOLAR ENERGY ACT

§3471. Short title

This chapter may be known and cited as "the Maine Solar Energy Act."

§3472. Legislative findings

1. Public interest. The Legislature finds that it is in the public interest to develop renewable energy resources, including solar energy, in a manner that protects and improves the health and well-being of the citizens and natural environment of the State while also providing economic benefits to communities, ratepayers and the overall economy of the State.

2. Contribution of solar energy development. The Legislature finds that the solar energy resources of the State constitute a valuable indigenous and renewable energy resource and that solar energy development, which is unique in its benefits to and impacts on the climate and the natural environment, can make a contribution to the general welfare of the citizens of the State for the following reasons:

A. Solar energy is an energy resource that does not rely on fossil fuel combustion and therefore it can displace energy provided by that source and reduce air pollution and greenhouse gas emissions; and

B. There is an inexhaustible supply of solar energy throughout the State that should be used cost-effectively for heat and electricity using current technology.

§3473. Specific measures to support solar energy

1. Monitoring. The commission shall monitor, to the extent possible through readily available information, the level of solar energy development in the State in relation to the goals in section 3474, basic trends in solar energy markets and the likely relative costs and benefits for ratepayers from solar energy development, including but not limited to minimizing peak load on transmission and distribution systems and the energy market price of electricity and natural gas during the peak hours.

2. Economic development. Within existing programs and resources, the State, including the Small Enterprise Growth Program, as established in Title 10, chapter 13; the Maine Technology Institute, as established in Title 5, section 12004-G, subsection 33-D; the Maine Rural Development Authority, as established in Title 5, section 12004-F, subsection 18; the Finance Authority of Maine, as established in Title 10, chapter 110; and the Department of Economic and Community Development, shall seek opportunities to promote investment in solar energy development, generation and manufacturing.

§3474. Determination of public policy; state solar energy generation goals

1. Encouragement of solar energy-related development. It is the policy of the State in furtherance of the goals established in subsection 2 to encourage the attraction of appropriately sited development related to solar energy generation, including any additional transmission, distribution and other energy infrastructure needed to transport additional solar energy to market, consistent with all state environmental standards; the permitting and financing of solar energy projects; appropriate utility rate structures; and the siting, permitting, financing and construction of solar energy research and manufacturing facilities for the benefit of all ratepayers.

2. State solar energy generation goals. When encouraging the development of solar energy generation, the State shall pursue cost-effective developments, policies and programs that advance the following goals:

A. Ensuring that solar electricity generation, along with electricity generation from other renewable energy technologies, meaningfully contributes to the generation capacity of the State through increasing private investment in solar capacity in the State;

B. Ensuring that the production of thermal energy from solar technologies meaningfully contributes to reducing the State's dependence on imported energy sources;

C. Ensuring that the production of electricity from solar energy meaningfully contributes to

mitigating more costly transmission and distribution investments otherwise needed for system reliability;

D. Ensuring that solar energy provides energy that benefits all ratepayers regardless of income level;

E. Increasing the number of businesses and residences using solar technology as an energy resource; and

F. Increasing the State's workforce engaged in the manufacturing and installation of solar technology.

Sec. 2. Determination of the value of distributed solar energy generation.

1. Value of distributed solar energy generation. The Public Utilities Commission shall determine the value of distributed solar energy generation in the State. The commission shall develop a method for valuing distributed solar energy generation. The method developed by the commission must, at a minimum, account for the value of the energy; market price effects for energy production; the value of its delivery, generation capacity, transmission capacity and transmission and distribution line losses; and the societal value of the reduced environmental impacts of the energy. The commission may, based on known and measurable evidence of the cost or benefit of solar operation to utility ratepayers, incorporate other values into the method, including credit for systems installed at high-value locations on the electric grid, or other factors. The report required by subsection 4 must clearly identify the value of each of the individual components described in this subsection that comprise the value of solar energy generation as determined by the commission. For purposes of the report, the commission may rely on readily available data.

2. Method. In developing a method for valuing distributed solar energy generation pursuant to this section, the Public Utilities Commission shall consider published guidance from the Interstate Renewable Energy Council and any other published materials regarding methods for consistently evaluating the value of distributed solar energy generation. Prior to conducting its analysis of the value of solar energy generation, the commission shall make public its proposed methodology and underlying assumptions and the rationale for proposing them and provide for an opportunity for public comment on them.

3. Solar implementation options. The report required by subsection 4 must include a summary of options for increasing investment in or deployment of distributed solar energy generation that are used in other states or utility jurisdictions. The summary may include policy options or business models along with any existing information regarding costs, benefits and results of those approaches. The commission may pro-

vide an analysis of which options, approaches or models may be appropriate for this State considering this State's utility market structures.

4. Report. By February 15, 2015, the Public Utilities Commission shall submit to the joint standing committee of the Legislature having jurisdiction over energy matters a report on the determination of the value of distributed solar energy generation in the State. The commission is not required to follow an adjudicatory proceeding pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 4 in developing its methodology or preparing the report.

See title page for effective date.

**CHAPTER 563
S.P. 263 - L.D. 725**

**An Act To Implement the
Recommendations of the
Judicial Compensation
Commission**

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 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, current salaries for members of the State's judiciary remain among the lowest in the nation; and

Whereas, the cost-of-living adjustments should become effective July 1, 2014; 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. 4 MRSA §4, sub-§2-A, as amended by PL 1997, c. 643, Pt. M, §3, is further amended to read:

2-A. Cost-of-living adjustment. Effective July 1, 1999 and every July 1st thereafter, the State Court Administrator shall adjust the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges by any percentage change in the Consumer Price Index from January 1st to December 31st of the previous year, but only to a maximum increase of ~~4%~~ 3%. The State Court Administrator shall determine the cost of these adjust-

ments; notify the State Budget Officer and the Director of the Office of Fiscal and Program Review of these costs; and include them in the Judicial Department's budget requests, as necessary. For purposes of this subsection, "Consumer Price Index" means the Consumer Price Index for Urban Wage Earners and Clerical Workers: United States City Average, All items, 1967=100, as compiled by the United States Department of Labor, Bureau of Labor Statistics or, if the index is revised or superseded, the Consumer Price Index is the index represented by the Bureau of Labor Statistics as reflecting most accurately changes in the purchasing power of the dollar by consumers.

Sec. 2. 4 MRSA §1701, sub-§13, as amended by PL 1995, c. 509, §1 and affected by §8, is further amended to read:

13. Biennial report required. No later than December ~~1st~~ 15th of each even-numbered year, the commission shall make its biennial report to the joint standing committees of the Legislature having jurisdiction over appropriations matters and judicial matters. The biennial report must include findings, conclusions and recommendations as to the proper salary and benefits, including retirement, to be paid from the State Treasury and other sources for all justices and judges of this State. The commission is authorized to submit with its report any proposed legislation the commission determines necessary to implement these recommendations.

Sec. 3. Judicial compensation; fiscal year 2014-15. In addition to the adjustments required in Public Law 2013, chapter 368, Part BB, section 1 and notwithstanding the Maine Revised Statutes, Title 4, section 4, the State Court Administrator shall adjust upward the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges by 2% on July 1, 2014.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect July 1, 2014.

Effective July 1, 2014.

**CHAPTER 564
H.P. 1232 - L.D. 1722**

**An Act To Exempt from Sales
and Use Tax Sales of
Publications To Be Distributed
without Charge and Printed
Materials Included in
Publications**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until