

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2014 to July 16, 2015**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 15, 2015**

**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**  
**2015**

gram and shall complete additional training at least every 2 years thereafter. The training must be conducted by a nationally recognized organization experienced in training nonprofessionals in emergency health treatment or an entity or individual approved by the department. The department may approve specific entities or individuals or may approve classes of entities or individuals to conduct training. Training may be conducted online or in person and, at a minimum, must cover:

- A. How to recognize signs and symptoms of severe allergic reactions, including anaphylaxis;
- B. Standards and procedures for the storage and administration of an epinephrine autoinjector; and
- C. Emergency follow-up procedures.

The entity or individual that conducts the training shall issue a certificate, on a form developed or approved by the department, to each person who successfully completes the anaphylaxis training program.

**5. Immunity.** The following entities are not liable for any injuries or related damages that result from any act or omission of the entity committed in good faith pursuant to this section unless it is established that the injuries or related damages were caused willfully, wantonly or recklessly or by gross negligence:

- A. A health care practitioner that prescribes epinephrine autoinjectors in accordance with subsection 1;
- B. A pharmacist or health care practitioner that dispenses epinephrine autoinjectors in accordance with subsection 1;
- C. An authorized entity that acquires and stocks epinephrine autoinjectors or designates employees or agents to be responsible for storage, maintenance, control and general oversight of epinephrine autoinjectors in accordance with subsection 2;
- D. An employee or agent of an authorized entity who has completed the training required by subsection 4 who provides an epinephrine autoinjector to a person pursuant to subsection 3, paragraph A or who administers an epinephrine autoinjector to a person in accordance with subsection 3, paragraph B; and
- E. An individual or entity that conducts training in accordance with subsection 4.

The administration of an epinephrine autoinjector in accordance with this section is not the practice of medicine or any other profession that otherwise requires licensure.

This subsection does not eliminate, limit or reduce any other immunity or defense that may be available under

the laws of this State, including that provided under Title 14, section 164.

An authorized entity located in this State is not liable for any injuries or related damages that result from the provision or administration of an epinephrine autoinjector outside of this State if the authorized entity would not have been liable for such injuries or related damages had the provision or administration occurred within this State.

See title page for effective date.

## CHAPTER 232

### H.P. 888 - L.D. 1310

#### An Act To Amend the Community-based Renewable Energy Program

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

**Sec. 1. 35-A MRSA §3602, sub-§3-A** is enacted to read:

**3-A. Net generating capacity.** "Net generating capacity" means the output of a generating facility delivered to the transmission and distribution utility system. "Net generating capacity" does not include any energy consumed by the generator to operate the electricity generating facility and energy consumed for plant lighting, power and auxiliary facilities.

**Sec. 2. 35-A MRSA §3603, sub-§2,** as amended by PL 2013, c. 454, §3, is further amended to read:

**2. Program scope; limits on generating capacity.** The commission shall limit participation in the program in accordance with this subsection.

A. The ~~installed~~ net generating capacity of a program participant may not exceed 10 megawatts.

B. The total ~~installed~~ net generating capacity of all program participants combined may not exceed 50 megawatts.

D. Of the 50-megawatt limit on total net generating capacity under paragraph B, ~~40~~ 2 megawatts must be reserved at the outset of the program for program participants that:

- (1) Have ~~an installed~~ a net generating capacity of less than 100 kilowatts; or
- (2) Are located in the service territory of a consumer-owned transmission and distribution utility.

The commission may modify the amount of net generating capacity reserved under this paragraph based on program experience.

E. The total ~~installed~~ net generating capacity of program participants that receive the renewable energy credit multiplier incentive under section 3605 may not exceed 10 megawatts.

**Sec. 3. 35-A MRSA §3609**, as enacted by PL 2009, c. 329, Pt. A, §4, is repealed.

**Sec. 4. 35-A MRSA §3610** is enacted to read:

**§3610. Project deadline; completion deadline**

The commission may not issue an order after December 31, 2015 directing an investor-owned transmission and distribution utility to enter into a long-term contract under this chapter nor allow a consumer-owned transmission and distribution utility to enter into a long-term contract under this chapter. All community-based renewable energy projects that have been selected for a long-term contract must become operational and commence generating electricity by December 31, 2018.

**Sec. 5. Viability assessment; request for proposals.** The Public Utilities Commission shall review all certified program participant projects under the Maine Revised Statutes, Title 35-A, section 3603 that have not yet reached commercial operations to determine whether the projects are reasonably likely to achieve commercial operations within a 3-year period. For those projects the commission determines will not be viable within a 3-year period, the commission must revoke any contract awarded, but the project may still remain certified. To the extent there is less capacity remaining than is allowed under Title 35-A, section 3603, subsection 2 after the removal of nonviable projects, the commission shall conduct an expedited request for proposals to select community-based renewable energy projects to become program participants and enter into long-term contracts. A project under this process may not elect to choose the renewable energy credit multiplier incentive under Title 35-A, section 3605, and those projects that are operational and have elected the renewable energy credit multiplier do not count towards the 50-megawatt cap on net generating capacity under Title 35-A, section 3603, subsection 2. The commission shall select the projects that provide the most benefit to ratepayers and that have contract pricing levels below 10¢ per kilowatt hour within each contract year. To the maximum extent practicable, the commission must select projects to provide for a total net generating capacity for all projects to meet the maximum allowance under Title 35-A, section 3603, subsection 2 of 50 megawatts.

See title page for effective date.

**CHAPTER 233**  
**H.P. 812 - L.D. 1179**

**An Act To Prohibit Certain  
Payments with Respect to an  
Adoption**

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

**Sec. 1. 17-A MRSA §553-A** is enacted to read:

**§553-A. Illegal payment with respect to an adoption**

**1. A person is guilty of illegal payment with respect to an adoption if that person:**

A. Is the parent of a child or is a person whose consent is required pursuant to Title 18-A, section 9-302 and, in return for placing that child for adoption, intentionally or knowingly solicits or receives monetary payment or other valuable consideration that is not authorized by Title 18-A, section 9-306; or

B. With the intent of adopting a child, intentionally or knowingly provides, or offers to provide, the parent of that child or the person whose consent is required pursuant to Title 18-A, section 9-302 with monetary payment or other valuable consideration that is not authorized by Title 18-A, section 9-306.

**2. Violation of this section is a Class D crime.**

See title page for effective date.

**CHAPTER 234**  
**H.P. 985 - L.D. 1442**

**An Act To Establish a Bag  
Limit for Brook Trout on  
Portions of Webster Stream in  
Piscataquis County**

**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 daily bag limit for brook trout established in this legislation for portions of Webster Stream in Piscataquis County needs to take effect prior to the fall fishing season for the proper fishery management of brook trout in those portions of Webster Stream; 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