

# 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**

**CHAPTER 322  
H.P. 556 - L.D. 822**

**An Act To Allow a Former Spouse of a Member of the Maine Public Employees Retirement System To Begin Collecting Benefits When the Former Spouse Reaches the Member's Retirement Age**

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

**Sec. 1. 5 MRSA §17059, sub-§4, ¶H,** as enacted by PL 1991, c. 746, §9 and affected by §10, is amended to read:

H. Does not require the payment of benefits to an alternate payee before the retirement of a member other than when the payee reaches the member's normal retirement age, the distribution of a withdrawal of contributions to a member or other distribution to a member required by law.

**Sec. 2. 5 MRSA §17059, sub-§5, ¶E,** as enacted by PL 1991, c. 746, §9 and affected by §10, is amended to read:

E. The order may not require any action on the part of the retirement system contrary to its governing laws or plan provisions other than the direct payment of the benefit awarded to an alternate payee or the direct payment of the benefit awarded to an alternate payee before the retirement of a member and when the payee reaches the member's normal retirement age.

See title page for effective date.

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**CHAPTER 323  
H.P. 818 - L.D. 1185**

**An Act To Establish the Municipal Gigabit Broadband Network Access Fund**

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

**Sec. 1. 35-A MRSA §9211-A** is enacted to read:

**§9211-A. Municipal Gigabit Broadband Network Access Fund**

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

A. "Applicant" means a community, regional partnership or municipality that applies for a grant under this section.

B. "Community" means a municipality with a population of at least 1,200 people, as determined by the authority in accordance with the United States Census data, or a municipality that has received a waiver from this population requirement from the authority upon a determination that the municipality is in an unserved or underserved area.

C. "Fund" means the Municipal Gigabit Broadband Network Access Fund established in this section.

D. "Regional partnership" means 2 or more municipalities that do not, on their own, meet the requirements of paragraph B and have joined together with one or more contiguous municipalities in the region to achieve the population requirements of paragraph B.

**2. Fund established.** The Municipal Gigabit Broadband Network Access Fund is established as a nonlapsing, revolving fund administered by the authority for the purposes of supporting the activities and projects of the authority under this section. All money in the fund must be continuously applied by the authority to carry out this section. The authority may receive and deposit in the fund funds from the following sources:

A. Federal funds and awards that may be used for the purposes of this section;

B. The proceeds of bonds issued for the purposes of this section; and

C. Any other funds from public or private sources received in support of the purposes for which the fund is established.

**3. Purpose of the fund.** The fund is established to address the need in the State for access to ultra high-speed broadband infrastructure that will enhance the State's competitiveness in national and international economies. To the extent funds are available, the fund must be used to provide grants to communities, regional partnerships and municipalities to support public-private partnerships to support a municipal gigabit fiber-optic broadband network in their regions with the following goals:

A. Provide high-speed broadband access to attract, create and grow the State's economy and market the products and services of businesses in the State in national and international markets with ultra high-speed symmetric connectivity and address challenges in geography;

B. Provide expanded health care services by facilitating access to telemedicine, as defined in Ti-

tle 24-A, section 4316, subsection 1, and state and local services for senior citizens and persons with disabilities;

C. Expand educational opportunities for students across the State through virtual and distance learning;

D. Facilitate broader access for the public to services provided by municipal and county governments, including, but not limited to, law enforcement entities, the judicial system and child, youth and family social services; and

E. Provide expanded residential services to support employment opportunities.

In order to facilitate the achievement of the goals and policies of this section, the authority shall establish and regularly update, after opportunity for public comment and taking into consideration relevant federal policies, definitions of "gigabit fiber-optic broadband network" and "ultra high-speed broadband infrastructure."

**4. Implementation grants; maximum awards.**

To the extent funds are available, the authority shall award implementation grants to achieve the purpose of the fund as described in subsection 3 as follows.

A. An implementation grant to an applicant may not exceed \$200,000 for each eligible project selected for funding.

B. An implementation grant may be awarded only to an applicant that has demonstrated to the satisfaction of the authority that it has participated in a planning grant process as described in subsections 5, 6 and 7.

C. Municipalities selected for funding must be required to provide a 25% cash match.

**5. Planning grants; requirements for applicants.**

In order to assist applicants with completion of the planning process necessary to achieve the goals of this section, to the extent funds are available, the authority shall award planning grants of up to \$20,000 for community applicants and up to \$25,000 for regional partnerships and municipalities, which require a cash match. The authority shall establish application requirements for planning grants for community and regional applicants that require an applicant to demonstrate to the satisfaction of the authority participation with public and private institutions and local businesses in the development of the grant process. Municipal applicants must provide the authority with the following information:

A. A plan that identifies how the municipality will use ultra high-speed broadband access to fulfill the economic goals of the municipality;

B. A written commitment to nondiscriminatory open access to the broadband infrastructure by all parties involved in the grant;

C. A written summary of public forums used to gather information from the public in establishing the goals for the grant that serve the goals of this section;

D. Information gathered from local public and private institutions that identifies how the broadband services will expand access to state and local services identified under subsection 3; and

E. A summary of input received from the business community to identify the services that will be used in planning the implementation grant application.

**6. Planning grant requirements.** An applicant awarded a planning grant under subsection 5 must provide to the authority:

A. Identification of the local broadband needs and goals;

B. An inventory of existing broadband infrastructure assets within the municipality, municipalities or region;

C. The results of a gap analysis that defines the additional broadband infrastructure necessary to meet identified needs and goals;

D. One or more potential network designs, cost estimates, operating models and potential business models, based on input from broadband providers operating within the municipality, municipalities or region and any other parties that submit a network design solution, to address any broadband gaps identified in the analysis described in paragraph C; and

E. An assessment of all existing municipal procedures, policies, rules and ordinances that may have the effect of delaying or increasing the cost of broadband infrastructure deployment.

**7. Cash match for planning grants; restrictions.**

The cash match required from the applicant for a planning grant under subsection 5 may consist of municipal appropriations, private funds, funding from economic development entities and funding from non-profit entities. The cash match for planning grants may not consist of funds provided by a vendor or private business that proposes to build, operate or provide retail services using the gigabit fiber-optic broadband network.

**8. Technical assistance; contract for services.**

The authority may provide technical assistance to applicants that request assistance with the grant application process. The authority may contract for services to assist in the administration, management and evaluation of the fund.

**9. Rules; application procedure.** The authority shall adopt rules to implement this section, including rules governing the application process for the fund. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**10. Report.** Beginning December 15, 2016, the authority shall provide an annual report to the joint standing committee of the Legislature having jurisdiction over energy and utility matters on the grants distributed from the fund and an analysis of the fund's activities that have addressed the need for expansion of ultra high-speed broadband access in the State.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**CONNECTME AUTHORITY**

**Municipal Gigabit Broadband Network Access Fund N185**

Initiative: Provides a base allocation of \$500 to establish the Municipal Gigabit Broadband Network Access Fund.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.

**CHAPTER 324  
S.P. 137 - L.D. 369**

**An Act To Clarify the Immigration Status of Noncitizens Eligible for General Assistance**

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

**Sec. 1. 22 MRSA §4301, sub-§3,** as amended by PL 2013, c. 368, Pt. OO, §4, is further amended to read:

**3. Eligible person.** "Eligible person" means a person who is qualified to receive general assistance from a municipality according to standards of eligibility determined by the municipal officers whether or not that person has applied for general assistance. "Eligible person" does not include a person who is a fugitive from justice as defined in Title 15, section 201, subsection 4. Beginning July 1, 2015, in accor-

dance with 8 United States Code, Section 1621(d), "eligible person" means a person who is lawfully present in the United States or who is pursuing a lawful process to apply for immigration relief, except that assistance for such a person may not exceed 24 months.

See title page for effective date.

**CHAPTER 325  
H.P. 941 - L.D. 1391**

**An Act Regarding the Treatment of Forensic Patients**

**Emergency preamble.** **Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this legislation needs to take effect as soon as possible in order to provide an environment that is safe and secure for hospital staff and to reduce costs associated with lost work time due to injuries to staff; 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. 15 MRSA §§106, 107 and 108** are enacted to read:

**§106. Involuntary medication of incompetent defendant**

**1. Definition.** As used in this section, "commissioner" means the Commissioner of Health and Human Services or the commissioner's designee.

**2. Notice required; contents.** At any time after a defendant has been found incompetent to proceed and has been committed to the custody of the commissioner under section 101-D, subsection 5, the commissioner shall notify the court, prosecuting attorney and attorney for the defendant if the commissioner has determined that the defendant is not consenting to or responding to treatment and is unlikely to be restored to competency without the administration of psychiatric medication over the defendant's objection. The commissioner shall provide this notice only if there is no basis for involuntarily medicating the defendant other than to restore the defendant's competency. The commissioner shall state in the notice whether the commissioner believes that: