

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2016 to April 29, 2016**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 29, 2016**

**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**  
**2016**

If a person violates any of the terms or conditions of an authorization granted pursuant to this subsection, the authorization must be immediately suspended or revoked for that person and that person is subject to the prohibitions and penalties in section 12808 for that violation.

**4. Broad activity exemption.** The commissioner may adopt rules to provide an exemption, under such terms and conditions as the commissioner determines necessary, for a specific activity otherwise prohibited by section 12808, if the commissioner determines the exemption:

A. Addresses a specific activity that is widespread in its occurrence but may not have a reasonably identifiable group of participants;

B. Poses little or no risk of taking an endangered or threatened species; and

C. Will not individually or cumulatively impair the recovery of any endangered or threatened species.

The commissioner shall hold at least one public hearing and seek input from knowledgeable individuals or groups on each proposed rule to provide a broad activity exemption.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**5. Incidental take plan criteria.** The commissioner may approve or adopt an incidental take plan developed pursuant to subsection 2 or 3 that minimizes the incidental taking of an endangered or threatened species and that provides the following:

A. A description of the specific activities sought to be authorized by the incidental take plan and an analysis of potential alternatives;

B. The individual and cumulative effects that may reasonably be anticipated to result from the proposed actions covered by the incidental take plan;

C. The recovery measures the applicant will implement to prevent, minimize and mitigate the individual and cumulative effects and any provisions that are necessary to prevent, minimize and mitigate circumstances that are likely to impair the recovery of any endangered or threatened species covered by the incidental take plan;

D. The procedures for monitoring the effectiveness of the recovery measures in the incidental take plan;

E. The anticipated costs of implementing the incidental take plan and the availability of necessary funding for the applicant to implement the plan; and

F. Other modifications to the incidental take plan or additional measures, if any, that the commissioner may require and such other matters as the commissioner determines to be necessary for the recovery of species consistent with this section.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 1, 2016.

## CHAPTER 424

### H.P. 1095 - L.D. 1607

#### **An Act To Implement the Recommendations of the Maine Affordable Housing Working Group**

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

**Sec. 1. 30-A MRSA §4753, sub-§3** is enacted to read:

**3. Universal application and waiting list.** The Maine State Housing Authority and municipal housing authorities shall establish a single, streamlined application for tenant-based rental assistance under the United States Housing Act of 1937, Public Law 412, Section 8 by which families may apply for housing assistance in any geographic area of the State and shall also establish a statewide, centralized waiting list for that tenant-based rental assistance. The Maine State Housing Authority and municipal housing authorities shall establish a method for individuals or families to submit applications and to update applications for rental assistance by electronic means.

The Maine State Housing Authority and the Department of Health and Human Services shall ensure that an application or an addendum to an application submitted pursuant to this subsection may also be used by individuals and families who choose to apply for the Bridging Rental Assistance Program established in Title 34-B, section 3011 and a federal shelter plus care program authorized by the federal McKinney-Vento Homeless Assistance Act, Public Law 100-77 (1987) as amended by the federal Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, Public Law 111-22, Division B (2009).

**Sec. 2. Examination of options to increase access to affordable housing for families with incomes at or below 30% of the area median income.** To the extent funds become available, the Maine State Housing Authority shall examine strategies to increase access to affordable housing for persons with incomes at or below 30% of the area median income, including, but not limited to, increasing the

accessibility of new housing units built with support from the federal low-income housing tax credit program for households with incomes at or below 30% of the area median income.

The Maine State Housing Authority shall provide a preliminary report by February 1, 2017 and a final report by January 15, 2019 on its progress in increasing access to affordable housing pursuant to this section to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters.

### **Sec. 3. Rental assistance pilot program.**

The Maine State Housing Authority shall work with municipal housing authorities to identify unused vouchers under the United States Department of Housing and Urban Development's Housing Choice Voucher Program and use these vouchers to establish a rental assistance pilot program. The Maine State Housing Authority shall design and implement the program based on best practices and evidence-based research to provide a comprehensive approach to prevent homelessness and promote housing stability, family well-being and self-sufficiency for families at risk of homelessness.

The Maine State Housing Authority shall collect and maintain data sufficient to evaluate the extent to which the pilot program achieves success in meeting its goals and provide a preliminary report by February 1, 2017 and a final report by January 15, 2019 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters.

See title page for effective date.

## **CHAPTER 425**

### **H.P. 1122 - L.D. 1651**

#### **An Act To Exempt Certain Natural Gas Consumers from an Assessment and To Extend a Moratorium on Assessments for Other Large-volume Consumers of Natural Gas**

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

**Sec. 1. 35-A MRSA §10111, sub-§2,** as amended by PL 2013, c. 369, Pt. A, §25, is further amended to read:

**2. Funding level.** The natural gas conservation fund, which is a nonlapsing fund, is established to carry out the purposes of this section. The commission shall assess each gas utility, in accordance with the triennial plan, an amount necessary to capture all cost-effective energy efficiency that is achievable and

reliable for those consumers who are eligible to receive funds from the natural gas conservation fund. All amounts collected under this subsection must be transferred to the natural gas conservation fund. Any interest on funds in the fund must be credited to the fund. Funds not spent in any fiscal year remain in the fund to be used for the purposes of this section.

The assessments charged to gas utilities under this section are just and reasonable costs for rate-making purposes and must be reflected in the rates of gas utilities.

All funds collected pursuant to this section are collected under the authority and for the purposes of this section and are deemed to be held in trust for the purposes of benefiting natural gas consumers served by the gas utilities assessed under this subsection. In the event funds are not expended or contracted for expenditure within 2 years of being collected from consumers, the commission shall ensure that the value of those funds is returned to consumers.

Rules adopted by the commission under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 35-A MRSA §10111, sub-§2-A** is enacted to read:

**2-A. Exemption.** A wholesale electricity-generating facility that has a nameplate capacity of 3 megawatts or greater is not eligible to participate in any natural gas conservation program under this section. The commission may not allow a gas utility to collect an assessment under this section through its rates from a wholesale electricity-generating facility that has a nameplate capacity of 3 megawatts or greater.

**Sec. 3. Moratorium on assessments by gas utilities on large-volume consumers.** Notwithstanding the Maine Revised Statutes, Title 35-A, section 10111, until 90 days after the adjournment of the First Regular Session of the 128th Legislature:

1. Large-volume consumers of a gas utility are not eligible to participate in any Efficiency Maine Trust natural gas conservation programs;

2. The Public Utilities Commission may not allow a gas utility to collect an assessment under Title 35-A, section 10111 through its rates from large-volume consumers and may not make a final decision regarding the appropriateness of or size of such collections from large-volume consumers; and

3. The Public Utilities Commission may not order or authorize a gas utility assessed under Title 35-A, section 10111 to exempt any consumers other than large-volume consumers and those consumers exempted under Title 35-A, section 10111, subsection 2-A from the collection of that assessment through its rates.