

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.

Augusta, Maine
2016

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.

Prior to 90 days after the adjournment of the First Regular Session of the 128th Legislature, any assessment by the Public Utilities Commission under Title 35-A, section 10111 must be in an amount necessary to capture all cost-effective energy efficiency that is achievable and reliable only for consumers who are not exempt under Title 35-A, section 10111, subsection 2-A or under this section.

For the purposes of this section, "large-volume consumer" means a consumer of a gas utility that uses 1,000,000 centum cubic feet or more of natural gas per year.

See title page for effective date.

CHAPTER 426

H.P. 1097 - L.D. 1609

**An Act To Designate the Maine
Lobster as the State
Crustacean**

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

Sec. 1. 1 MRSA §229 is enacted to read:

§229. State crustacean

The Maine lobster (*Homarus americanus*) is the official state crustacean.

See title page for effective date.

CHAPTER 427

S.P. 575 - L.D. 1477

**An Act To Protect Victims of
Sexual Assault**

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

Sec. 1. 19-A MRSA §1658, as enacted by PL 1997, c. 363, §1, is repealed and the following enacted in its place:

§1658. Termination of parental rights and responsibilities in cases involving sexual assault

This section applies to the termination of parental rights and responsibilities with respect to a specific child conceived as a result of an act of sexual assault by the parent of that child.

1. Petitioner. The petition for termination may be filed by the other parent or, if the other parent is a minor, the parent or guardian of the other parent.

2. Petition. The petitioner may file a petition with the District Court that requests the termination of the parental rights and responsibilities of the parent and alleges:

A. That the parent was convicted of a crime involving sexual assault, as defined in Title 17-A, section 253, 254 or 556, or a comparable crime in another jurisdiction, that resulted in the conception of the child; or

B. That the child was conceived as a result of an act of sexual assault, as defined in Title 17-A, section 253, 254 or 556, or a comparable crime in another jurisdiction.

3. Termination. Except as provided in subsection 4, if the petitioner proves the allegation in subsection 2, paragraph A by a preponderance of the evidence, the court shall terminate the parental rights and responsibilities of the parent. If the petitioner proves the allegation in subsection 2, paragraph B by clear and convincing evidence, the court may terminate the parental rights and responsibilities of the parent.

4. Exception. The court is not required to terminate the parental rights and responsibilities of a parent convicted of gross sexual assault under Title 17-A, section 253, subsection 1, paragraph B that resulted in the conception of the child if:

A. The parent or guardian of the other parent filed the petition;

B. The other parent informs the court that the sexual act was consensual; and

C. The other parent opposes the termination of the parental rights and responsibilities of the parent convicted of the gross sexual assault.

Sec. 2. 22 MRSA §4055, sub-§1-B is enacted to read:

1-B. Conception by sexual assault as grounds for termination. The court may order termination of parental rights if the court finds, based on clear and convincing evidence, that the child was conceived as a result of an act by the parent of sexual assault or a comparable crime in another jurisdiction. For purposes of this subsection, "sexual assault" has the same meaning as in Title 17-A, section 253, 254 or 556. A guilty plea or conviction for sexual assault is considered clear and convincing evidence for purposes of this subsection.

See title page for effective date.