

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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.

Augusta, Maine
2015

**CHAPTER 12
H.P. 105 - L.D. 147**

**Resolve, Regarding
Legislative Review of
Portions of Chapter 500:
Stormwater Management, a
Major Substantive Rule of the
Department of
Environmental Protection**

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 500: Stormwater Management, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended in section 4, subsection E to clarify, for the purposes of the urban impaired stream standard, that where there is a department-approved management and monitoring plan in place and monitoring demonstrates that a stressor in the watershed, which may be either a pollutant or a failure to meet a water quality standard, is contributing to the impairment of the urban impaired stream, the department may require the applicant to use alternative or additional stormwater treatment measures to address the identified stressor; and

2. The rule must be amended in section 14 to extend the permit shield provision to the implementation of innovative measures to increase the probability that low-impact development measures will be installed.

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

Effective April 29, 2015.

**CHAPTER 13
H.P. 410 - L.D. 597**

**Resolve, Regarding
Legislative Review of
Portions of Chapter 101:
MaineCare Benefits Manual,
Chapter III, Section 29:
Allowances for Support
Services for Adults with
Intellectual Disabilities or
Autistic Disorder, a Major
Substantive Rule of the
Department of Health and
Human Services**

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective May 10, 2015.

CHAPTER 14

H.P. 244 - L.D. 357

Resolve, To Study Options for a State Demand Response Program

Preamble. Whereas, there is significant value to individual consumers of electricity who participate in demand response programs that provide incentives to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized and to consumers who benefit from reduced peak electricity pricing and increased electrical grid stability; and

Whereas, such consumer and grid benefits are best obtained through formal demand response programs designed to encourage consumer participation; and

Whereas, the State's consumers and economy are being harmed by increased energy costs due to natural gas pipeline constraints and this harm may be reduced through participation in a state demand response program; and

Whereas, the United States Supreme Court is currently considering whether demand response programs are within the federal jurisdiction of the Federal Energy Regulatory Commission or are reserved to state jurisdiction and the resulting uncertainty has reduced participation in existing demand response programs; and

Whereas, the existing regional demand response program rules do not adequately address the needs of Maine electricity consumers; and

Whereas, it is important to the State's electrical consumers and economy that the State be prepared to implement a demand response program, if necessary, for either Maine alone or in conjunction with the other New England states; now, therefore, be it

Sec. 1. Study of options for a state demand response program. Resolved: That the Efficiency Maine Trust shall, using existing resources, study options for a state demand response program that will produce electricity consumer and electrical grid benefits and that will allow and encourage participation of Maine electricity consumers in the program. In conducting its study, the trust shall consult with the Governor's Energy Office, the Public Utilities Commission, the Office of the Public Advocate and ISO-New

England and shall survey other states in New England regarding their interest in demand response programs at the state or regional level and consider demand response program rules that do not unduly burden or discourage consumer participation. The trust shall solicit the involvement of transmission and distribution utilities and electricity consumers in the State and determine consumer preferences for demand response program elements and rules. The trust shall issue a draft report and accept comments from the public and other interested parties. The trust shall coordinate with the other state agencies involved in order to efficiently and effectively solicit such public comment. The trust shall submit a report of its study and conclusions, including recommended legislation, by February 1, 2016 to the Joint Standing Committee on Energy, Utilities and Technology, which may report out a bill to the Second Regular Session of the 127th Legislature.

See title page for effective date.

CHAPTER 15

H.P. 108 - L.D. 150

Resolve, Requiring a Review of and a Report on Pretrial and Post-conviction Use of Batterers' Intervention Programs

Sec. 1. Review of pretrial and post-conviction use of batterers' intervention programs. Resolved: That the Maine Commission on Domestic and Sexual Abuse, as established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 74-C, shall review pretrial and post-conviction use of batterers' intervention programs. The review must include best practices for batterers' intervention programs, including the length of successful programs and sanctions and incentives to encourage full participation. The review must consider the potential for use of batterers' intervention programs before trial, during a period of deferred disposition and after conviction; and be it further

Sec. 2. Report on pretrial and post-conviction use of batterers' intervention programs. Resolved: That, after completing the review required under section 1, the Maine Commission on Domestic and Sexual Abuse shall report to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2016 on the results of the review. The report may include recommendations and suggested legislation. Following receipt of the report the Joint Standing Committee on Criminal Justice and Public Safety may submit a bill on pretrial and post-