

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
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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2015

CHAPTER 36
H.P. 591 - L.D. 872

**Resolve, Establishing a Task
Force To Ensure Integrity in
the Use of Service Animals**

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 resolve establishes a task force to study training and certification requirements of service animals, methods of disseminating information about service animals to the public and documentation of training and certification of service animals; and

Whereas, the business of the task force must be initiated before the 90-day period expires in order that it may be completed and a report submitted in time for submission to the next legislative session; 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. Task force to ensure integrity in the use of service animals. Resolved: That the Commissioner of Agriculture, Conservation and Forestry shall convene a task force of interested parties to study:

1. Training requirements for service animals;
2. Certifying organizations and existing certification requirements for service animals and development of new state-based certification requirements, if needed;
3. The necessity of educating the public about service animals and methods of disseminating information about service animals;
4. Documentation of training and certification of service animals and the development of additional documentation and proofs, if needed; and
5. Housing issues related to service animals; and be it further

Sec. 2. Task force membership. Resolved: That the Commissioner of Agriculture, Conservation and Forestry shall invite the following individuals to participate in the task force: 2 trainers of service or therapy animals, a restaurant owner or operator, a member of the business community, a member of the Maine Human Rights Commission or a designee selected by the commission, a member from the public education system, a member of the Maine Real Estate Managers Association, a representative of the Central

Maine Apartment Owners Association or the Maine Apartment Owners and Managers Association, a resident of the State with physical disabilities, a resident of the State with nonphysical disabilities, an attorney who specializes in disability law with experience in both state and federal laws governing service animals and the state accessibility coordinator from the Department of Labor, Bureau of Rehabilitation Services; and be it further

Sec. 3. Report. Resolved: That, no later than December 2, 2015, the Commissioner of Agriculture, Conservation and Forestry shall report the task force's recommendations, including any proposed legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry. The Joint Standing Committee on Agriculture, Conservation and Forestry may submit a bill related to the subject matter of the report to the Second Regular Session of the 127th Legislature.

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

Effective June 27, 2015.

CHAPTER 37
H.P. 863 - L.D. 1263

**Resolve, To Create
Sustainable Growth in Maine's
Distributed Energy Sector
That Uses Market Forces To
Fairly Compensate Energy
Producers**

Preamble. Whereas, the Legislature finds that net energy billing is a simple mechanism that has supported the development of distributed generation in Maine, but net energy billing may not provide a suitable long-term foundation for distributed generation; and

Whereas, the Legislature finds that it is in the public interest to develop an alternative to net energy billing that fairly and transparently allocates the costs and benefits of distributed generation to all customers, allows participation by all customers and creates a sustainable platform for future growth of distributed generation to the benefit of all ratepayers; and

Whereas, the Legislature finds that the policy structure described within the Office of the Public Advocate's white paper entitled "A Ratepayer Focused Strategy for Distributed Solar in Maine" merits further exploration; now, therefore, be it

Sec. 1. Stakeholder discussions. Resolved: That the Public Utilities Commission shall, using existing resources, convene a stakeholder group to develop an alternative to net energy billing, as defined in

the Maine Revised Statutes, Title 35-A, section 3209-A. To the maximum extent possible, the recommendations from this group must reflect consensus among the stakeholders. In developing an alternative, the commission shall:

1. Ensure the alternative includes fixed, long-term compensation mechanisms for distributed generation that, when feasible, obtain the best price for ratepayers using market-based competition or capacity-based step downs, as described in the Office of the Public Advocate's white paper entitled "A Ratepayer Focused Strategy for Distributed Solar in Maine," and ensure the maximum level of compensation for a given technology does not exceed the ratepayer benefits as determined by a commission evaluation of the specific benefits of that technology;

2. Develop at least 3 aggregate market size scenarios representing low, medium and high estimates of the total installed capacity that would be developed under existing rate structures if net energy billing were to continue through 2021;

3. Ensure the alternative provides opportunities for meaningful participation by all market segments identified in the Office of the Public Advocate's white paper, including residential, commercial, industrial, community and wholesale or grid-scale solar distributed generation;

4. Include a method to aggregate, capture and monetize for ratepayers the benefits of distributed generation assets, including, but not limited to, benefits related to energy supply, capacity and renewable energy credits, in order to maximize revenues for aggregation to all ratepayers and identify the appropriate entity to initially serve as an aggregator, while providing for the opportunity for 3rd-party aggregation at a future date; and

5. Develop a process and timeline for transition from current net energy billing policies to the alternative that address the following:

A. The continued availability of net energy billing pending an assessment of the alternative, or until such date as the commission may recommend;

B. Options for participation by existing net energy billing customers in the alternative; and

C. Continuing opportunities for self-consumption by distributed generation customers once the alternative is fully implemented; and be it further

Sec. 2. Report. Resolved: That the Public Utilities Commission shall submit a report to the Joint Standing Committee on Energy, Utilities and Technology by January 30, 2016 that includes an overview of the stakeholder discussions; an overview of the alternative under section 1; any areas in which stakeholders were unable to reach consensus; technical

specifications, rules or policies needed to carry out the alternative; a proposed timeline for implementation of the alternative; technical or legal barriers to implementation of the alternative; and any other recommendations. The committee may report out a bill to the Second Regular Session of the 127th Legislature related to the report.

See title page for effective date.

CHAPTER 38

H.P. 582 - L.D. 851

Resolve, Regarding Legislative Review of Portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal 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 outside the legislative rule acceptance period; 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 2: Standards for Qualifications of Assigned Counsel, a provisionally adopted major substantive rule of the Maine Commission on Indigent Legal Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized only if the following change is made:

1. The rule must be amended in section 2, subsection 1, paragraph c) to provide that an attorney must