

# 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**

inform the commission in writing within 5 days of the filing of any criminal charge against the attorney.

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

Effective June 30, 2015.

## CHAPTER 39

### H.P. 649 - L.D. 946

#### **Resolve, To Establish a Moratorium on the Assessment of Large Volume Consumers by Gas Utilities and To Evaluate Cost-effective Natural Gas Conservation and Efficiency Improvements for Large Volume Consumers**

**Preamble.** Whereas, the Legislature, with Public Law 2013, chapter 369, established an expanded natural gas conservation program for consumers during the First Regular Session of the 126th Legislature; and

**Whereas,** all consumers benefit from investing in cost-effective energy efficiency projects and from other utility consumers investing in such projects; and

**Whereas,** questions have arisen during the planning for implementation of the expanded program regarding the most effective way of achieving energy efficiency for the largest consumers of Maine's natural gas utilities; and

**Whereas,** the largest of Maine's natural gas consumers use significantly greater volumes of natural gas than other consumers; and such uses include electricity generation and industrial process applications; and many of these consumers have only recently converted to, or invested in equipment for use of, natural gas; now, therefore, be it

**Sec. 1. Moratorium on assessments by gas utilities of large volume consumers. Resolved:** That, notwithstanding the Maine Revised Statutes, Title 35-A, section 10111, until 90 days after the adjournment of the Second Regular Session of the 127th 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 vol-

ume consumers and may not make a final decision regarding the appropriateness of or size of such collections from large volume consumers; and

3. The 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 from the collection of that assessment through its rates.

Notwithstanding Title 35-A, section 10111, prior to 90 days after the adjournment of the Second Regular Session of the 127th Legislature, any assessment by the 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 eligible under this section to receive funds from the natural gas conservation fund.

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; and be it further

#### **Sec. 2. Stakeholder discussions. Resolved:**

That the Efficiency Maine Trust shall, using existing resources, meet with representatives of large volume consumers of gas utilities, as defined in section 1, and other interested stakeholders to examine alternatives for promoting and securing cost-effective natural gas conservation and efficiency improvements for large volume consumers of gas utilities. The trust shall submit a report of these meetings, together with any recommendations, by December 31, 2015 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 40

### H.P. 612 - L.D. 893

#### **Resolve, Directing the Secretary of State, Maine State Library and Law and Legislative Reference Library To Make the Articles of Separation of Maine from Massachusetts More Prominently Available to Educators and the Inquiring Public**

**Sec. 1. Articles of Separation more prominently available. Resolved:** That the Secretary of State, Maine State Library and Law and Legislative Reference Library, within existing resources, shall make the Articles of Separation of Maine from Massa-

chusetts, including the fifth subsection, more prominently available to educators and to the inquiring public.

See title page for effective date.

## CHAPTER 41

### S.P. 440 - L.D. 1235

#### Resolve, To Strengthen Standards-based Diplomas

**Sec. 1. Maine Proficiency Education Council created. Resolved:** That the Maine Proficiency Education Council, referred to in this section as "the council," is created to make recommendations regarding implementation of the proficiency-based graduation requirements under the Maine Revised Statutes, Title 20-A, section 4722-A to the Commissioner of Education and the Joint Standing Committee on Education and Cultural Affairs.

**1. Members.** The council consists of the Commissioner of Education or the commissioner's designee and the following 14 members, appointed by the Commissioner of Education:

- A. A member of the State Board of Education, nominated by the state board;
- B. Four public school teachers, at least one of whom is a special education teacher, appointed from a list of names provided by the Maine Education Association;
- C. Two public school administrators, appointed from a list of names provided by the Maine Principals' Association and the Maine School Superintendents Association;
- D. Two members of school boards, appointed from a list of names provided by the Maine School Boards Association;
- E. One faculty member representing the University of Maine;
- F. Two members of the business community; and
- G. Two members of the general public with interest and experience in education.

The council must be cochaired by the Commissioner of Education and one other member elected by the council. The council may establish subcommittees and may appoint persons who are not members of the council to serve on the subcommittees as needed to conduct the council's work.

**2. Duties.** The council shall study and provide recommendations for implementing proficiency-based graduation requirements leading to a diploma consis-

tent with the requirements of Title 20-A, section 4722-A. The council shall:

- A. Fully investigate and understand the current status of standards-based educational systems and proficiency-based graduation requirements in all of Maine's public high schools;
- B. Review proficiency-based graduation requirements to ensure that the requirements protect the rights of all students, including but not limited to special education and English language learners, to receive a high school diploma;
- C. Outline the key concerns with the development and implementation of proficiency-based graduation requirements and provide solutions, where possible, for the challenges schools face in developing standards-based educational systems and implementing requirements for awarding proficiency-based diplomas;
- D. Recommend a 5-year plan for full implementation of proficiency-based graduation requirements across the State, including, but not limited to, the resources and support necessary to develop proficiency-based graduation requirements in all of the State's public high schools, professional development systems for educators, data systems to track student proficiency information and appropriate communication tools for parents and students;
- E. Recommend best practices for adoption and implementation of standards-based educational systems and proficiency-based graduation requirements based upon the current experiences of schools that meet the criteria for proficiency-based graduation and other research and data; and
- F. Recommend assessment practices other than standardized or other commercially available testing to assess student proficiency in academic areas.

**3. Report.** The Commissioner of Education shall submit a report regarding the work of the council to the Joint Standing Committee on Education and Cultural Affairs no later than January 1, 2016. The report must include the council's recommendations regarding implementation of the requirements set forth in Title 20-A, section 4722-A and recommendations regarding the continuing work of the council.

**4. Staff assistance; grant funding.** The Department of Education shall provide staff assistance to the council. The department may seek and employ grant funds to provide additional assistance.

**5. Council continuation.** The council is authorized to continue meeting, if it so desires, 90 days after