

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

or entity, and may not be denied any right or privilege solely for working for or with a manufacturing facility to provide prepared marijuana to qualifying patients, primary caregivers, registered dispensaries or marijuana testing facilities or to otherwise assist with the medical use of marijuana in accordance with this chapter.

Sec. 16. 22 MRSA §2425, sub-§1-A, as amended by PL 2015, c. 475, §19, is further amended to read:

1-A. Criminal history record check. An applicant for a registry identification card who is a primary caregiver ~~or~~, an employee of a primary caregiver or a person authorized to engage in marijuana extraction under section 2423-F, subsection 3 or who is a principal officer, board member or employee of a registered dispensary ~~or a~~, marijuana testing facility or manufacturing facility must undergo a criminal history record check annually.

Sec. 17. 22 MRSA §2425, sub-§4-A, as enacted by PL 2015, c. 475, §20, is amended to read:

4-A. Marijuana testing facility identification card. The department shall issue registry identification cards to principal officers, board members and employees of a marijuana testing facility within 5 business days of approving an application or renewal under this section ~~in accordance with department rules.~~ The department may not issue a registry identification card to a principal officer, board member or employee of a marijuana testing facility who has been convicted of a disqualifying drug offense. Registry identification cards expire one year after the date of issuance. Registry identification cards must contain:

- A. The name of the cardholder;
- B. The date of issuance and expiration date of the registry identification card; and
- C. A random identification number that is unique to the cardholder.

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

Sec. 18. 22 MRSA §2425, sub-§12, ¶¶H to J are enacted to read:

H. There is an annual fee to register a tier 1 manufacturing facility of not less than \$50 and not more than \$150.

I. There is an annual fee to register a tier 2 manufacturing facility of not less than \$150 and not more than \$250.

J. There is an annual fee to register to engage in marijuana extraction under section 2423-F, sub-

section 3 of not less than \$250 and not more than \$350.

Sec. 19. 22 MRSA §2428, sub-§1-A, ¶D, as amended by PL 2011, c. 407, Pt. B, §32, is further amended to read:

D. Assist any patient who designated the dispensary to cultivate marijuana with the medical use or administration of marijuana; ~~and~~

Sec. 20. 22 MRSA §2428, sub-§1-A, ¶E, as amended by PL 2013, c. 503, §2, is further amended to read:

E. Obtain prepared marijuana from a primary caregiver under section 2423-A, subsection 2, paragraph H or from another registered dispensary for the purposes of addressing an extended inventory supply interruption under subsection 6, paragraph G;

Sec. 21. 22 MRSA §2428, sub-§1-A, ¶¶F and G are enacted to read:

F. Manufacture marijuana products and marijuana concentrate for medical use, except that a registered dispensary may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; and

G. Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that is produced from the harvested marijuana the registered dispensary provided to the manufacturing facility.

Sec. 22. 22 MRSA §2428, sub-§10, as amended by PL 2011, c. 407, Pt. B, §32, is repealed.

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

Effective July 9, 2018.

CHAPTER 448

S.P. 628 - L.D. 1729

An Act To Restore Confidence in Utility Billing Systems

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 legislation needs to take effect before the expiration of the 90-day period in order to restore confidence in utility billing systems as soon as possible; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §113, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

3. Costs. The full cost of the management audit shall must be recovered from ratepayers, except that if the audit of an investor-owned public utility contributes to a commission finding of imprudence that results in a cost disallowance, the commission shall determine how to fairly allocate the cost of the management audit to ratepayers or the shareholders of the investor-owned public utility. In ordering an audit, the commission shall consider the impact of the cost of the audit upon the ratepayers and other alternatives that are available.

Sec. 2. 35-A MRSA §3104-A is enacted to read:

§3104-A. Metering and billing system accuracy

A transmission and distribution utility shall conduct testing of its metering and billing systems in accordance with rules adopted by the commission.

1. System accuracy; rulemaking. The commission shall amend or adopt rules governing the testing of the metering and billing systems of transmission and distribution utilities to ensure accuracy regarding the measurement of the usage of electricity and the determination of customer bills. Rules adopted by the commission must include but are not limited to requirements for the following:

A. The frequency of testing of the metering and billing systems;

B. The method by which the transmission and distribution utility shall conduct testing of its metering and billing system; and

C. The statistical analysis to be used as part of the testing procedures.

The commission may adopt alternative testing procedures based on different metering or billing system technologies, such as for analog meters and digital meters.

2. Metering and billing system audits. In adopting rules pursuant to this section, the commission shall consider and may require periodic, independent audits of the metering and billing systems and the commission may determine that such audits are applicable to only residential and small commercial customers of an investor-owned transmission and distribution utility.

If the commission requires periodic, independent audits of the metering and billing systems of an investor-owned transmission and distribution utility, the rules must contain at a minimum the following provisions:

A. The method by which the commission will choose an independent auditor;

B. The allocation of costs of a periodic metering and billing systems audit; and

C. The statistical analysis to be used in an audit.

Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Report on cost of management audit. The Public Utilities Commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters by January 15, 2019 on whether the commission has exercised the authority granted to it in the Maine Revised Statutes, Title 35-A, section 113, subsection 3 to allocate the cost of a management audit to ratepayers or shareholders of an investor-owned public utility. The joint standing committee of the Legislature having jurisdiction over energy and utilities matters may report out a bill to the First Regular Session of the 129th Legislature that amends Title 35-A, section 113, subsection 3.

Sec. 4. Report. The Public Utilities Commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters by February 1, 2019 that addresses the following issues:

1. Whether investor-owned transmission and distribution utilities are doing enough to protect and strengthen their systems, especially with what appears to be an increase in high-intensity storm events;

2. Whether it is in the ratepayers' interest to require investor-owned transmission and distribution utilities to do more to strengthen and protect their systems against damage in order to prevent and decrease the number and duration of power outages; and

3. With respect to utility operations, what can be done to improve public safety during storm events and what lessons have been learned from recent outages due to storm events.

In addressing subsection 3, the commission shall consult with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency and review what other states are doing to improve emergency planning and preparedness.

The joint standing committee of the Legislature having jurisdiction over energy and utilities matters may report out a bill to the First Regular Session of the 129th Legislature relating to the matters addressed by the report.

Sec. 5. Audit determinations. In making determinations regarding metering and billing systems audits in accordance with the Maine Revised Statutes, Title 35-A, section 3104-A, subsection 2, the Public Utilities Commission shall consider information learned from the audit of Central Maine Power Company's customer billing system initiated in Public Utilities Commission, Docket No. 2018-00052.

Sec. 6. Rules. The Public Utilities Commission shall provisionally amend or adopt rules by January 11, 2019 in accordance with the Maine Revised Statutes, Title 35-A, section 3104-A.

Sec. 7. Application. Notwithstanding the Maine Revised Statutes, Title 1, section 302, that section of this Act that amends Title 35-A, section 113, subsection 3 applies to a management audit concluded at any time after the effective date of this Act.

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

Effective July 9, 2018.

CHAPTER 449

S.P. 678 - L.D. 1809

**An Act To Amend the Laws
Governing the Issuance of
Burn Permits**

Emergency preamble. **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, under current law, anyone performing out-of-door burning is required to obtain a permit from the town forest fire warden or from the forest ranger having jurisdiction over the location where the fire is to be set; and

Whereas, until recently, as a convenience to the residents of the State, burn permits were available online and at no charge through a 3rd-party provider; and

Whereas, due to a change in interpretation of policy by the Commissioner of Agriculture, Conservation and Forestry, residents of the State are no longer able to get free online burn permits; and

Whereas, the burn permits issued online by the Department of Agriculture, Conservation and Forestry cost \$7 per permit; and

Whereas, in order to restore to the residents of the State the convenience of obtaining burn permits online and at no charge, it is necessary that this legislation take effect as soon as possible; and

Whereas, it is necessary for public safety that all burn permits are validly issued pursuant to statutory criteria in order to prevent wildfires, damage to property and harm to persons; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §9321, sub-§3, as enacted by PL 1979, c. 545, §3, is amended to read:

3. Delegation. The director may delegate the issuance of permits to forest rangers or town forest fire wardens and their deputies. A town forest fire warden or deputy authorized to issue permits pursuant to this subsection may issue permits using burn permit software acquired from a private party to establish a publicly accessible online system in accordance with section 9327.

Sec. 2. 12 MRSA §9321-A, sub-§1, as amended by PL 1997, c. 512, §3, is further amended to read:

1. Possession and production of permit in organized territory. Any person, firm or corporation that engages in out-of-door burning in any municipality, plantation or village corporation as permitted by this article shall possess the permit at the scene of the burning and shall produce the permit on the demand of authorized persons, including fire chiefs, town forest fire wardens or their designated agents, state forest rangers, municipal code enforcement officers and any law enforcement officer as defined in Title 17-A. A person, firm or corporation that is issued an electronic permit pursuant to section 9326 or section 9327 may produce the permit on an electronic device.

Sec. 3. 12 MRSA §9326, last ¶, as amended by PL 2013, c. 35, §1, is further amended to read:

A person may apply for a permit to burn using the Internet or as otherwise provided in this article. When a person applies for and is issued a permit electronically ~~using the Internet pursuant to this section~~, a fee of \$7 must be paid. From the \$7 fee, \$4 must be deposited in the General Fund, \$2 must be transferred to the municipality in which the permit is issued and the remainder of \$1 must be used to cover administrative costs. For a permit issued in the unorganized and de-organized areas, from the \$7 fee, \$6 must be deposited in the General Fund and the remainder of \$1 must be used to cover administrative costs.

Sec. 4. 12 MRSA §9327 is enacted to read: