

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

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

Augusta, Maine
2018

NE, or Northern Maine Independent System Administrator, or NMISA, power system;

B. Imports generation into the ISO-NE or NMISA power system;

C. Is directly interconnected to the ISO-NE or NMISA power system;

D. Takes any action or makes any plans toward future ownership or development of generation or generation-related assets in the ISO-NE or NMISA power system; or

E. Takes any action or makes any plans to import generation or become directly interconnected to the ISO-NE or NMISA power system;

3. Add in section 2 of the rule a definition of "directly interconnected" to clarify that the term refers to the physical electrical connection of a generator to a transmission and distribution utility's transmission and distribution assets that allows that generator to transport electric power across the transmission and distribution utility's electric plant;

4. Add in section 2 of the rule a definition of "service territory" to clarify that it refers to the geographic area in which a transmission and distribution utility is authorized to provide service based on a finding of need by the Public Utilities Commission or a legislative finding of need;

5. Clarify in section 3, paragraph A of the rule that a transmission and distribution utility may not have an affiliate that owns generation or generation-related assets that are directly interconnected to any facilities owned or operated by the transmission and distribution utility or if the point of interconnection of generation or generation-related assets of the affiliate is within the service territory of the transmission and distribution utility;

6. Add in section 4 of the rule a general standard that explicitly prohibits preferential, discriminatory or other anticompetitive conduct by a transmission and distribution utility;

7. Clarify in section 4, subsection O of the rule that access to books and records is for the purpose of verifying compliance with the standards of conduct and that access to such books and records also applies to books and records that predate an affiliated generator's becoming subject to the rule; and

8. Clarify in section 7 of the rule that the training of employees to ensure compliance with the rule is limited to those employees that have access or may have access to the types of confidential information that is not to be shared.

The Public Utilities Commission is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

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

Effective April 18, 2018.

CHAPTER 50

S.P. 124 - L.D. 383

Resolve, Directing the Department of Health and Human Services To Develop a Plan To Strengthen the Quality and Supply of Child Care Services

Sec. 1. Department of Health and Human Services to develop child care provider plan.

Resolved: That the Department of Health and Human Services shall develop a plan for increasing the number of child care providers participating in step 3 and step 4 of the child care quality rating system developed pursuant to the Maine Revised Statutes, Title 22, section 3737, subsection 3 and the graduated quality differential rates of reimbursement for those providers. The department shall consult with stakeholders as it develops the plan, including those groups involved with the contract for the Quality for ME Revision Project. In developing the plan the department shall:

1. Determine if sufficient funding is available under the federal child care and development fund block grant to be used to support additional reimbursement based on quality;

2. Develop incentives for child care providers to attain step 3 and step 4 ratings, including reimbursement differentials, grant programs, contracts, professional development, child care and educational training programs and increased infant and toddler care, while balancing the regulatory requirements and needs of the entire child care system;

3. Take into account the geographic differences in the State so that parents in all areas have access to child care providers at step 3 and step 4;

4. Develop definitions of "disabilities" and "special needs" for infants and toddlers to be used in quality standards;

5. Determine if the federal statutory and regulatory framework allows the differential plan being developed and if changes are required in the state child care and development fund plan to align with the differential plan;

6. Determine any state statutory or regulatory barriers to increasing the supply and quality of child care; and

7. Provide data on the existing numbers of children in need of care; child care providers by type, step on the child care quality rating system, geography, number of children currently served and capacity; and any other relevant factors; and be it further

Sec. 2. Report. Resolved: That the Department of Health and Human Services shall report its findings and statutory recommendations pursuant to section 1 no later than January 30, 2019 to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out legislation based on the findings of the report to the First Regular Session of the 129th Legislature.

See title page for effective date.

CHAPTER 51

H.P. 1222 - L.D. 1773

Resolve, Directing the Bureau of Parks and Lands To Transfer Land in the Town of Pittston

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

Whereas, the land authorized for transfer by this resolve is within the designations in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, sections 1814, 1837 and 1851; now, therefore, be it

Sec. 1. Director of Bureau of Parks and Lands to convey land. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall by quitclaim deed without covenant, for negotiated value, and on such other terms and conditions as the director may direct, convey or release to the First Congregational Church of Pittston a portion with a total of not more than .30 acre of a parcel of land situated on Arnold Road in the Town of Pittston, County of Kennebec and recorded on the Town of Pittston property tax map U-13, Lot 9.

See title page for effective date.

CHAPTER 52

H.P. 1257 - L.D. 1812

Resolve, Directing an Independent, Nonpartisan, Objective Evaluation of the Provision of 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 State of Maine has a constitutional obligation to provide indigent legal services; and

Whereas, the diversity in population density and availability of attorneys across the State can present challenges to providing consistent high-quality legal services to fulfill that obligation; and

Whereas, many factors external to the operation of the Maine Commission on Indigent Legal Services are driving up costs to both prosecution and defense; and

Whereas, the need to ensure the most efficient use of limited resources requires a study of the existing system to be conducted by an independent, outside, nonpartisan entity; and

Whereas, the Working Group to Improve the Provision of Indigent Legal Services recommended that such a study be conducted as soon as possible; and

Whereas, authorization and funding for the study need to be provided as soon as possible for the comprehensive study to be conducted in time for recommendations to be considered by the First Regular Session of the 129th Legislature; 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. Legislative Council to contract for independent, nonpartisan, objective evaluation of obligation to provide indigent legal services. Resolved:

That the Legislative Council, through the Executive Director of the Legislative Council, shall contract with a qualified nonprofit organization that has, within the 12 months prior to the effective date of this resolve, provided consulting and evaluations regarding state indigent legal services systems to evaluate the existing system in the State for providing legal representation as required by both the Constitution of Maine and the United States Constitution and by the laws of the State and to provide recommendations to improve the structure, services and other elements of