

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

CHAPTER 120
H.P. 281 - L.D. 372

**An Act To Increase the Safety
of Maine Residents in
Extended Power Outages**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §3144 is enacted to read:

§3144. Emergency response plans

The commission, by rule or order, shall require each investor-owned transmission and distribution utility to establish an emergency response plan for recovery and restoration in response to an emergency in accordance with this section. The plan must be based on the United States Department of Homeland Security, Federal Emergency Management Agency's National Incident Management System publication, issued on October 17, 2017, or an updated version published subsequent to that date. For the purposes of this section, "emergency" means an event in which widespread outages have occurred in the service territory of the investor-owned transmission and distribution utility due to weather events or other causes beyond the control of the utility.

1. Priorities. The prioritization process under the emergency response plan required by this section must follow the statewide comprehensive emergency management plan under Title 37-B, chapter 13 in coordination with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, as established in Title 37-B, section 701, and county emergency management agencies and must include consideration of steps to ensure the safety of electric facilities, road opening and service restoration. Priorities for service restoration must consider facilities critical to protection of life, health and safety.

2. Plan requirements. The emergency response plan required by this section must detail a coordinated approach to providing an effective and efficient emergency response. The plan must include, but is not limited to:

A. Priorities for emergency response and service restoration, consistent with subsection 1;

B. Provisions for internal and external staffing, including identification of management staff roles and responsibilities and identification of field employee roles and responsibilities, for utility operations during an emergency, for ensuring sufficient local knowledge of the system and for implementation of the emergency response plan, including a process for acquiring additional external resources required to address the emergency;

C. Provisions for communication and coordination with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, as established in Title 37-B, section 701, and relevant municipal, inter-jurisdictional, county and regional emergency management agencies, as described in Title 37-B, section 781, during an emergency, including designation of staff responsible for these efforts. These provisions must address, but are not limited to, communication and coordination concerning emergency conditions, road opening and service restoration;

D. Systems for customer communications during an emergency, including the provision for information regarding estimated time of service restoration;

E. Procedures for deployment of internal and external resources during an emergency, including field employees, supplies and equipment needed; and

F. Provisions to ensure the safety of the employees and external contractors engaged in emergency response efforts.

3. Filing of plan; commission review; public records exception. An investor-owned transmission and distribution utility shall submit to the commission, no later than May 15th of each even-numbered year, the emergency response plan required by this section. The commission shall review the emergency response plan for compliance with this section and rules adopted or orders issued pursuant to this section. If, based on its review, the commission finds that a utility's emergency response plan does not comply with this section and rules issued pursuant to this section, the commission shall direct the utility to amend and resubmit the plan. An investor-owned transmission and distribution utility shall provide a copy of the emergency response plan and any amendments to the plan to the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency. The Maine Emergency Management Agency shall provide a copy of the plan to each county emergency management agency. In accordance with section 1311-A, the commission may designate portions of the emergency response plan as confidential through issuance of a protective order.

4. Emergency response performance review. After an emergency, the commission may open an investigation to review the emergency response performance of an investor-owned transmission and distribution utility. If, after investigation, the commission finds that the utility failed to implement its emergency response plan in a prudent manner, the commission shall take any action the commission determines appropriate under this Title to remedy that failure, including but not limited to denying the recovery

through rates of all, or any part of, the emergency response and service restoration costs.

5. Annual report to Legislature. The commission shall include in its annual report pursuant to section 120, subsection 7 to the joint standing committee of the Legislature having jurisdiction over public utilities matters information regarding the activities conducted by the commission pursuant to this section and the performance of investor-owned transmission and distribution utilities in meeting the requirements of this section.

See title page for effective date.

CHAPTER 121

H.P. 469 - L.D. 648

**An Act To Improve Reporting
of Operating Under the
Influence Offenses**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA §1551 is enacted to read:

§1551. Report regarding operating under the influence offenses

By April 1, 2020, and annually thereafter, the State Bureau of Identification shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the incidence of operating under the influence offenses pursuant to Title 29-A, section 2411. The report must include separate categories for offenses involving operating under the influence of alcohol, for offenses involving operating under the influence of intoxicating substances other than alcohol and for offenses involving operating under the influence of a combination of alcohol and other intoxicating substances.

See title page for effective date.

CHAPTER 122

H.P. 627 - L.D. 853

**An Act To Facilitate Weekend
Malt Liquor Purchases by
Licensed Establishments**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 28-A MRSA §1201, sub-§3-B is enacted to read:

3-B. Weekend sale of malt liquor to on-premises retailers. Notwithstanding any other provi-

sion of this Title to the contrary, a retailer licensed under this section for off-premises consumption may sell and deliver malt liquor to a retailer licensed under section 1051 for on-premises consumption on the weekend during the authorized hours for the wholesale sale and delivery of liquor set forth in section 4, subsection 1, paragraph D under the following conditions:

A. The retailer licensed for on-premises consumption shall provide immediate notification in a form prescribed by the bureau by the 2nd business day after making a purchase under this subsection;

B. The retailer licensed for on-premises consumption shall provide immediate notification to the wholesaler licensed under section 1401 that supplies malt liquor to that retailer that the retailer purchased malt liquor from an off-premises licensee in the wholesaler's assigned territory;

C. The retailer licensed for on-premises consumption may not purchase more than 10 gallons of malt liquor on a single weekend and shall purchase the malt liquor from a retailer licensed for off-premises consumption that is located in the same sales territory as the wholesaler licensed under section 1401 that supplies malt liquor to the retailer licensed for on-premises consumption;

D. The requirements of section 705, subsection 1 apply to purchases of malt liquor under this subsection; and

E. The retailer licensed for on-premises consumption may not purchase malt liquor under this subsection on more than 2 weekends in a single calendar year.

For the purposes of this subsection, "weekend" means the time period between 4:00 p.m. Friday and midnight Sunday.

Sec. 2. Rulemaking. The Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations shall, as soon as practicable, amend its rule Chapter 101: Operation and Control of All Licensed Premises, section 15 to permit on-premises retail licensees to purchase malt liquor from off-premises retail licensees during weekend hours in accordance with the Maine Revised Statutes, Title 28-A, section 1201, subsection 3-B.

See title page for effective date.