

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

quantity of spirits sold for off-premises consumption that were not transported to a warehouse as described in this paragraph and submit monthly reports of this information, along with the full amount of state liquor tax due as prescribed by chapter 65, to the bureau in a manner prescribed by the bureau.

Sec. 4. 28-A MRSA §1355-A, sub-§5, ¶H, as enacted by PL 2015, c. 440, §2, is amended to read:

H. Notwithstanding paragraph D, a holder of a small distillery license ~~licensed under paragraph E to operate a location licensed under chapter 43 that sells its products directly to consumers for on-premises consumption under paragraph E or subsection 2, paragraph B, E or F~~ may pay the bureau the difference between the distillery's price charged to the bureau and the discounted list price charged by the bureau ~~when a distillery purchases its own spirits to be sold at its on-premises location under section 606, subsection 4-B.~~ A small distillery is not required to transport spirits that will be sold for on-premises consumption ~~under paragraph E as described in this paragraph~~ to a warehouse operated by the bureau or by a wholesaler contracted by the bureau under section 90 ~~for distribution to the location where the small distillery is authorized to sell spirits produced by the small distillery for on-premises consumption.~~ A holder of a small distillery license shall record the quantity of spirits sold for on-premises consumption that were not transported to a warehouse as described in this paragraph and submit monthly reports of this information, along with the full amount of state liquor tax due as prescribed by chapter 65, to the bureau in a manner prescribed by the bureau.

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

Effective May 30, 2019.

CHAPTER 169

H.P. 860 - L.D. 1186

An Act To Address Electricity Costs of Agricultural Fairs

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 be in effect for the 2019 agricultural fair season; 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 §10124 is enacted to read:

§10124. Agricultural fair assistance program

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Agricultural fair" has the same meaning as in Title 7, section 81, subsection 1.

B. "Demand charge" means a charge on an electric bill that is based on the customer's peak demand for electricity.

C. "Fund" means the agricultural fair assistance program fund established under subsection 3.

D. "Program" means the agricultural fair assistance program established under subsection 2.

2. Program established. The trust shall establish and administer an agricultural fair assistance program to help agricultural fairs reduce electricity costs through the most cost-effective opportunities available. Under the program, the trust shall:

A. Conduct outreach and provide technical assistance to agricultural fairs to:

(1) Identify opportunities to reduce electricity costs, including but not limited to opportunities to reduce peak electricity demand; and

(2) Enroll agricultural fairs in existing programs offered by the trust as appropriate; and

B. Offer custom financial incentives to agricultural fairs to implement electric efficiency and conservation measures, including but not limited to measures to reduce peak electricity demand.

The program may use a definition of cost-effective other than the definition adopted by the trust pursuant to section 10110, subsection 2.

3. Fund established. The trust shall establish the agricultural fair assistance program fund as a nonlapsing fund administered by the trust to fund the program. The commission shall assess each transmission and distribution utility an amount necessary to collect the total amount of demand charges paid by agricultural fairs in the State to transmission and distribution utilities during the prior year. All amounts collected under this subsection must be transferred to the fund. Any interest earned on funds in the fund must be credited to

the fund. Funds not spent in any fiscal year remain in the fund to be used by the program. The assessments charged to transmission and distribution utilities under this subsection are just and reasonable costs for rate-making purposes. The commission may issue any appropriate orders to transmission and distribution utilities necessary to achieve the goals of this subsection.

4. Report. No later than January 15, 2022 and January 15, 2024, the trust shall submit a report on the program to the joint standing committee of the Legislature having jurisdiction over energy and utility matters. The report must include information on program implementation, total deposits into and expenditures from the fund, program activity and reductions in peak electricity demand, energy consumption and electricity costs achieved. After receiving the report due by January 15, 2024, the committee may report out a bill relating to the program to the Second Regular Session of the 131st Legislature.

5. Repeal; remaining funds. This section is repealed June 30, 2024. In the event funds in the fund are not expended or contracted for expenditure as of June 30, 2024, the commission shall ensure that the value of those funds is returned to electricity consumers.

Sec. 2. Rate design; proceeding; report. The Public Utilities Commission shall open a proceeding to examine rate design and related issues for electricity customers that have seasonal, limited-duration, concentrated load profiles, including but not limited to agricultural fairs, seasonal festivals and other similar entities. In this proceeding, the commission shall examine options for alternative rate design, with particular attention to electricity demand charges, and identify other types of electricity customers, in addition to agricultural fairs, that may benefit from a program similar to that established under the Maine Revised Statutes, Title 35-A, section 10124. No later than December 1, 2019, the commission shall submit a report on its findings and recommendations under this section to the Joint Standing Committee on Energy, Utilities and Technology. The committee may report out a bill to the Second Regular Session of the 129th Legislature based on the report.

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

Effective May 30, 2019.

**CHAPTER 170
H.P. 161 - L.D. 198**

**An Act To Require That
Nonmotorized Carriages Be
Equipped with Reflective Tape
and Lights**

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

Sec. 1. 29-A MRSA §1907, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Exceptions. This section does not apply to animal-drawn vehicles or unregistered farm tractors.

Sec. 2. 29-A MRSA §1909-C is enacted to read:

§1909-C. Animal-drawn vehicles

An animal-drawn vehicle operated on a public way during nighttime must be equipped with the following:

1. Light. An oil lantern or electric lights attached to the left side of the vehicle that displays a red light toward the rear of the vehicle and a white light toward the front of the vehicle; and

2. Reflective tape. Grade DOT-C2 white reflective tape as described in 49 Code of Federal Regulations, Section 571.108, in effect on March 26, 2019, applied to the vehicle as follows:

A. Seventy-two inches of reflective tape applied in segments that outline the rear frame of the vehicle;

B. Thirty-six inches of reflective tape on each side of the vehicle, applied in segments that outline the frame on each side with at least 2 segments applied to the upper borders; and

C. Forty-two inches of reflective tape applied in segments that outline the front frame of the vehicle.

See title page for effective date.

**CHAPTER 171
S.P. 61 - L.D. 249**

**An Act To Ensure Protection
of Patients in Medical Reviews
by Health Insurance Carriers**

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