

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

~~88; a snowmobile; an airmobile; a construction or logging vehicle used in performance of its common functions; a farm vehicle used for farming purposes; or a vehicle used exclusively for emergency, military, law enforcement or fire control purposes 42.~~

Sec. 2. 12 MRSA §13157-A, sub-§5-A, as enacted by PL 2007, c. 202, §1, is amended to read:

5-A. Operating a motor vehicle on an ATV trail. A person may not operate a ~~truck, pickup truck or passenger motor vehicle as defined in Title 29-A, section 101, subsection 42~~ on a designated ATV trail that is not on a gravel road system unless that use has been authorized by the landowner or the landowner's agent or it is necessitated by an emergency involving the safety of a person or property. ~~For purposes of this subsection, "pickup truck" and "truck" have the same meanings as in Title 29-A, section 101, subsections 55 and 88, respectively, and "passenger vehicle" means a self-propelled 4 wheel motor vehicle designed primarily to carry passengers on public roads.~~

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

See title page for effective date.

CHAPTER 205

S.P. 359 - L.D. 1173

An Act To Allow the Direct Sale of Electricity

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

Sec. 1. 35-A MRSA §102, sub-§1-A is enacted to read:

1-A. Abutting property. "Abutting property" means, with respect to a parcel of land, another parcel of land that shares a common property boundary, except that "abutting property" does not include a parcel of land separated from another parcel by a public road or highway.

Sec. 2. 35-A MRSA §102, sub-§20-B, as enacted by PL 1999, c. 398, Pt. A, §9 and affected by §§104 and 105, is amended to read:

20-B. Transmission and distribution utility. "Transmission and distribution utility" means a person, its lessees, trustees or receivers or trustees appointed by a court, owning, controlling, operating or managing a transmission and distribution plant for compensation

within the State, except where the electricity is distributed by the entity that generates the electricity through private property alone solely for that entity's own use ~~or the use of the entity's tenants and not for sale to others. the use of:~~

A. The entity;

B. The entity's tenants; or

C. Commercial or industrial consumers located on:

(1) The property where the entity is located or on abutting property; or

(2) A commercial or industrial site that was served by the entity or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018.

Sec. 3. 35-A MRSA §2102, sub-§5 is enacted to read:

5. Exemption for certain private electric facilities. The provisions of this section do not apply to the construction of a transmission line, together with all associated equipment and facilities, that is constructed, owned and operated by a generator of electricity for the purpose of electrically and physically interconnecting that generator to a commercial or industrial consumer of the electricity that is located on:

A. The property where the entity that generates the electricity is located or on abutting property; or

B. A commercial or industrial site that was served by the entity that generates the electricity or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018.

Sec. 4. 35-A MRSA §3132, sub-§1-B, as enacted by PL 2007, c. 148, §2, is amended to read:

1-B. Exception; generator interconnection transmission facility. The construction of a generator interconnection transmission facility is not subject to the requirements of this section. For the purposes of this subsection, "generator interconnection transmission facility" means a transmission line, together with all associated equipment and facilities, that is constructed, owned and operated by a generator of electricity solely for the purpose of electrically and physically interconnecting such generator to ~~the transmission system of a transmission and distribution utility.~~

A. The transmission system of a transmission and distribution utility; or

B. A commercial or industrial consumer of the electricity that is located on:

(1) The property where the entity that generates the electricity is located or on abutting property; or

(2) A commercial or industrial site that was served by the entity that generates the electricity or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018.

Sec. 5. 35-A MRSA §3201, sub-§5, as amended by PL 2015, c. 29, §2, is further amended to read:

5. Competitive electricity provider. "Competitive electricity provider" means a marketer, broker, aggregator or any other entity selling electricity to the public at retail, but does not include an electric vehicle charging station ~~provider~~ or an entity that generates electricity solely for the use of:

A. The entity;

B. The entity's tenants; or

C. Commercial or industrial consumers located on:

(1) The property where the entity is located or on abutting property; or

(2) A commercial or industrial site that was served by the entity or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018.

Sec. 6. 35-A MRSA §3217, sub-§4 is enacted to read:

4. Direct sales. Beginning in 2022 and every 3 years thereafter, the commission shall include in its report pursuant to section 120, subsection 7, information regarding the incidence of direct sales of electricity by an entity that generates electricity to commercial or industrial consumers located on the property where the entity that generates the electricity is located or on abutting property or on a commercial or industrial site that was served by the entity that generates the electricity or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018.

Sec. 7. Precedent established by Public Utilities Commission. The provisions of this Act may not, except to the extent the provisions expressly modify the Maine Revised Statutes, Title 35-A, sections 102, 2102, 3132 and 3201, be interpreted to otherwise modify or nullify the analytical framework and precedent for analyzing when an entity is a transmission and distribution utility or a competitive electricity provider established by the Public Utilities Commission in opinions and orders issued prior to the effective date of this Act, including, but not limited to, opinions and orders issued under Docket Number 2000-653,

Request for Commission Investigation Regarding the Plans of Boralex Stratton Energy, Inc. to Provide Electric Service Directly from Stratton Lumber Company and Docket Number 2011-200, ReEnergy Rumford, LLC, Request for Advisory Ruling.

See title page for effective date.

CHAPTER 206

S.P. 395 - L.D. 1275

An Act To Support Access to Health Services for Homeless Youth in Maine

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

Sec. 1. 22 MRSA §1503, sub-§1, as enacted by PL 1995, c. 694, Pt. C, §8 and affected by Pt. E, §2, is repealed and the following enacted in its place:

1. Living separately; independent of parental support. Is living separately from parents or a legal guardian and is independent of parental support. A minor may prove that the minor meets the requirements of this subsection with documentation including, but not limited to:

A. A written statement affirming that the minor is living separately from parents or a legal guardian and is independent of parental support signed by:

(1) A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless persons;

(2) A local education agency liaison for homeless children and youth designated pursuant to 42 United States Code, Section 11432(g)(1)(J)(ii) or a school social worker or counselor; or

(3) An attorney representing the minor in any legal matter;

B. A copy of a protection from abuse complaint or a temporary order or final order of protection against the minor's parent or legal guardian; or

C. Proof of filing a petition for emancipation pursuant to Title 15, section 3506-A;

Sec. 2. 22 MRSA §1503, as enacted by PL 1995, c. 694, Pt. C, §8 and affected by Pt. E, §2, is amended by adding at the end a new paragraph to read:

A health care practitioner who obtains documentation that meets the requirements of this section prior to providing medical, mental, dental or other health counseling or services to a minor pursuant to this sec-