

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

(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-

tion is immune from any civil or criminal liability based on the health care practitioner's determination to provide services, except that a health care practitioner may be held liable for the health care practitioner's gross negligence or willful or wanton acts or omissions.

See title page for effective date.

CHAPTER 207

S.P. 403 - L.D. 1307

An Act To Promote Snowmobiling in Maine

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

Sec. 1. 12 MRSA §13104, sub-§7, ¶E, as enacted by PL 2017, c. 97, §1, is amended to read:

E. The commissioner may annually establish one 3-consecutive-day period, 2 days of which are weekend days, during which a nonresident may operate in the State a snowmobile that is not registered in this State if the nonresident's snowmobile has a valid registration from another state or a Canadian province and if the nonresident has submitted notification under paragraph F.

Sec. 2. 12 MRSA §13104, sub-§7, ¶F is enacted to read:

F. The commissioner shall establish an online notification process to promote seasonal nonresident snowmobile registration opportunities to nonresident snowmobile operators and to promote general snowmobile recreational activities in the State through regional state tourism organizations and a statewide organization with an interest in snowmobiling. The process must allow a nonresident who plans to operate in this State during the 3-consecutive-day period under paragraph E a snowmobile that is not registered in this State to provide information to the department using an electronic form accessible through the department's publicly accessible website. The commissioner may not require a fee to submit the electronic form. The electronic form must:

(1) Briefly describe the purpose of this process and clearly indicate that the notification process is free;

(2) Request the nonresident snowmobile operator's name, address, telephone number and e-mail address and the location or locations where the nonresident plans to operate the snowmobile during the 3-consecutive-day period under paragraph E; and

(3) Include a statement that by submitting the electronic form the person named on the electronic form authorizes the commissioner to share the information on the electronic form with the Department of Economic and Community Development, Office of Tourism after the end of the 3-consecutive-day period under paragraph E for purposes of promoting seasonal nonresident snowmobile registration opportunities to nonresident snowmobile operators and promoting general snowmobile recreational activities in the State through regional state tourism organizations and a statewide organization with an interest in snowmobiling.

The commissioner shall share the information collected on the electronic form under this paragraph with the Department of Economic and Community Development, Office of Tourism annually after the end of the 3-consecutive-day period under paragraph E for purposes of promoting seasonal nonresident snowmobile registration opportunities to nonresident snowmobile operators and promoting general snowmobile recreational opportunities in the State through regional state tourism organizations and a statewide organization with an interest in snowmobiling.

Notwithstanding any other provisions of law, failure to comply with this paragraph is not a violation of any law or rule administered by the department. Nothing in this paragraph relieves a person of the person's responsibilities under any law or rule regulating the ownership or operation of a snowmobile in the State.

Sec. 3. Production and distribution of promotional materials relating to seasonal nonresident snowmobile registration and snowmobile recreational opportunities.

The Director of the Office of Tourism within the Department of Economic and Community Development shall, within existing budgeted resources, collaborate with the Commissioner of Inland Fisheries and Wildlife in the production and distribution through regional state tourism organizations and a statewide organization with an interest in snowmobiling of promotional materials relating to seasonal nonresident snowmobile registration and general snowmobile recreational opportunities using information collected pursuant to the Maine Revised Statutes, Title 12, section 13104, subsection 7, paragraph F.

Sec. 4. Effective date. This Act takes effect January 1, 2020.

Effective January 1, 2020.
