

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

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

Augusta, Maine
2019

any of the courts and owed to the State pursuant to Title 14, section 3141-A; and

6. All other claims. All other claims in the order of their receipt.

Sec. 2. 14 MRSA §3141-A is enacted to read:

§3141-A. Setoff of fines against lottery winnings

The State Court Administrator appointed pursuant to Title 4, section 15 shall periodically notify the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, referred to in this subsection as "the bureau," of all persons who owe a monetary fine, surcharge or assessment imposed by a court to the State under this Title. Prior to paying any lottery winnings that must be paid directly by the bureau, the bureau shall determine whether the lottery winner is on the list of persons who owe a monetary fine, surcharge or assessment imposed by a court to the State under this Title. If the winner is on the list of persons who owe a monetary fine, surcharge or assessment imposed by a court, the bureau shall suspend payment of the winnings and provide notice to the winner of its intention to set off the winnings against the monetary fine, surcharge or assessment owed. The bureau shall provide the winnings due to the winner to the State Court Administrator in payment of any monetary fine, surcharge or assessment owed by the winner under this Title. The bureau shall release any remaining winnings in accordance with state law.

See title page for effective date.

CHAPTER 305

H.P. 1172 - L.D. 1629

An Act Regarding Future Evaluations of the Pine Tree Development Zone Program

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

Sec. 1. 30-A MRSA §5250-P, sub-§2, as enacted by PL 2017, c. 440, §5, is amended to read:

2. Evaluation; specific public policy objective; performance measures. The Pine Tree Development Zone program established by this subchapter is subject to ongoing legislative review in accordance with Title 3, chapter 37. In developing evaluation parameters to perform the review, the Office of Program Evaluation and Government Accountability, the Legislature's government oversight committee and the joint standing committee of the Legislature having jurisdiction over taxation matters shall consider:

A. That the specific public policy objective of the Pine Tree Development Zone program established

by this subchapter is to create and retain quality jobs in this State by reducing the tax burden experienced by businesses and thereby making this State's business tax burden more comparable to other states, encouraging location and expansion of businesses in this State and improving the competitiveness of this State's businesses; and

B. Performance measures, including:

- (1) Change in employment levels of qualified Pine Tree Development Zone employees;
- (2) Amount of investment directly related to a qualified business activity;
- (3) Comparison of business tax burden in this State to other states;
- (4) Comparison of other cost burdens in this State to other states;
- (5) Comparison of the amount of public incentives received from the Pine Tree Development Zone program to the amount of public incentives received from other incentive programs in the State;
- (6) Measures of industry competitiveness for businesses receiving Pine Tree Development Zone benefits;
- (7) Measures of fiscal impact and overall economic impact to the State; and
- (8) Other measures as may be relevant to the evaluation of program outcomes.

The Office of Program Evaluation and Government Accountability shall provide a report of its evaluation of the Pine Tree Development Zone program established by this subchapter in accordance with Title 3, section 999 by January 15, 2021 and shall also provide this report to the joint standing committee of the Legislature having jurisdiction over economic development matters, which may report out a bill to the ~~First Regular Session of the 130th~~ Legislature in response to the report's recommendations.

See title page for effective date.

CHAPTER 306

S.P. 597 - L.D. 1766

An Act To Transform Maine's Heat Pump Market To Advance Economic Security and Climate Objectives

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

Sec. 1. 10 MRSA §1415-G, sub-§1, as amended by PL 2011, c. 300, §2, is repealed and the following enacted in its place:

1. Residential construction, remodeling and renovation. During the construction, remodeling or renovation of a multifamily residential structure, a person may not install electric resistance space heating equipment as the primary heating system if that construction, remodeling or renovation is funded in whole or in part by public funds, guarantees or bond proceeds unless:

A. The person obtains a waiver from the commission in accordance with subsection 2; or

B. The structure meets a standard for calculated heat load established by the commission by rule or order.

For purposes of this section, "multifamily residential structure" means a residential structure with more than one dwelling unit and "electric resistance space heating equipment" does not include electric thermal storage space heating equipment, a high-performance air source heat pump that satisfies minimum heating performance standards of the Efficiency Maine Trust or a geothermal heat pump.

Sec. 2. 35-A MRSA §10103, sub-§4, as amended by PL 2013, c. 369, Pt. A, §5, is further amended to read:

4. Program funding. The board may apply for and receive grants from municipal, state, federal and private sources for deposit into appropriate program funds, including funds for both residential and business programs. The board may deposit in appropriate program funds the proceeds of any bonds issued for the purposes of programs administered by the trust. The board may receive and shall deposit in appropriate program funds revenue resulting from any forward capacity market or other capacity payments from the regional transmission organization that may be attributable to those projects funded by those funds, except that, from fiscal year 2019-20 to fiscal year 2024-25, such payments must be used to promote high-performance air source heat pump technology and deposited in the Heating Fuels Efficiency and Weatherization Fund established in section 10119. The board shall deposit into appropriate program funds revenue transferred to the trust from the energy infrastructure benefits fund pursuant to Title 5, section 282, subsection 9 for use in accordance with subsection 4-A. The board may also deposit any grants or other funds received by or from any entity with which the trust has an agreement or contract pursuant to this chapter if the board determines that receipt of those funds is consistent with the purposes of this chapter.

Sec. 3. 35-A MRSA §10104, sub-§8, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

8. Approval of Maine State Housing Authority plans. After July 1, 2010, the Maine State Housing Authority, prior to applying for federal funds on behalf of the State pursuant to Title 30-A, section 4741, subsection 15 for weatherization, energy conservation and fuel assistance pursuant to the Weatherization Assistance for Low-income Persons Program administered through the United States Department of Energy and the Low-income Home Energy Assistance Program administered through the United States Department of Health and Human Services, shall submit to the board for its review and input the authority's implementation plans for the use of such funds. The plans must describe the amount of budget available to support the heat pump goal established in section 10119, subsection 2, paragraph A, subparagraph (2), the plans' strategy for promoting that goal and an estimate of the number of units that will be installed. The plans must provide for coordination by the Maine State Housing Authority in its use of such funds with the programs administered by the trust under this chapter. The Maine State Housing Authority shall ~~include~~ consider in its plans any recommendations of the board to the extent the recommendations are consistent with the applicable federal guidelines governing the use of the funds.

Sec. 4. 35-A MRSA §10110, sub-§1, ¶C, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

C. "Conservation programs" means programs developed by the trust pursuant to this section designed to ~~reduce inefficient~~ increase the efficiency of electricity use.

Sec. 5. 35-A MRSA §10110, sub-§4-A, ¶A, as enacted by PL 2013, c. 369, Pt. A, §20 and affected by §30, is amended to read:

A. Consider electric energy efficiency resources that are reasonably foreseeable to be acquired by the trust using ~~all other sources of revenue, including, but not limited to,~~ the Regional Greenhouse Gas Initiative Trust Fund under section 10109, federal or state grants or settlement funds designated by the board for programs implemented under this section, except that forward capacity market payments deposited in the Heating Fuels Efficiency and Weatherization Fund established in section 10119 may not be considered;

Sec. 6. 35-A MRSA §10119, as amended by PL 2009, c. 652, Pt. A, §49, is further amended to read:

§10119. Heating Fuels Efficiency and Weatherization Fund

1. Fund established; use of money. The Heating Fuels Efficiency and Weatherization Fund, referred to in this section as "the fund," is established. The fund is a nonlapsing fund and is administered by the trust in

accordance with this section. Any interest earned on funds in the fund must be credited to the fund, and funds not spent in any fiscal year remain in the fund to be used in accordance with this section. The trust may receive and deposit in the fund funds from the following sources:

- A. Any funds collected from an assessment on heating fuels;
- B. Federal funds and awards that may be used for the purposes of this section;
- C. The proceeds of any bonds issued for the purposes of this section;
- D. Principal and interest received from the repayment of loans made from the fund;
- E. Any interest earned on investment of fund balances; ~~and~~
- F. Any ~~other~~ funds from public or private sources received in support of the purposes for which the fund is established; ~~and~~

G. Payments from the forward capacity market or other payments by the regional transmission organization.

The trust may annually deposit funds received pursuant to this section into the administration fund, to a maximum in any fiscal year of 10% of the revenues received under this section.

2. Program. All funds deposited in the fund must be administered by the trust in accordance with the following.

A. All funds deposited in the fund must be administered by the trust to reduce heating fuel consumption consistent with the purpose and targets of the trust and the triennial plan to achieve the following ~~goal~~ goals:

- (1) By 2030, to provide cost-effective energy efficiency and weatherization measures to substantially all homes and businesses whose owners wish to participate in programs established by the trust under this section; ~~and~~
- (2) From fiscal year 2019-20 to fiscal year 2024-25, to install 100,000 new high-performance air source heat pumps in the State to provide heating in residential and nonresidential spaces. "High-performance air source heat pump" means an air source heat pump that satisfies minimum heating performance standards as determined by the trust.

B. Funds from the fund may be used only for programs that provide cost-effective ~~energy efficiency and heating fuel efficiency or~~ weatherization measures ~~for the benefit of heating fuel customers or to efficiency service providers serving~~

~~those customers and~~ in accordance with ~~the following~~ this paragraph.

(1) Program categories ~~must~~ may include low-income, single-family and 2-family residential units, multifamily residential units, small business, commercial and institutional and such other categories as the trust determines appropriate; ~~and~~

(2) Within program categories, the trust may differentiate between programs for new construction and existing buildings; ~~and~~

(3) Cost-effective energy heating fuel efficiency measures must include measures that improve the energy efficiency of energy-using systems, ~~such as~~ heating and cooling systems; through system upgrades or conversions, including conversions to energy-efficient systems that rely on renewable energy sources, high-performance air source heat pumps or other systems that rely on effective energy efficiency technologies.

(4) Eligible program measures may include, but are not limited to, training or certification of energy auditors, insulation installers, mechanical heating system installers and maintenance technicians and building energy inspectors.

C. Program designs approved by the trust ~~must~~ may contain:

(1) Incentives to consumers to purchase and install cost-effective heating fuel efficiency and weatherization products and services ~~identified by a certified energy auditor~~, except in the case of programs to deliver education, training or certifications;

(2) ~~A schedule of customer copayments and loan~~ Loan options for prescribed products and services. Programs, including specially designed loans for low-income and moderate-income consumers may provide exemptions from the copayment and schedule for the purchase and installation of a high-performance air source heat pump;

(3) A plan for integrating delivery of heating fuel efficiency and weatherization measures with electric efficiency measures; and

(4) A system for the equitable allocation of costs among the contributing funds or subaccounts administered by the trust when more than one efficiency opportunity is identified, except that for purposes of advancing the goal of paragraph A, subparagraph (2), payments from the forward capacity market deposited in the fund must be used to supplement, and not supplant, heat pump incentive amounts

approved through the triennial plan for electric efficiency and conservation programs.

~~D. Other eligible program measures may include, but are not limited to, training or certification of energy auditors, insulation installers, mechanical heating system installers and maintenance technicians and building energy inspectors.~~

3. Rulemaking. The board may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

4. Effective date. This section takes effect July 1, 2010.

See title page for effective date.

**CHAPTER 307
H.P. 231 - L.D. 307**

**An Act To Limit the Number
of Charter Schools in Maine**

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

Sec. 1. 20-A MRSA §2405, sub-§9, as amended by PL 2017, c. 284, Pt. XXXXX, §1, is repealed.

Sec. 2. 20-A MRSA §2405, sub-§10 is enacted to read:

10. Limit on number of public charter schools. No more than 10 public charter schools may operate at any time. Any time the cap is reached, the commissioner may not accept further registrations from the commission or from local school boards and collaborators of local school boards.

Sec. 3. Public charter school charter revocation and nonrenewal. The Maine Charter School Commission shall develop a process for the revocation or nonrenewal of a public charter school's charter for public charter schools that are not meeting required performance framework provisions and report to the Joint Standing Committee on Education and Cultural Affairs, no later than January 1, 2020, on the recommended process and submit any suggested legislation to implement the process to revoke or not renew a public charter school's charter.

See title page for effective date.

**CHAPTER 308
H.P. 606 - L.D. 832**

**An Act To Expand Options for
Consumers of Cable Television
in Purchasing Individual
Channels and Programs**

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

Sec. 1. 30-A MRSA §3008, sub-§3, ¶F is enacted to read:

F. Notwithstanding any provision in a franchise, a cable system operator shall offer subscribers the option of purchasing access to cable channels, or programs on cable channels, individually.

See title page for effective date.

**CHAPTER 309
S.P. 301 - L.D. 1022**

**An Act To Establish as a Class
C Crime Criminal Conduct in
Retaliation against a Witness,
Informant, Victim or Juror**

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

Sec. 1. 17-A MRSA §458 is enacted to read:

§458. Retaliation against a witness, informant, victim or juror

A person is guilty of retaliation against a witness, informant, victim or juror if, believing that another person is participating or has participated as a witness, informant, victim or juror in an official proceeding, as defined in section 451, subsection 5, paragraph A, or in an official criminal investigation, the actor engages in criminal conduct with the intent to retaliate for that other person's role in the official proceeding or official criminal investigation. Violation of this section is a Class C crime.

See title page for effective date.
