

# 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.**

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**Augusta, Maine**  
**2019**

**3. Firefighter, Emergency Medical Services Person and Dispatcher Special Plan #1.** A retirement benefit equal to 1/2 of the member's average final compensation to a firefighter, including the chief of a fire department, ~~and a dispatcher or~~ an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a first responder, emergency medical technician, advanced emergency medical technician and paramedic, who has completed at least 25 years of creditable service in that capacity and who retires upon or after reaching age 55.

**Sec. 4. 5 MRSA §18453, sub-§4,** as amended by PL 2013, c. 602, Pt. B, §4, is further amended to read:

**4. Firefighter, Emergency Medical Services Person and Dispatcher Special Plan #2.** A retirement benefit to a firefighter, including the chief of a fire department, ~~and a dispatcher or~~ an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a first responder, emergency medical technician, advanced emergency medical technician and paramedic, who has completed at least 25 years of creditable service in that capacity and who retires upon or after reaching age 55. The benefits ~~shall~~ must be computed as follows:

A. Except as provided in paragraph B, 2/3 of the member's average final compensation; or

B. If the member's benefit would be greater, the part of the service retirement benefit based upon membership service before July 1, 1977, is determined, on a pro rata basis, on the member's current final compensation and the part of the service retirement benefit based upon membership service after June 30, 1977, is determined in accordance with paragraph A.

**Sec. 5. 5 MRSA §18453, sub-§5,** as amended by PL 2013, c. 602, Pt. B, §5, is further amended to read:

**5. Firefighter, Emergency Medical Services Person and Dispatcher Special Plan #3.** A Except as provided in this subsection, a retirement benefit to a firefighter, including the chief of a fire department, ~~and a dispatcher or~~ an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a first responder, emergency medical technician, advanced emergency medical technician and paramedic, who has completed 20 to 25 years of creditable service in that capacity, the number of years to be selected by the participating local district, and who retires at any age. A participating local district may not elect to provide retirement benefits to its dispatchers in a plan that requires less than 25 years of creditable service. The benefits ~~shall~~ must be computed as follows:

A. Except as provided under paragraph B, 2/3 of the member's average final compensation; or

B. If the member's benefit would be greater, the part of the service retirement benefit based upon membership service before July 1, 1977, is determined, on a pro rata basis, on the member's current final compensation and the part of the service retirement benefit based upon membership service after June 30, 1977, is determined in accordance with paragraph A.

See title page for effective date.

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## CHAPTER 365

### H.P. 1071 - L.D. 1464

#### An Act To Support Electrification of Certain Technologies for the Benefit of Maine Consumers and Utility Systems and the Environment

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

**Sec. 1. 35-A MRSA §10102, sub-§3-A** is enacted to read:

**3-A. Beneficial electrification.** "Beneficial electrification" means electrification of a technology that results in reduction in the use of a fossil fuel, including electrification of a technology that would otherwise require energy from a fossil fuel, and that provides a benefit to a utility, a ratepayer or the environment, without causing harm to utilities, ratepayers or the environment, by improving the efficiency of the electricity grid or reducing consumer costs or emissions, including carbon emissions.

**Sec. 2. 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 electricity use or to increase the efficiency with which electricity is used.

**Sec. 3. 35-A MRSA §10110, sub-§2, ¶A,** as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

A. The trust shall consider, without limitation, conservation programs that:

- (1) Increase consumer awareness of cost-effective options for conserving energy;
- (2) Create more favorable market conditions for the increased use of energy-efficient products and services;

- (3) Promote sustainable economic development and reduce environmental damage;
- (4) Reduce the price of electricity over time for all consumers by achieving reductions in demand for electricity during peak use periods, including by the implementation of beneficial electrification; and
- (5) Reduce total energy costs for electricity consumers in the State by increasing the efficiency with which electricity is consumed.

**Sec. 4. Efficiency Maine Trust to study barriers to beneficial electrification.** The Efficiency Maine Trust established in the Maine Revised Statutes, Title 35-A, section 10103, in consultation with stakeholders, shall study barriers to beneficial electrification in the transportation and heating sectors in the State. The study must identify social, technological, legal, regulatory and economic barriers to beneficial electrification for the transportation and heating sectors in the State. The study must include information on potential roles for electric utilities, natural gas utilities and competitive markets in supporting beneficial electrification, including benefits and drawbacks of these potential roles and examples of specific activities that may be conducted and specific needs that may be best served by the electric utilities, natural gas utilities or competitive markets. At the request of the trust, the Public Utilities Commission shall order electric and natural gas utilities to provide information requested by the trust to carry out the study. The Department of Transportation and the Maine Turnpike Authority shall provide information to the trust on potential barriers to beneficial electrification and solutions to overcome those barriers in areas under their jurisdiction. The trust may seek information regarding the study from other agencies or from private persons, organizations or interest groups. The trust shall provide public notice of the opportunity for the public to submit written information or comments to the trust before and after a draft of the study is completed. The trust shall develop a report based on the study. The report must:

1. Identify barriers to beneficial electrification in the transportation and heating sectors of the State;
2. Identify additional information that the trust may require to make additional recommendations or analyses;
3. Consider potential roles of utilities in supporting beneficial electrification;
4. Identify areas or populations in the State less likely to benefit directly from beneficial electrification without additional policy development or utility intervention; and
5. Recommend opportunities for beneficial electrification.

By February 1, 2020, the trust shall submit its report and any recommended legislation to the Joint Standing Committee on Energy, Utilities and Technology. The committee may report out legislation to the Second Regular Session of the 129th Legislature related to the report.

For purposes of this section, "beneficial electrification" has the same meaning as in the Maine Revised Statutes, Title 35-A, section 10102, subsection 3-A.

**Sec. 5. Public Utilities Commission to request proposals for pilot program to implement beneficial electrification in the transportation sector.** The Public Utilities Commission, referred to in this section as "the commission," shall request proposals from utilities and from entities that are not utilities, including the Efficiency Maine Trust established in the Maine Revised Statutes, Title 35-A, section 10103 for pilot programs that are limited in duration and scope to support beneficial electrification of the transportation sector of the State.

1. Proposals under this section must be submitted to the commission no later than December 1, 2019. A proposal under this section may address:

- A. Electric vehicle chargers that make use of load management. For purposes of this paragraph, "load management" means the process of balancing the supply of electricity on a network with the electrical load by adjusting the load rather than the power station output;
- B. Utility investment in electricity delivery infrastructure for direct current electric vehicle fast-charging technology, including polyphase electric service;
- C. Fees for the delivery of electricity for direct current electric vehicle fast-charging technology, including the use of financial incentives or short-term waivers of the fees; and
- D. Customer engagement and awareness programs. An applicant shall include the participation of the Efficiency Maine Trust as a neutral 3rd party to provide input into the development and content of information submitted under this paragraph.

The commission shall require that a synopsis of the proposal that is suitable for public review and comment be submitted along with a proposal submitted under this section and shall allow public review of and comment on the synopsis. In its review of proposals, the commission shall consider whether and to what extent a proposal may duplicate related efforts currently being undertaken by the Efficiency Maine Trust. On or before March 1, 2020, the commission shall select one or more pilot program proposals submitted under this section that it finds are reasonably expected to result in information and data that would meaning-

fully inform future efforts regarding beneficial electrification. The commission may impose limitations on the duration, scope or cost of a pilot program proposal and require modifications of a proposal prior to approval.

2. Subsequent to the selection of proposals under subsection 1, the commission may request additional proposals under this section that include criteria under subsection 1 and other criteria the commission determines necessary to be submitted no earlier than January 1, 2021. A proposal submitted under this subsection must be reviewed pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 4. The commission shall allow public comment on a proposal submitted under this subsection. On or before August 1, 2021, the commission may select one or more proposals submitted under this subsection that are reasonably likely to result in beneficial electrification.

3. The commission shall determine a schedule to implement a proposal selected under subsection 1 or 2. By December 1, 2022, the commission shall complete a review of the implemented pilot program that assesses the effectiveness of each of the program's elements in supporting beneficial electrification of the transportation sector of the State.

4. For purposes of this section, "beneficial electrification" has the same meaning as in the Maine Revised Statutes, Title 35-A, section 10102, subsection 3-A.

See title page for effective date.

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## CHAPTER 366

### H.P. 1155 - L.D. 1596

#### An Act To Enhance the Long-term Stability of Certain At-risk Youth

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

**Sec. 1. 4 MRSA §152, sub-§14**, as amended by PL 2007, c. 670, §2, is further amended to read:

**14. Civil violations.** Jurisdiction over all civil violations, as provided in Title 17-A, section 9, and traffic infractions; ~~and~~

**Sec. 2. 4 MRSA §152, sub-§15**, as enacted by PL 2007, c. 670, §3, is amended to read:

**15. Restoration of right to possess firearms.** Exclusive jurisdiction to conduct de novo review of a determination by the Commissioner of Public Safety pursuant to Title 15, section 393, subsection 4-A; ~~and~~

**Sec. 3. 4 MRSA §152, sub-§16** is enacted to read:

**16. At-risk noncitizen petitions.** Jurisdiction over petitions regarding the protection, well-being, care and custody of unmarried noncitizens 18 years of age or older and under 21 years of age pursuant to Title 22, chapter 1071, subchapter 17.

**Sec. 4. 18-C MRSA §5-104, sub-§1-A** is enacted to read:

**1-A. At-risk noncitizen petitions.** The court has original jurisdiction over a petition regarding the protection, well-being, care and custody of an unmarried noncitizen pursuant to Title 22, chapter 1071, subchapter 17 who has not attained 18 years of age.

**Sec. 5. 22 MRSA c. 1071, sub-c. 17** is enacted to read:

### SUBCHAPTER 17

#### AT-RISK NONCITIZEN CHILDREN

##### §4099-I. At-risk noncitizen children

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

A. "At-risk" means there is reasonable cause to suspect that a child's health, safety and welfare is in jeopardy due to abuse, neglect, abandonment or similar circumstances and that return to the child's or the child's parent's country of origin or country of last habitual residence would not be in the best interest of the child.

B. Notwithstanding section 4002, subsection 2, "child" means an unmarried person who has not attained 21 years of age.

C. "Court" includes, but is not limited to, the Probate Court and District Court, or any other state court with juvenile jurisdiction.

D. "Dependent on the court" means subject to the jurisdiction of a court competent to make decisions concerning the protection, well-being, care and custody of a child for findings, orders or referrals to support the health, safety and welfare of a child or to remedy the effects on a child of abuse, neglect, abandonment or similar circumstances.

E. "Noncitizen" means any person who is not a United States citizen.

F. "Similar circumstances" means conditions that have an effect on a child comparable to abuse, neglect or abandonment, including, but not limited to, the death of a parent.

**2. Petition for special findings and rulings for certain at-risk noncitizen children.** An at-risk noncitizen child may petition the court for special findings. Upon reviewing the petition or complaint seeking special findings, any supporting affidavits and