

# 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 THIRTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 2020 to March 30, 2021**

**FIRST SPECIAL SESSION**  
**April 28, 2021 to July 19, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

---

---

**Augusta, Maine**  
**2021**

**CHAPTER 150  
S.P. 87 - L.D. 800**

**An Act To Amend Credit and  
Debit Card Surcharges  
Imposed by Governmental  
Entities**

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

**Sec. 1. 5 MRSA §1509-A**, as amended by PL 1999, c. 762, §1 and affected by §5, is further amended to read:

**§1509-A. Payment by credit card**

State departments and agencies shall implement, with the approval of the State Controller and the State Treasurer, procedures for accepting payment for goods, services, ~~taxes, fines, forfeitures~~ charges or any other fees by ~~major credit cards card, debit card~~ or other electronic means. ~~Unless otherwise provided for in law as of the effective date of this section, any administrative expenses or credit card fees incurred in connection with this method of receiving funds must be absorbed within the existing budget of the department or agency as authorized by the Legislature~~ a state department or agency may impose a surcharge, including a service fee, for payments made by credit card or debit card for taxes, fines, charges, utility fees, regulatory fees, registration fees, license or permit fees or the provision of a specific service or good provided by that state department or agency in accordance with the provisions of Title 9-A, section 8-509, subsection 2.

**Sec. 2. 9-A MRSA §8-509, sub-§2**, as enacted by PL 2011, c. 427, Pt. A, §15, is amended to read:

**2. Surcharge permitted for governmental entity.** Notwithstanding subsection 1, a governmental entity may impose a surcharge for payments made with a credit card or debit card for taxes, fines, charges, utility fees, regulatory fees, registration fees, license or permit fees or the provision of a specific service or good provided by that governmental entity if the surcharge:

- A. Is disclosed clearly to the consumer prior to payment; and
- B. Does not exceed the costs associated with providing the credit card or debit card service that are directly incurred by the governmental entity or assessed by an authorized 3rd-party payment service provider for a credit card or debit card transaction. If there is not a cost assessed by an authorized 3rd-party payment service provider for a debit card transaction, the governmental entity may not impose a surcharge associated with a debit card transaction.

A governmental entity shall disclose to the consumer that the surcharge may be avoided if the consumer

makes payments by cash, check or other means not a credit card or debit card. A governmental entity is not subject to any liability to the issuer of a credit card or an authorized 3rd-party payment service provider for nonpayment of credit card charges by the consumer. As used in this subsection, "governmental entity" includes, but is not limited to, a state department or agency, a county established or governed by Title 30-A, Part 1, a municipality as defined in Title 30-A, section 2001, subsection 8, a plantation established or governed by Title 30-A, chapter 301, a quasi-municipal corporation as defined in Title 30-A, section 2604, subsection 3, the Judicial Department as described in Title 4, the University of Maine System, the Maine Community College System and the Maine Maritime Academy.

See title page for effective date.

---

---

**CHAPTER 151  
S.P. 113 - L.D. 802**

**An Act To Ensure  
Decommissioning of Solar  
Energy Developments**

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

**Sec. 1. 35-A MRSA c. 34-D** is enacted to read:

**CHAPTER 34-D**

**SOLAR ENERGY DEVELOPMENT DECOMMISSIONING**

**§3491. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Decommissioning.** "Decommissioning" means the physical removal of all components of a solar energy development, including but not limited to solar panels and associated anchoring systems and foundations to a depth of at least 24 inches or to the depth of bedrock, whichever is less, and other structures, buildings, roads, fences, cables, electrical components or associated facilities and foundations to a depth of at least 24 inches or to the depth of bedrock, whichever is less, to the extent the components of the development are not otherwise in or proposed to be placed in productive use or otherwise authorized to remain in place by the environmental permitting entity.

For any portion of a solar energy development located on land classified as farmland any time within 5 years preceding the start of construction of the development, "decommissioning" means the physical removal of all such components of the development to a depth of at least 48 inches or to the depth of bedrock, whichever is less, to the extent such components are not otherwise in

or proposed to be placed in productive use or otherwise authorized to remain in place by the environmental permitting entity.

"Decommissioning" includes the grading to postconstruction grade and revegetation of all earth disturbed during construction and decommissioning, except for areas already restored.

**2. Environmental permitting entity.** "Environmental permitting entity" means:

**A. The Department of Environmental Protection in the case of a solar energy development:**

- (1) Located wholly or partly outside of the unorganized and deorganized areas; or
- (2) Subject to the department's jurisdiction pursuant to Title 38, chapter 3, subchapter 1, article 6; or

**B. The Maine Land Use Planning Commission in the case of a solar energy development located wholly in the unorganized and deorganized areas and not subject to the jurisdiction of the Department of Environmental Protection pursuant to Title 38, chapter 3, subchapter 1, article 6.**

**3. Farmland.** "Farmland" has the same meaning as in Title 36, section 1102, subsection 4.

**4. Transfer of ownership.** "Transfer of ownership" means a change in the legal entity that owns or operates a solar energy development. A sale or exchange of stock or membership interests or a merger is not a transfer of ownership as long as the legal entity that owns or operates the solar energy development remains the same.

**5. Unorganized and deorganized areas.** "Unorganized and deorganized areas" has the same meaning as in Title 12, section 682, subsection 1.

**§3492. Prohibition**

A person may not construct, cause to be constructed or operate a solar energy development with ground-mounted solar panels occupying 3 or more acres without first obtaining approval of a decommissioning plan from the environmental permitting entity under section 3495.

**§3493. Transfer of ownership**

Upon a transfer of ownership of a solar energy development subject to a decommissioning plan approved under section 3495, a person that transfers ownership of the development remains jointly and severally liable for implementation of the plan until the environmental permitting entity approves transfer of the decommissioning plan to the new owner or operator.

**§3494. Decommissioning plan**

A decommissioning plan must:

**1. Decommissioning.** Provide for the decommissioning of a solar energy development. For any portion of the development located on land classified as farmland any time within 5 years preceding the start of construction of the development, the plan must provide for the restoration of that farmland upon decommissioning sufficient to support resumption of farming or agricultural activities;

**2. Grading and revegetation of earth.** Provide for the grading and revegetation of all earth disturbed during construction and decommissioning, except for areas already restored; and

**3. Financial capacity.** Include demonstration of current and future financial capacity, which must be unaffected by the owner's or operator's future financial condition, to fully fund decommissioning in accordance with an approved decommissioning plan under this chapter.

**§3495. Standards**

An environmental permitting entity shall approve a decommissioning plan whenever it finds the following:

**1. Successful decommissioning.** The plan, if implemented, will result in successful decommissioning of the solar energy development, including the restoration of farmland sufficient to support resumption of farming or agricultural activities;

**2. Financial assurance.** The person identified in the plan as responsible for decommissioning demonstrates financial assurance, in the form of a performance bond, surety bond, irrevocable letter of credit or other form of financial assurance acceptable to the environmental permitting entity, for the total cost of decommissioning; and

**3. Update.** The plan requires the financial assurance be updated 15 years after approval of the plan and no less frequently than every 5 years thereafter. Updates to financial assurance required under this subsection must be submitted to the environmental permitting entity on or before December 31st of the year in which such updates are required.

**§3496. Administration and enforcement; rulemaking**

The Department of Environmental Protection shall administer and enforce this chapter with respect to the decommissioning of solar energy developments for which it is the environmental permitting entity, subject to the same powers and authorities granted to it pursuant to Title 38, chapter 2, including but not limited to the adoption of rules and the establishment of reasonable fees. The Maine Land Use Planning Commission shall administer and enforce this chapter with respect to the decommissioning of solar energy developments for which it is the environmental permitting entity, subject to the same powers and authorities granted to it pursuant to Title 12, chapter 206-A, including but not limited to

the adoption of rules and the establishment of reasonable fees.

Rules adopted by the Department of Environmental Protection or by the Maine Land Use Planning Commission pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Application.** This Act applies to a solar energy development on which construction begins on or after October 1, 2021 and to any other solar energy development that undergoes a transfer of ownership on or after October 1, 2021.

See title page for effective date.

**CHAPTER 152**

**S.P. 184 - L.D. 815**

**An Act To Support School Decarbonization**

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

**Sec. 1. 35-A MRSA §10123**, as amended by PL 2019, c. 347, §2, is further amended to read:

**§10123. School energy savings decarbonization program**

To the extent funds are available, the trust shall develop a program to provide ~~energy savings improvements to~~ technical and financial support to help kindergarten to grade 12 schools, including charter schools and private schools, to become carbon neutral. Under this program, the trust may:

**1. Energy audits Professional services.** ~~Provide incentives and technical support for an energy audit of~~ Facilitate access to professional services, including but not limited to energy audits, technical support, financing and legal services, to assist in the planning, design or procurement of construction projects, solar power purchases or equipment that will help a school facility to become carbon neutral. The trust may provide financial incentives for these services;

**2. Energy measures.** Provide financial assistance for ~~cost-effective energy measures identified in an energy audit as likely to achieve total savings within 10 years that are greater than the total costs of the measures or the plans, designs or procurements of a school facility.~~ Eligibility for energy measures qualifying for financial assistance under this section must be determined by the trust; and

**3. School payments.** Accept payments from schools, including, but not limited to, payments equal to or less than the value on monthly energy bills of the energy savings as a result of the energy measures. These payments may include costs to develop and oversee the project, administer the program and service loans.

The trust, in collaboration with the Department of Education, shall identify and provide incentives for cost-effective electric and natural gas conservation projects in school construction projects designated by the State Board of Education for funding pursuant to rules adopted under Title 20-A, section 15905.

**Sec. 2. 35-A MRSA §10127**, as enacted by PL 2019, c. 347, §3 and reallocated by RR 2019, c. 1, Pt. A, §55, is repealed.

See title page for effective date.

**CHAPTER 153**

**H.P. 650 - L.D. 894**

**An Act To Increase Government Accountability by Removing the Restriction on the Dissemination of Information Regarding Investigations**

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

**Sec. 1. 16 MRSA §807**, as amended by PL 2013, c. 507, §8, is repealed.

See title page for effective date.

**CHAPTER 154**

**H.P. 746 - L.D. 1008**

**An Act To Require Joint Use Entities To Establish Permanent Liaisons with All County Emergency Management Agencies**

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

**Sec. 1. 35-A MRSA §717** is enacted to read:

**§717. Joint use entity liaisons**

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

A. "Disaster" has the same meaning as in Title 37-B, section 703, subsection 2.

B. "Facilities" has the same meaning as in section 2502, subsection 3.

C. "Joint use entity" has the same meaning as in section 711, subsection 7, paragraph B.

**2. Joint use entity; liaison designation.** A joint use entity shall designate, in each county where the joint