

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

Sec. 2. 35-A MRSA §1701, sub-§3, ¶E, as amended by PL 2019, c. 226, §2, is further amended to read:

E. ~~Business Services Manager~~ Senior Assistant to the Public Advocate, salary range 26;

Sec. 3. 35-A MRSA §3132, sub-§10-A, as amended by PL 2019, c. 177, §1, is further amended to read:

10-A. Filing fee to Office of the Public Advocate. When a person pays a filing fee to the commission pursuant to subsection 9, the person shall, at the same time, pay to the Office of the Public Advocate an amount equal to 2/100 of 1% of the estimated cost to erect, rebuild or relocate the transmission line, except that in the case of a petition filed under subsection 2, the fee is 3/100 of 1%. If the Office of the Public Advocate's expenses in the transmission line proceeding exceed the amount of the original filing fee, the Office of the Public Advocate may bill the person monthly for additional incurred expenses. The person may, at the time of the filing of the petition under this section, request the Office of the Public Advocate to waive all or a portion of the filing fee. The Office of the Public Advocate shall decide on the waiver request within 30 days.

Filing fees paid as required under this subsection must be segregated, apportioned and expended by the Office of the Public Advocate for the purposes of representing the interests of consumers in the proceeding before the commission or conducting public outreach to inform consumers about the proceeding. The Office of the Public Advocate shall return any portion of the filing fee that is not expended for these purposes to the person who paid the fee.

See title page for effective date.

**CHAPTER 196
H.P. 376 - L.D. 513**

**An Act Regarding the Citizen
Members and the Complaint
Review Committee of the
Board of Trustees of the Maine
Criminal Justice Academy**

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

Sec. 1. 25 MRSA §2801-A, sub-§1-A is enacted to read:

1-A. Citizen member. "Citizen member" means a citizen, educator or municipal official appointed to the board pursuant to section 2802 who is not and has never been a sworn member of a law enforcement agency.

Sec. 2. 25 MRSA §2805-C, sub-§1, as amended by PL 2013, c. 147, §37, is further amended to read:

1. Committee. The chair of the board shall appoint ~~3~~ 5 members of the board to serve on the complaint review committee. ~~One~~ Two of the members must be ~~one of the~~ citizen members of the board. ~~At~~ A majority of the members of the committee, including at least one citizen member, must be present for deliberations. A majority vote is necessary to recommend taking corrective or disciplinary action on a complaint or to order an independent investigation pursuant to subsection 3.

See title page for effective date.

**CHAPTER 197
H.P. 382 - L.D. 519**

**An Act To Protect Children
from Exposure to Toxic
Chemicals**

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

Sec. 1. 7 MRSA §606, sub-§3 is enacted to read:

3. Unlawful use. A person may not apply glyphosate or dicamba within 75 feet of school grounds. This subsection does not apply to residential property or land used for commercial farming.

For purposes of this subsection, unless the context otherwise indicates, the following terms have the following meanings:

A. "Commercial farming" has the same meaning as in section 52, subsection 3;

B. "Residential property" means real property located in this State that is used for residential dwelling purposes;

C. "School" means any public, private or tribally funded elementary school as defined in Title 20-A, section 1, subsection 10, secondary school as defined in Title 20-A, section 1, subsection 32 or a nursery school that is part of an elementary or secondary school; and

D. "School grounds" means:

(1) Land associated with a school building including playgrounds and athletic fields used by students or staff of a school. "School grounds" does not include land used for a school farm; and

(2) Any other outdoor area used by students or staff including property owned by a municipality or a private entity that is regularly used

for school activities by students and staff but not including land used primarily for nonschool activities, such as golf courses, farms and museums.

Sec. 2. Medical advisory committee; herbicides applied on school grounds. The Department of Agriculture, Conservation and Forestry, Board of Pesticides Control, within existing resources from Other Special Revenue Funds accounts, shall establish a medical advisory committee to evaluate the potential impact of herbicides used on school grounds on human health. The board shall submit a report no later than February 1, 2022, with findings and recommendations, including suggested legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry. Following receipt and review of the report, the Joint Standing Committee on Agriculture, Conservation and Forestry may submit a bill concerning the subject matter of the report to the Second Regular Session of the 130th Legislature.

See title page for effective date.

**CHAPTER 198
S.P. 224 - L.D. 537**

**An Act To Dedicate Sections of
Maine's State Highway System
to Fallen State Troopers**

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

Sec. 1. 23 MRSA §1952 is enacted to read:

§1952. Fallen State Trooper Dedication Program

The Fallen State Trooper Dedication Program is established. The Department of Transportation, in collaboration with the Department of Public Safety, shall designate one mile of the state highway system to a state police officer who dies in the performance of that officer's duty within one year of the death. The one-mile section must be located as close as possible to the patrol area of the fallen officer, and the Department of Transportation shall install appropriate signs in both directions of the roadway. The Department of Transportation and the Department of Public Safety shall share responsibility for expenses related to the maintenance of signs installed under this section.

The State Police shall notify the Department of Transportation of a deceased state police officer who is eligible for designation under this section.

Sec. 2. Fallen State Trooper Dedication Program. Notwithstanding the Maine Revised Statutes, Title 23, section 1952, the State Police shall notify the Department of Transportation of the identity of any state police officer who died in the performance of that officer's duty before the effective date of this Act and

who is eligible for the Fallen State Trooper Dedication Program established under that section, and the department shall designate one mile of the state highway system to that officer as required under that program.

See title page for effective date.

**CHAPTER 199
S.P. 236 - L.D. 597**

**An Act To Establish the
Thermal Energy Investment
Program**

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

Sec. 1. 35-A MRSA §3210, sub-§9, as amended by PL 2019, c. 477, §1, is further amended to read:

9. Alternative compliance payment. The commission shall allow competitive electricity providers to satisfy the portfolio requirements for Class I resources under subsection 3-A, Class IA resources under subsection 3-B and thermal renewable energy credits under subsection 3-C through an alternative compliance payment mechanism in accordance with this subsection.

A. The commission shall set the alternative compliance payment rate by rule, which may not be greater than \$50, and shall publish the alternative compliance payment rate by January 31st of each year. In setting the rate, the commission shall take into account prevailing market prices, standard-offer service prices for electricity, reliance on alternative compliance payments to meet the requirements of subsections 3-A, 3-B and 3-C and investment in Class I and Class IA resources and thermal renewable energy credits in the State during the previous calendar year.

B. The commission shall collect alternative compliance payments to meet the requirements of subsections 3-A and 3-B made by competitive electricity providers and shall deposit all funds collected under this paragraph in the Energy Efficiency and Renewable Resource Fund established under section 10121, subsection 2 to be used to fund research, development and demonstration projects relating to renewable energy technologies and to fund rebates for cost-effective renewable energy technologies.

C. The commission shall collect alternative compliance payments to meet the requirements of subsection 3-C made by competitive electricity providers and shall deposit all funds collected under this paragraph in the Thermal Energy Investment Fund established under section 10128, subsection 2 to be used to fund incentives and low-interest or no-