

MAINE STATE LEGISLATURE

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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

report out a bill to the First Regular Session of the 131st Legislature based on the report.

Sec. 7. Precedent established by Public Utilities Commission. The provisions of this Act may not be interpreted to modify or nullify the analytical framework and precedent for analyzing whether 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 237

S.P. 340 - L.D. 1072

An Act Regarding Career and Technical Education, Adult Education and Memoranda of Understanding with Community Colleges and the University of Maine System

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

Sec. 1. 20-A MRSA §8308 is enacted to read:

§8308. Memorandum of understanding for educational programs

A center or region, adult education program pursuant to chapter 315 and a community college or university may enter into a memorandum of understanding with one another pursuant to this section to provide educational programs to career and technical education and adult education students. For the purposes of this section, "community college" means a community college of the Maine Community College System and "university" means a university of the University of Maine System. A memorandum of understanding under this section must include the following components.

1. Schedules. The center or region, adult education program and the community college or university must address how to align schedules to allow students to take courses through the community college or university.

2. Postsecondary credit. The community college or university shall grant full credit to any student who successfully completes a course at the community college or university provided pursuant to this section. The course must apply to graduation requirements at the

community college or university in which it was taken or be transferable to another community college or university on an equal basis with a course taken by any other student at the community college or university.

3. Funding. Funding for career and technical education students attending courses at a community college or university may be provided in accordance with section 15689-A, subsection 23 or chapter 208-A.

See title page for effective date.

CHAPTER 238

S.P. 373 - L.D. 1111

An Act To Update the Statutes Governing Membership of the Board of Trustees of the Maine Veterans' Homes

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

Sec. 1. 37-B MRSA §603, as amended by PL 2015, c. 397, §10 and PL 2019, c. 377, §6, is repealed and the following enacted in its place:

§603. Board of trustees

1. Administration of the homes. The administration of the homes is vested in the Board of Trustees of the Maine Veterans' Homes, as authorized by Title 5, section 12004-G, subsection 34.

2. Appointment; composition. The board consists of 11 members, one of whom must be the Director of the Maine Bureau of Veterans' Services, ex officio, who serves without term. The Governor shall appoint the remaining members. The board shall submit a list of nominees to the Governor for the Governor's consideration. The board shall request established veterans' service organizations with chapters in the State and organizations and individuals who have demonstrated leadership in their fields to submit names of nominees to the board. The membership of the board must reflect the diversity of the State, including, but not limited to, diversity in geographic location, cultural and ethnic background, sexual orientation, gender identity and professional experience. The majority of board members must be honorably discharged veterans.

3. Terms; vacancies. Except for the Director of the Maine Bureau of Veterans' Services, board members serve 3-year terms and are limited to serving 3 full terms. In the event of a vacancy, a successor may be appointed to complete a member's unexpired term or to a new 3-year term. Each member continues to hold office until a successor is appointed.

Sec. 2. 37-B MRSA §604, sub-§2, as amended by PL 2001, c. 676, §2, is further amended to read:

2. **Meetings.** The board shall meet at least ~~6~~ 4 times annually. Six members constitute a quorum.

Sec. 3. 37-B MRSA §604, sub-§3, as corrected by RR 2019, c. 1, Pt. B, §44, is amended to read:

3. Selection of officers. At its first ~~annual~~ meeting ~~each year, which must be held in July each year,~~ the board shall elect a chair, vice-chair, treasurer and secretary for that fiscal year.

Sec. 4. 37-B MRSA §606, as amended by PL 2015, c. 397, §13, is further amended to read:

§606. Chief executive officer

The chief executive officer ~~must be an honorably discharged veteran who~~ shall administer the homes in accordance with the rules, guidelines and general policies established by the board. The chief executive officer serves an indefinite term, but may be removed for cause by the board. The chief executive officer's salary is set by the board. The chief executive officer shall hire the necessary employees to operate the homes and, whenever possible, give preference in hiring to veterans. These employees are not deemed employees of the State.

Sec. 5. 37-B MRSA §610, 2nd ¶, as enacted by PL 2003, c. 3, §1 and amended by c. 689, Pt. B, §6, is repealed.

Sec. 6. Transition. Notwithstanding the Maine Revised Statutes, Title 37-B, section 603, a member of the Board of Trustees of the Maine Veterans' Homes serving on the board on the effective date of this Act may serve the remainder of that member's term.

See title page for effective date.

CHAPTER 239

H.P. 811 - L.D. 1133

**An Act To Amend the
Transportation Laws**

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

Sec. 1. 23 MRSA §73, sub-§7, as enacted by PL 2011, c. 610, Pt. B, §2, is amended to read:

7. Priorities, service levels, capital asset management goals and reporting. The Department of Transportation shall classify the State's public highways as Priority 1 to Priority ~~6~~ 5 ~~corridors~~ using factors such as the federal functional classification system, regional economic significance, heavy haul truck use and relative regional traffic volumes. The department shall also establish customer service levels related to safety, condition and serviceability appropriate to the priority of the highway, resulting in a system that grades each

highway as ~~Excellent, Good, Fair, or Poor or Unacceptable.~~

To provide a capital transportation program that is geographically balanced and that addresses urban and rural needs and meets customer expectations and transportation system needs, the department shall include the following goals as part of its ~~capital improvement plans and program delivery~~ asset management and work plan preparation. The goals are to:

~~A. By 2022, improve all Priority 1 and Priority 2 corridors so that their safety, condition and serviceability customer service level equals Fair or better;~~

A-1. Maintain Priority 1 highways in accordance with the department's federally required transportation asset management plan and the department's customer service measures so that no more than 15% of the highways are rated as Poor;

~~B. By 2027, improve all Priority 3 corridors so that their safety, condition and serviceability customer service level equals Fair or better;~~

B-1. Maintain Priority 2 and Priority 3 highways so that no more than 15% of the highways are rated as Poor; and

~~C. By 2017, implement a pavement program for all Priority 4 corridors that maintains their ride quality customer service level at Fair or better;~~

D. Continue the light capital paving program on a 7-year cycle for Priority ~~5~~ corridors 4 highways outside compact areas as defined in section 754; ~~and.~~

~~E. By 2015, develop and implement a similar asset priority and customer service level system of measurement for all major freight and passenger transportation assets owned or supported by the department, including capital goals.~~

The department shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters by March 1st of each odd-numbered year quantifying ~~progress realized and time that has elapsed since the goals were established~~ the status of each of the goals. The department shall recommend any remedial actions, including additional funding or revisions to the goals, that the department determines to be necessary or appropriate.

Sec. 2. 23 MRSA §75 is enacted to read:

§75. Rail corridor use advisory councils

1. Purpose. Upon petition by one or more governmental entities that represent communities along a state-owned rail corridor in which the department controls the right-of-way requesting the department to review a nonrail recreational or nonrecreational transportation use of that rail corridor, the Commissioner of Transportation, for each petition received, shall notify the joint