

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

last scheduled payment of the agreement pursuant to which the charge was paid.

Sec. 3. 9-A MRSA §5-201, sub-§2-A is enacted to read:

2-A. If a lender has violated the provisions of this Act applying to authority to make supervised loans as set forth in section 2-301, the lender:

A. May not furnish information concerning a debt associated with that violation to a consumer reporting agency, as defined in Title 10, section 1308, subsection 3; and

B. May not refer a debt associated with that violation to a debt collector, as defined in Title 32, section 11002, subsection 6.

Sec. 4. Short-term, small dollar loan study.

The Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection shall study the use by Maine residents of short-term, small dollar loans in accordance with this section. In conducting the study, the bureau shall seek input from consumer advocates, regulators in other states, federal regulatory agencies, members of the lending industry and other interested parties.

1. At a minimum, the study must include the following:

A. A survey of the laws of other New England states related to maximum interest rates, permitted fees and finance charges and other provisions regulating consumer debt;

B. A survey of other policies that help consumers avoid the debt trap, including prohibitions on postdated checks or loan limits accompanied by cooling-off periods;

C. A review of complaints from Maine consumers and a survey of credit counselors and nonprofit organizations that provide legal or other assistance to Maine consumers to provide insight into the types of debt that are causing the most difficulty to Maine consumers; and

D. An analysis of the extent to which lenders and other entities use the provisions of the Maine Revised Statutes, Title 9-A, section 2-201, subsection 6 to receive a minimum charge on short-term, small dollar loans and the impact of those minimum charges on overall interest rates charged to Maine consumers.

2. The bureau shall submit the report, including any suggested legislation, to the Joint Standing Committee on Health Coverage, Insurance and Financial Services no later than December 1, 2021. The Joint Standing Committee on Health Coverage, Insurance and Financial Services may submit a bill to the Second

Regular Session of the 130th Legislature in response to the report.

See title page for effective date.

**CHAPTER 298
S.P. 213 - L.D. 528**

An Act To Advance Energy Storage in Maine

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

Sec. 1. 35-A MRSA §3145 is enacted to read:

§3145. State energy storage policy goals

The state goal for energy storage system development is 300 megawatts of installed capacity located within the State by December 31, 2025 and 400 megawatts of installed capacity located within the State by December 31, 2030. Beginning January 1, 2031, and every 2 years thereafter, the Governor's Energy Office established in Title 2, subsection 9 shall set the state goal for energy storage system development and report that goal to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters. For the purposes of this section, "energy storage system" has the same meaning as in section 3481, subsection 6.

Sec. 2. 35-A MRSA §10102, sub-§5-A is enacted to read:

5-A. Energy storage system. "Energy storage system" has the same meaning as in section 3481, subsection 6.

Sec. 3. 35-A MRSA §10109, sub-§4, ¶A, as amended by PL 2019, c. 69, §1, is further amended to read:

A. Trust funds must be allocated for measures, investments, loans, technical assistance and arrangements that reduce electricity consumption, increase energy efficiency or reduce greenhouse gas emissions and lower energy costs at commercial or industrial facilities and for investment in measures that lower residential heating energy demand and reduce greenhouse gas emissions. The measures that lower residential heating demand must be fuel-neutral and may include, but are not limited to, energy efficiency improvements to residential buildings, energy storage systems and upgrades to efficient heating systems that will reduce residential energy costs and greenhouse gas emissions, as determined by the board. The trust shall ensure that measures to reduce the cost of residential heating are available for low-income households as defined by the trust. When promoting electricity cost and consumption reduction, the

trust may consider measures at commercial and industrial facilities that also lower peak capacity demand, including energy storage systems. Subject to the apportionment pursuant to this subsection, the trust shall fund conservation programs that give priority to measures with the highest benefit-to-cost ratio, as long as cost-effective collateral efficiency opportunities are not lost, and that:

- (1) Reliably reduce greenhouse gas production and heating energy costs by fossil fuel combustion in the State at the lowest cost in funds from the trust fund per unit of emissions; or
- (2) Reliably increase the efficiency with which energy in the State is consumed at the lowest cost in funds from the trust fund per unit of energy saved.

Sec. 4. 35-A MRSA §10110, sub-§2, ¶A, as amended by PL 2019, c. 365, §3, is further amended by amending subparagraph (4) to read:

- (4) Reduce the price of electricity over time for all consumers by ~~achieving reductions in reducing or shifting demand for electricity during peak use periods or balancing load~~, including by the implementation of beneficial electrification and energy storage systems; and

Sec. 5. Efficiency Maine Trust; energy storage measures. The Efficiency Maine Trust shall explore and evaluate options to expand existing opportunities and develop new opportunities to support energy storage measures that cost-effectively reduce or shift demand or balance load, through its electric efficiency and conservation programs established pursuant to the Maine Revised Statutes, Title 35-A, section 10110 and its programs funded by the Regional Greenhouse Gas Initiative Trust Fund established in Title 35-A, section 10109. In evaluating the cost-effectiveness of energy storage measures, the trust shall explore various methods and tests to measure cost-effectiveness. In fulfilling the duties of this section, the trust shall consider:

1. Expanding energy storage pilot projects within the trust's innovation pilot program and implementing any cost-effective pilot projects as statewide programs;
2. Bring-your-own-device programs in which customer-owned and customer-sited battery storage is aggregated and performance incentives are provided for reducing load at times of system peak;
3. Rebate or funding programs for energy storage paired with renewable energy for residential, commercial and industrial electricity customers; and
4. Customer education initiatives regarding demand management and energy storage, including education targeted to low-income and rural populations in the State.

The trust shall report on its activities under this section, including its efforts with respect to bring-your-own-device programs, in the trust's annual report due December 1, 2021 pursuant to the Maine Revised Statutes, Title 35-A, section 10104, subsection 5.

Sec. 6. Energy storage pilot program. The Efficiency Maine Trust shall conduct a pilot program beginning January 1, 2022 to provide energy storage systems to critical care facilities, including but not limited to, hospitals, health care facilities, fire departments, emergency medical service departments, police departments, public safety buildings, emergency shelters and other facilities providing critical services. The total energy storage capacity deployed under the pilot program may not exceed 15 megawatts. Under this program, the trust may consider the installation of energy storage systems to support the operations of a critical care facility during outages or emergencies. The trust shall select for the program the most cost-effective proposals that provide direct or indirect benefits through transmission or distribution deferral or other uses or through the participation in energy markets, capacity markets or ancillary service markets. The trust may also consider the deployment of mobile energy storage technologies that serve multiple critical care facilities.

The trust shall report on its activities under this section in the trust's annual report pursuant to the Maine Revised Statutes, Title 35-A, section 10104, subsection 5.

Sec. 7. Public Utilities Commission; rate design and energy storage. The Public Utilities Commission shall investigate and, where appropriate, implement transmission and distribution utility rate designs that account for variation in the cost components of electricity as the load or demand on the electricity system fluctuates. By December 31, 2022, the commission, in coordination with other related proceedings, shall take the following specific steps to address rate design and energy storage:

1. Open a docket to investigate opportunities to modernize transmission and distribution utility rate designs through time-of-use or other time-differentiated rates that send appropriate price signals and incentives to consumers to reduce demand during peak periods and develop and implement a pilot program to test and evaluate time-of-use rates in conjunction with energy storage; and
2. Develop and implement a schedule for regular review and update of transmission and distribution utility rate designs, including consideration of fixed charges, and ensure that the review includes consideration of time-differentiated rates.

Sec. 8. Public Utilities Commission; consideration of power-to-fuel pilot program. The Public Utilities Commission shall consider the feasibility of a power-to-fuel pilot program that would result in the

development of power-to-fuel projects utilizing renewable energy and would provide the developer with exemptions, for a period of at least 15 years, from distribution charges, including volumetric, demand and standby charges, charges associated with the procurement of energy efficiency resources by transmission and distribution utilities ordered under the Maine Revised Statutes, Title 35-A, section 10110, subsection 4-A and renewable portfolio standards requirements under Title 35-A, section 3210, subsections 3-A, 3-B and 3-C. The commission shall also:

1. Evaluate whether a power-to-fuel project would benefit the electric grid;
2. Provide estimates of the ratepayer impact of a pilot program and how that compares with other types of energy storage technologies; and
3. Review what measures other states have taken to facilitate the development of energy storage and whether those measures were successful in promoting energy storage, minimized ratepayer impacts and promoted a diversification of energy storage technologies.

By February 1, 2022, the commission shall submit a report to the Joint Standing Committee on Energy, Utilities and Technology and the committee may report out a bill related to the report to the Second Regular Session of the 130th Legislature.

For the purposes of this section, "power-to-fuel project" means a facility that converts renewable energy to hydrogen gas, methane or other fuel.

Sec. 9. Governor's Energy Office; energy storage market assessment study. The Governor's Energy Office shall conduct an energy storage market assessment study, including an in-depth analysis and review of the opportunities and potential presented to and challenges facing the State in reaching the goals established pursuant to the Maine Revised Statutes, Title 35-A, section 3145, and shall submit a report on the market assessment study, along with any recommendations on adjustments or changes to the energy storage requirements in Title 35-A, section 3145, to the Joint Standing Committee on Energy, Utilities and Technology no later than March 1, 2022. The committee may report out a bill related to the report to the Second Regular Session of the 130th Legislature.

1. The market assessment study must include, but is not limited to, examination of:
 - A. The availability of commercially viable energy storage technologies, including emerging technologies, in the State and New England region between 2021 and 2030;
 - B. The policy and regulatory options that may influence the speed, predictability and cost to ratepayers associated with the development of energy storage technologies in this State and the amount of energy storage installed;

C. The estimated electricity costs and benefits for ratepayers of commercially viable energy storage technologies during the 10-year period between 2020 and 2030;

D. Policies and regulations in other states and the New England region and how energy storage can assist in achieving the greenhouse gas emissions reduction levels in Title 38, chapter 3-A in a cost-effective manner; and

E. The potential implications for the achievement of the state goals established in Title 35-A, section 3210 associated with achievement of the energy storage goal established in Title 35-A, section 3145.

2. Upon written request of the Governor's Energy Office, the Public Utilities Commission shall provide for the study:

A. Reasonable technical, legal and other assistance, including the provision of requested information; and

B. Funding for staff and consultants in an amount not to exceed \$100,000. Any such costs must be recovered through assessments on transmission and distribution utilities in accordance with Title 35-A, section 116.

The Governor's Energy Office shall encourage interested parties to submit relevant information, including data, to inform the energy storage market assessment study.

Sec. 10. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Public Utilities - Administrative Division 0184

Initiative: Provides funding to assist the Governor's Energy Office with a market assessment study regarding energy storage.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$100,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$100,000	\$0

Public Utilities - Administrative Division 0184

Initiative: Provides funding for one Staff Attorney position and one Utility Analyst position and related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$209,122	\$290,624
All Other	\$15,031	\$17,760

OTHER SPECIAL REVENUE	\$224,153	\$308,384
FUNDS TOTAL		
PUBLIC UTILITIES COMMISSION		
DEPARTMENT TOTALS	2021-22	2022-23
OTHER SPECIAL REVENUE	\$324,153	\$308,384
FUNDS		
DEPARTMENT TOTAL - ALL FUNDS	\$324,153	\$308,384

See title page for effective date.

CHAPTER 299
S.P. 223 - L.D. 536

An Act To Amend the Maine Criminal Code

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

PART A

Sec. A-1. 17-A MRSA §2016, sub-§1, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

1. Work program; payment of restitution and fines. A prisoner who has been ordered to pay restitution or fines may not be released pursuant to a work program administered by the Department of Corrections under Title 34-A, section 3035, or a sheriff under Title 30-A, section 1605, or participate in an industry program under Title 34-A, section 1403, subsection 9 or any other program administered by the Department of Corrections or a sheriff by which a prisoner is able to generate money, unless the prisoner consents to pay at least 25% of the prisoner's gross weekly wages or other money generated to the victim or the court until such time as full restitution has been made or the fine is paid in full. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall collect and disburse to the victim or victims that portion of the prisoner's wages or other money generated agreed to as payment of restitution. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall also collect and disburse to the court that portion of the prisoner's wages or other money generated agreed to as payment of fines after the restitution is paid in full. If the victim or victims ordered by the court to receive restitution cannot be located, the correctional facility shall ~~inform the court that ordered restitution. The court shall determine the distribution of these funds forward the funds, as provided in section 2009, to the Treasurer of State to be handled as unclaimed property.~~ inform the court that ordered restitution. The court shall determine the distribution of these funds forward the funds, as provided in section 2009, to the Treasurer of State to be handled as unclaimed property.

Sec. A-2. 17-A MRSA §2016, sub-§2, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

2. Payment of restitution or fines from other sources. A prisoner, other than one addressed by subsection 1, who receives money, from any source, shall pay 25% of that money to any victim or the court if the court has ordered that restitution or a fine be paid. The chief administrative officer of the correctional facility in which the prisoner is incarcerated shall collect and disburse to the victim or victims that portion of the prisoner's money ordered as restitution. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall also collect and disburse to the court that portion of the prisoner's money ordered as fines after the restitution is paid in full. If the victim or victims ordered by the court to receive restitution cannot be located, the correctional facility shall ~~inform the court that ordered restitution. The court shall determine the distribution of these funds forward the funds, as provided in section 2009, to the Treasurer of State to be handled as unclaimed property.~~ Money received by the prisoner and directly deposited into a telephone call account established by the Department of Corrections for the sole purpose of paying for use of the department's client telephone system is not subject to this subsection, except that 25% of any money received by the prisoner and transferred from the telephone call account to the department's general client account at the time of the prisoner's discharge or transfer to supervised community confinement must be collected and disbursed as provided in this subsection.

PART B

Sec. B-1. 17-A MRSA §301, sub-§1, ¶A, as amended by PL 2001, c. 383, §26 and affected by §156, is further amended to read:

- A. The actor knowingly restrains another person with the intent to:
- (1) Hold the other person for ransom or reward;
 - (2) Use the other person as a shield or hostage;
 - (3) Inflict bodily injury upon the other person ~~or subject the other person to conduct defined as criminal in chapter 11;~~ (3-A) Subject the other person to conduct defined as criminal in chapter 11;
 - (4) Terrorize the other person or a 3rd person;
 - (5) Facilitate the commission of another crime by any person or flight thereafter; or
 - (6) Interfere with the performance of any governmental or political function; or

Sec. B-2. 34-A MRSA §11273, sub-§16, ¶C, as enacted by PL 2011, c. 663, §3, is amended to read:

C. Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3) if the crime is committed prior to January 1, 2022;