

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

unintentional and intentional firearm discharges that are supplementary to its other reported information. The bureau shall prescribe the information to be submitted in the same manner as for all other categories of the uniform crime reports.

See title page for effective date.

**CHAPTER 370
H.P. 763 - L.D. 1025**

An Act To Support Arrearage Management Programs through Unused Kilowatt-hour Credits Derived from Net Energy Billing Arrangements

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

Sec. 1. 35-A MRSA §3209-A, sub-§5 is enacted to read:

5. Unused kilowatt-hour credits; rules. To the extent rules adopted under this section provide for the periodic expiration of unused kilowatt-hour credits accumulated by a customer participating in a net energy billing arrangement, the commission shall require by rule that, no earlier than April 1, 2022, each transmission and distribution utility with a net energy billing arrangement that has implemented or elected to implement an arrearage management program pursuant to section 3214, subsection 2-A shall account for and, on or before January 1st of each year, apply all unused kilowatt-hour credits that were accumulated and that expired during the prior calendar year for the benefit of participants in the utility's arrearage management program. The rules adopted by the commission pursuant to this subsection must:

A. Establish the manner by which a transmission and distribution utility must account for unused kilowatt-hour credits that were accumulated by all customers of the utility with net energy billing arrangements during the prior calendar year and that expired during the prior calendar year; and

B. Establish the manner by which a transmission and distribution utility must apply such unused kilowatt-hour credits for the benefit of participants in the utility's arrearage management program, which must be designed to result in each such participant receiving as close to an equal amount of those credits except when the credited amount would exceed the amount of a participant's arrearage.

Notwithstanding any provision of this section to the contrary, rules adopted by the commission pursuant to

this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 371
H.P. 1066 - L.D. 1450**

An Act To Provide Fairness in Communications from Pharmacy Benefits Managers

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

Sec. 1. 24-A MRSA §4348-A is enacted to read:

§4348-A. Use of untrue, deceptive or misleading advertisement prohibited

A pharmacy benefits manager or representative of a pharmacy benefits manager may not cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal or offer that is untrue, deceptive or misleading.

See title page for effective date.

**CHAPTER 372
H.P. 238 - L.D. 334**

An Act To Help Maine Students Catch Up and Keep Up by Providing Remedial and Compensatory Assistance in Response to Education Disruption

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

Sec. 1. 20-A MRSA §12723 is enacted to read:

§12723. High school graduates tuition waiver: 2021-2022 and 2022-2023 school years

For the 2021-2022 and 2022-2023 school years, the system shall provide a waiver of tuition and fees to any student who graduated from a high school in this State in the 2019-2020 or 2020-2021 school year and who has completed an application for federal student aid financial aid programs and is eligible for a Federal Pell Grant for the academic year in which the person applies to the system. The amount of the waiver is limited to the difference between the amount of the full tuition and fees and the amount provided by the Federal Pell Grant and is limited to 2 school years. The system may request federal funding allocated to the State in any federal law enacted after December 15, 2020 that provides stimulus

funds due to the pandemic related to coronavirus disease 2019, or COVID-19, and additional General Fund appropriations from the Legislature to offset the reduction in tuition and fee revenues. The availability of the waiver is limited to the amount appropriated.

Sec. 2. School administrative units to provide academic and enrichment programs; grant program. The Department of Education shall establish a grant program to provide funding for school administrative units to provide academic and enrichment programs for students scoring below proficient in English language arts or mathematics according to local assessment. To be eligible for the grant program, a school administrative unit must offer academic and enrichment programs during the school year and must offer summer academic and enrichment programs, beginning the summer of 2022, that are a minimum of 3 hours of instruction per day for a minimum of 5 weeks. Funding for the grant program must include the use of any federal funding, including but not limited to funding allocated to the State in any federal law enacted after December 15, 2020 that provides stimulus funds due to the pandemic related to coronavirus disease 2019, or COVID-19, available for this purpose, and funding appropriated to the department from the General Fund.

Sec. 3. Administrators for tutoring programs. Using any federal funding, including but not limited to funding allocated to the State in any federal law enacted after December 15, 2020 that provides stimulus funds due to the pandemic related to coronavirus disease 2019, or COVID-19, available for this purpose, the Department of Education shall provide funding for an administrator of a tutoring program for eligible school administrative units. To be eligible for these funds, a school administrative unit must have volunteers providing tutoring to students for a minimum of 30 minutes, 3 times a week during the summer of 2021 and the 2021-2022 school year. Funds provided pursuant to this section must be prioritized by the percentage of students at each school administrative unit eligible for federal free and reduced lunch programs, with the school administrative units with higher percentages of eligible students receiving priority for funds.

See title page for effective date.

**CHAPTER 373
H.P. 759 - L.D. 1021**

An Act To Expand the Crime of Violation of Privacy To Include Observing or Photographing Images Inside a Private Place That Would Not Ordinarily Be Visible Outside That Place

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

Sec. 1. 17-A MRSA §511, sub-§1, ¶C, as amended by PL 1997, c. 467, §1, is further amended to read:

C. Installs or uses outside a private place without the consent of the person or persons entitled to privacy therein; any device for observing, photographing, hearing, recording, amplifying or broadcasting images or sounds originating in that place that would not ordinarily be visible, audible or comprehensible outside that place; or

See title page for effective date.

**CHAPTER 374
H.P. 761 - L.D. 1023**

An Act Regarding the Outdoor Release or Abandonment of Balloons

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

Sec. 1. 17 MRSA §2263, sub-§2, as amended by PL 2019, c. 620, §1, is further amended to read:

2. Litter. "Litter" means all waste materials including, but not limited to, bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, offal, except waste parts or remains resulting from the normal field dressing of lawfully harvested wild game or the lawful use of waste parts or remains of wild game as bait, feathers, except feathers from live birds while being transported, abandoned ice-fishing shacks, old automobiles or parts of automobiles or similar refuse, or disposable packages or containers thrown or deposited as prohibited in this chapter, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing. "Litter" includes waste materials resulting from or associated with the use of tobacco products, including, but not limited to, cigarette butts, and all waste materials resulting from the outdoor release or abandonment of a balloon.