

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

2. If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit must be reduced by 6% for each year that the member's age precedes 55 years of age.

Sec. 2. Qualified member; definition. As used in this Act, "qualified member" means a member on the effective date of this Act to whom the Maine Revised Statutes, Title 5, section 17851-A, subsection 1, paragraph I applies and who:

1. Was employed by the Department of Corrections prior to January 1, 2000;
2. Is employed in a correctional facility as defined in Title 34-A, section 1001, subsection 6; and
3. Receives a direct care stipend pursuant to a collective bargaining agreement in effect on the effective date of this Act.

As used in this Act, the terms "creditable service," "member" and "retirement benefit" have the same meanings as in Title 5, section 17001.

Sec. 3. Transfer of settlement funds; fiscal year 2021-22. Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$280,000 from the Administration - Attorney General, Other Special Revenue Funds account within the Department of the Attorney General from funds received from settlement agreements to the unappropriated surplus of the General Fund no later than October 1, 2021.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

RETIREMENT SYSTEM, MAINE PUBLIC EMPLOYEES

Retirement System - Retirement Allowance Fund 0085

Initiative: Provides one-time funds for the cost of the unfunded actuarial liability created by allowing service retirement benefits to be calculated under the 1998 Special Plan for certain workers in the Department of Corrections who receive a direct care stipend and who are currently under the 1998 Special Plan but had previously earned retirement benefits under the regular state employee and teacher plan.

GENERAL FUND	2021-22	2022-23
All Other	\$280,000	\$0
GENERAL FUND TOTAL	\$280,000	\$0

See title page for effective date.

CHAPTER 402
H.P. 245 - L.D. 347

**An Act To Facilitate Maine's
Climate Goals by Encouraging
Use of Electric Vehicles**

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

Sec. 1. 35-A MRSA §10125, sub-§1, as enacted by PL 2019, c. 258, §1, is amended by enacting at the end a new first blocked paragraph to read:

The trust may expend funds received under paragraphs A and C consistent with the allowable uses of and any criteria or limitations placed upon the expenditure of those funds by the sources of those funds.

Sec. 2. 35-A MRSA §10126, sub-§1, ¶B, as enacted by PL 2019, c. 258, §1 and reallocated by RR 2019, c. 1, Pt. A, §54, is repealed.

Sec. 3. 35-A MRSA §10126, sub-§3, as enacted by PL 2019, c. 258, §1 and reallocated by RR 2019, c. 1, Pt. A, §54, is amended to read:

3. Rebate program established; eligibility. In accordance with the provisions of this section, the trust shall establish and administer a program that provides rebates for the purchase or lease of electric vehicles. A person may apply for and, as resources within the fund allow, receive a rebate for an electric vehicle, subject to eligibility requirements established by the trust. Eligibility criteria for the vehicle must include that the vehicle is: an eligible a battery electric vehicle or plug-in hybrid electric vehicle; purchased, or leased from its original equipment manufacturer or an authorized licensee of the original equipment manufacturer or a licensed automobile dealer for a term of 36 months or more, in the State; and registered in the State, except that a vehicle is not eligible if it has a gross vehicle weight rating of 6,000 pounds or less, is not a truck or an off-road vehicle and has a manufacturer's suggested retail price greater than \$50,000. To the extent funds are available, the trust may extend program eligibility to medium duty vehicles and heavy duty vehicles that are battery electric vehicles or plug-in hybrid electric vehicles. Eligibility requirements for the recipient of the rebate must include that the recipient attests to a commitment to retain ownership, whether through purchase or lease, of the eligible electric vehicle for at least 36 months from the date of purchase or lease. The trust may require a recipient of a rebate under this section who does not retain ownership of the eligible electric vehicle for at least 36 months to repay the trust up to the full amount of the rebate.

The trust shall establish the rebate amount for each eligible electric vehicle. The trust shall establish rebate amounts that it determines most effectively increase the purchase of eligible electric vehicles. For each model

of an eligible electric vehicle, the trust may establish different rebate amounts based on the size of the vehicle battery. The trust may establish different rebate amounts for the purpose of providing reasonable opportunity for participation in the program across different customer groups and geographic areas. The trust may establish reasonable limits on the number of rebates per vehicle or per person.

Sec. 4. Public Utilities Commission; inquiry regarding establishment of alternative rates to support electric vehicle charging stations. The Public Utilities Commission shall open an inquiry to review alternative rate structures to support electric vehicle charging stations for nonresidential applications, including, but not limited to, for light duty vehicles, medium duty vehicles, heavy duty vehicles and transit and other fleet vehicles.

1. As part of the inquiry, the commission shall direct each transmission and distribution utility in the State to develop and submit by November 1, 2021 one or more proposed rate schedules to support the installation and sustainable operation of existing and new electric vehicle charging stations and shall accept public comment on such rate schedules, including any proposals for such rate schedules, both in advance of and during its review of the proposed rate schedules submitted by each utility. A rate schedule proposed by a transmission and distribution utility must:

A. Be designed to support electric vehicle charging and align with and support relevant strategies of the State's climate action plan adopted and updated under the Maine Revised Statutes, Title 38, section 577 and to help achieve the State's greenhouse gas emissions reduction levels under Title 38, section 576-A; and

B. Include an evaluation of the relative direct and indirect costs and benefits associated with each proposed rate and must account for varying scenarios of electric vehicle adoption and usage.

2. The commission shall review all proposed rate schedules submitted by transmission and distribution utilities and, using the information provided by the utilities and any other information available to the commission, including any submitted public comments or proposals, shall evaluate the costs and benefits of the proposed schedules and develop recommendations regarding the establishment of alternative rate structures to support electric vehicle charging stations for nonresidential applications. In developing recommendations, the commission shall consider clean transportation recommendations included in the State's climate action plan, as adopted and updated under the Maine Revised Statutes, Title 38, section 577, or any reports or recommendations issued by a state department or agency relating to clean transportation or electric vehicle infrastructure and use, as well as the results of any completed

or ongoing pilot program in the State related to electric vehicle charging.

3. On or before February 15, 2022, the commission shall submit a report to the Joint Standing Committee on Energy, Utilities and Technology regarding its findings from the inquiry under this section and any recommendations, including any proposed legislation, regarding the establishment of alternative rate structures to support electric vehicle charging stations for nonresidential applications. After reviewing the report, the joint standing committee may report out legislation related to the commission's report to the 130th Legislature.

4. No earlier than April 1, 2022, the commission shall approve, approve with modifications or reject a rate schedule proposed by a transmission and distribution utility pursuant to subsection 1 and reviewed by the commission pursuant to subsection 2. If the commission rejects a proposed schedule, the commission may either order the utility to implement a rate schedule established by the commission that meets the requirements of subsection 1 or direct the utility to submit a new proposed schedule that meets the requirements of subsection 1.

See title page for effective date.

CHAPTER 403

H.P. 626 - L.D. 858

**An Act To Limit
Reincarceration for Persons on
Probation**

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

Sec. 1. 17-A MRSA §1809, sub-§1, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

1. Authority of probation officer. If a probation officer has probable cause to believe that a person on probation has violated a condition of that person's probation, that officer may arrest the person or cause the person to be arrested for the alleged violation. If the probation officer cannot, with due diligence, locate the person, the officer shall file a written notice of this fact with the court that placed the person on probation. Upon the filing of that written notice, the court shall issue a warrant for the arrest of that person. This subsection does not apply to a violation of a condition of probation imposed pursuant to section 1807, subsection 2, paragraph 1 when there is no alleged violation that constitutes a crime, except as set out in section 1814.

Sec. 2. 17-A MRSA §1810, sub-§1, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

1. Authority of probation officer. If a probation officer has probable cause to believe that a person on