

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

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 I 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

probation has violated a condition of probation, that officer may deliver to that person, or cause to be delivered to that person, a summons ordering that person to appear for a court hearing on the alleged violation. This subsection does not apply to a violation of a condition of probation imposed pursuant to section 1807, subsection 2, paragraph I when there is no alleged violation that constitutes a crime, except as set out in section 1814.

Sec. 3. 17-A MRSA §1812, sub-§4, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

4. Failure to comply with requirement of probation. If the alleged violation does not constitute a crime and the court finds by a preponderance of the evidence that the person on probation has inexcusably failed to comply with a requirement imposed as a condition of probation, it may revoke probation. This subsection does not apply to a violation of a condition of probation imposed pursuant to section 1807, subsection 2, paragraph I when there is no alleged violation that constitutes a crime, except as set out in section 1814.

Sec. 4. 17-A MRSA §1812, sub-§6, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

6. Authority of court finding violation of probation. Upon a finding of a violation of probation, the court may vacate all, part or none of the suspension of execution as to imprisonment or fine specified when probation was granted, considering the nature of the violation and the reasons for granting probation. The remaining portion of the sentence for which suspension of execution is not vacated upon the revocation of probation remains suspended and is subject to revocation at a later date. During the service of that portion of the sentence imposed for which the suspension of execution was vacated upon revocation, the running of the period of probation must be interrupted and resumes again upon release. If the court finds a violation of probation but vacates none of the suspended sentence, the running of the period of probation resumes upon entry of that final disposition. The court may nevertheless revoke probation and vacate the suspension of execution as to the remainder of the suspended sentence or a portion thereof for any criminal conduct committed during the service of that portion of the sentence for which the suspension of execution was vacated upon revocation. This subsection does not apply to a violation of a condition of probation imposed pursuant to section 1807, subsection 2, paragraph I when there is no alleged violation that constitutes a crime, except as set out in section 1814.

Sec. 5. 17-A MRSA §1814, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

§1814. Additional conditions in lieu of probation revocation proceedings

Whenever a probation officer has probable cause to believe that a person under the supervision of that probation officer has violated a condition of probation but the violation does not constitute a crime, the probation officer, instead of commencing a probation revocation proceeding under section 1809 or section 1810, may offer to the person the option of adding one or more of the following conditions to the person's probation:

1. Participation in public restitution program or treatment program. The person will participate in a public restitution program or treatment program ~~administered through a correctional facility or county jail in the community; or and~~

~~**2. Residence at correctional facility or county jail.** The person will reside at a correctional facility or county jail for a period of time not to exceed 90 days.~~

3. Graduated sanction. The person will comply with a graduated sanction, which may not consist of incarceration.

Notwithstanding other provisions in this subchapter, a probation officer may arrest a person for a violation of a condition imposed pursuant to section 1807, subsection 2, paragraph I and may commence probation revocation proceedings if that officer has probable cause to believe that the person has committed a violation of the condition and determines there is a significant risk to the safety of others or the person that cannot be managed through a noncustodial response.

If the person agrees in writing to the additional conditions under subsection 1 or ~~2~~ 3, the conditions must be implemented. If the person does not agree or if the person fails to fulfill the additional conditions to the satisfaction of the probation officer, the probation officer may commence probation revocation proceedings under section 1809 or 1810 for the violation that the probation officer had probable cause to believe occurred. If the person fulfills the additional conditions to the satisfaction of the probation officer, the probation officer shall so notify the person in writing and the probation officer may not commence probation revocation proceedings for the violation that the probation officer had probable cause to believe occurred.

See title page for effective date.

CHAPTER 404

H.P. 845 - L.D. 1167

**An Act Relating to Fair Chance
in Employment**

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

Sec. 1. 26 MRSA §600-A is enacted to read: