

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2022

CHAPTER 600
S.P. 143 - L.D. 337

**An Act Regarding the Powers
of the Efficiency Maine Trust
and the Maine Clean Energy
and Sustainability Accelerator**

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

Sec. 1. 35-A MRSA §10105, sub-§8 is enacted to read:

8. Powers. The trust may:

A. Make, modify and carry out any agreement necessary or useful for performing any of its powers, duties or purposes, including without limitation any construction agreement, purchase or acquisition agreement, loan or lease agreement, energy performance contract, partnership agreement, limited partnership agreement, joint venture agreement, participation agreement or agreement with a leasing corporation or other financial intermediary;

B. Obtain any certification, warranty, affidavit or other representation necessary or useful for performing any of its powers or duties;

C. Insure or guarantee performance of any loan agreement or other obligation and procure insurance in aid of any of the trust's purposes;

D. Procure professional services including, but not limited to, audit, banking, legal, communications, energy, engineering, evaluation, financial, information technology, media, research and analysis and website management services; and

E. Acquire, use, improve or dispose of any interest in or type of real or personal property, including by means of grant, purchase, sale, borrowing, loan, lease, foreclosure, mortgage, lien, security interest, assignment or other lawful means, with or without public bidding, and also including the assessment of fees, the receipt of reimbursements for expenses incurred in carrying out its purposes and the expenditure or investment of its funds.

Sec. 2. 35-A MRSA §10129, sub-§1, ¶G-1 is enacted to read:

G-1. "Lease" means a transfer of the right to possession and use of property, goods or equipment in connection with a qualified project for a term in return for consideration. A lease may include or use a finance lease, a municipal lease as defined under Title 30-A, section 6006-C, a lease-purchase agreement, an installment sales contract or a similar property acquisition and financing arrangement.

Sec. 3. 35-A MRSA §10129, sub-§1, ¶K-1 is enacted to read:

K-1. "Security interest" means an interest in property created by agreement for the purpose of securing payment or performance of an obligation or indemnifying against loss or liability. A security interest may include, but is not limited to, a mortgage, a pledge, a security agreement, a purchase-money security interest, a financing statement, assignments of leases and rents or other forms of lien or encumbrance.

Sec. 4. 35-A MRSA §10129, sub-§2, as enacted by PL 2021, c. 358, §2 and reallocated by RR 2021, c. 1, Pt. A, §40, is amended to read:

2. Establishment. The Maine Clean Energy and Sustainability Accelerator is established under the trust and is administered by the trust as a dedicated, specialized finance program designed to drive private capital into market gaps for goods and services producing low or zero greenhouse gas emissions and use finance tools to mitigate climate change; that does not take deposits; that is funded by government, public, private or charitable contributions as described in subsection 7; and that invests in or finances projects alone or in conjunction with other investors.

Sec. 5. 35-A MRSA §10129, sub-§4, as enacted by PL 2021, c. 358, §2 and reallocated by RR 2021, c. 1, Pt. A, §40, is amended to read:

4. Finance and investment. The following provisions govern the finance and investment activities of the accelerator.

A. The accelerator may provide finance and investment services, including but not limited to:

(1) Originating, evaluating, underwriting and closing financing and investment transactions in qualified projects;

(2) Partnering with private capital providers and capital markets to attract co-investment from private banks, community development financial institutions, investors and others in order to drive new investment into underpenetrated markets, to increase the efficiency of private capital markets with respect to investing in greenhouse gas reduction projects and to increase total investment caused by the accelerator;

(3) Managing the accelerator's portfolio of assets to ensure performance and monitor risk;

(4) Ensuring appropriate debt and risk mitigation products are offered; ~~and~~

(5) Overseeing prudent, noncontrolling equity investments- in businesses engaged in building, developing, financing, owning, operating or supplying materials for qualified projects; and

(6) Lending money or otherwise extending credit to any person and exercising all powers of a lender or creditor, including obtaining, perfecting and enforcing security interests.

B. The accelerator may provide capital to qualified projects in the form of:

- (1) Debt financing;
- (2) Credit enhancements, including loan loss reserves and loan guarantees;
- (3) Aggregation and warehousing;
- (4) Equity capital; ~~and~~
- (5) Any other financial product approved by the board; ~~and~~
- (6) Leases.

Sec. 6. 35-A MRSA §10129, sub-§7, ¶A, as enacted by PL 2021, c. 358, §2 and reallocated by RR 2021, c. 1, Pt. A, §40, is repealed and the following enacted in its place:

A. The accelerator may be capitalized with:

- (1) Federal funds available from a national clean energy and sustainability accelerator and may accept other federal funds as available;
- (2) State funds appropriated or allocated for purposes consistent with this section;
- (3) Revenues of the trust received from transmission and distribution utilities, natural gas utilities, the Regional Greenhouse Gas Initiative Trust Fund established by section 10109, subsection 2 and the New England independent system operator;
- (4) Funds from settlements approved by the commission, the Office of the Attorney General or any governmental subdivision of the State or its agencies; or
- (5) Any other public or private sources as may be approved by the board.

See title page for effective date.

**CHAPTER 601
H.P. 580 - L.D. 775**

**An Act To Include within the
Definitions of "Public
Employee" and "Judicial
Employee" Those Who Have
Been Employed for Less Than
6 Months**

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

Sec. 1. 5 MRSA §7051, sub-§5, as amended by PL 1987, c. 240, §3, is further amended to read:

5. Probationary period; permanent appointments. All original appointments to the classified service and all subsequent promotional appointments within the classified service ~~shall~~ **must** be for a probationary period. The duration of the probationary period ~~shall be~~ **is** determined by the director in consultation with the director or commissioner of the agency, but in no case may it be for less than 6 months.

~~A. Probationary employees shall~~ An employee during the probationary period must be reviewed at the end of ~~their~~ the employee's 3rd month of employment by ~~their supervisors~~ the employee's supervisor. The supervisor and the employee shall mutually discuss the job tasks and the performance of the employee, including any necessary improvements.

~~B. Probationary employees shall~~ An employee during the probationary period must be included in the payroll of the department in which ~~they have~~ the employee has been hired at the time of the commencement of ~~their~~ the employee's duties. ~~Probationary employees shall~~ An employee during the probationary period must be compensated in the same manner as a permanent full-time employees employee, ~~provided they have~~ as long as the employee has been hired in accordance with all applicable laws and procedures.

C. During the probationary period, an employee is not entitled to a pre-disciplinary hearing and may be dismissed, suspended or otherwise disciplined without cause. Dismissal, suspension or any other disciplinary action against an employee during the probationary period is not subject to the grievance and arbitration provision of the collective bargaining agreement.

Sec. 2. 5 MRSA §7051, sub-§7, as amended by PL 1987, c. 9, §3 and PL 1995, c. 560, Pt. K, §82, affected by §83 and amended by PL 2001, c. 354, §3 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

7. Dismissal and disciplinary action. ~~An~~ Except as provided in subsection 5, an appointing authority may dismiss, suspend or otherwise discipline an employee in the classified service for cause. This right is subject to the right of appeal and arbitration of grievances set forth in the applicable labor contract, in sections 7081 to 7084 or by civil service rule; and sections 7081 to 7084 ~~shall~~ apply to any employee who has satisfactorily completed an initial probationary period. This subsection does not apply to unclassified employees listed in section 931, nor does this subsection in any way limit the collective bargaining rights of classified and unclassified employees. This subsection does not