

# 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**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2022**

agency liquor stores. The data must include, but is not limited to, aggregate sales of each product code sold to agency liquor stores by the State. For the purposes of this subsection, "product code" has the same meaning as in section 461; and

**Sec. 4. 28-A MRSA §1404**, as amended by PL 1997, c. 373, §128, is further amended to read:

**§1404. Unbonded wholesale licensees**

**1. Procedure for unbonded wholesale licensees.** Unbonded wholesale licensees shall order and purchase malt liquor and wine under the following procedures.

A. The bureau shall furnish all purchase order forms.

~~B. The unbonded wholesale licensee shall complete the forms in quintuplicate.~~

C. The unbonded wholesale licensee ordering malt liquor or wine shall ~~mail 3 copies~~ submit to the bureau, in a manner specified by the bureau, a copy of the completed purchase order form to the bureau with a check payment for the amount of excise taxes required to cover the amount of the order.

~~D. The unbonded wholesale licensee may mail the original copy of the order to the brewery or winery or wholesaler with whom the licensee wishes to place the order.~~

E. On receipt of the ~~3 copies~~ copy of the completed purchase order form and a check payment for excise taxes submitted under paragraph C, the bureau shall promptly process the payment and submit copies and return one copy of the completed purchase order form indicating that excise taxes have been paid to the unbonded wholesale licensee and send one to the brewery, winery or foreign wholesaler designated to receive certificate of approval holder with which the unbonded wholesale licensee wishes to place the order. ~~The bureau shall keep the 3rd copy on file.~~

F. ~~No brewery, winery or foreign wholesaler~~ A certificate of approval holder may ~~not~~ not ship or release malt liquor or wine for delivery in ~~Maine~~ the State until notified by the bureau that the excise tax has been paid in accordance with this section.

**Sec. 5. 28-A MRSA §1405, sub-§1**, as amended by PL 1997, c. 373, §129, is further amended to read:

**1. Procedures for bonded wholesale licensees.** Bonded wholesale licensees shall order and purchase malt liquor and wine under the following procedures.

A. The bureau shall furnish all purchase order forms.

~~B. The bonded wholesale licensee shall complete the forms in triplicate.~~

C. The bonded wholesale licensee shall submit ~~the original~~ a copy of the completed purchase order form to the ~~brewery, winery or foreign wholesaler~~ certificate of approval holder with whom he which the bonded wholesale licensee wishes to place the order.

D. The bonded wholesale licensee shall ~~then mail~~ submit to the bureau ~~one, in a manner specified by the bureau,~~ a copy of the completed purchase order form and retain one a copy for the licensee's files.

**Sec. 6. Report.** Not later than January 15, 2023, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations shall submit a report to the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters that describes the process by which the State Liquor and Lottery Commission established in the Maine Revised Statutes, Title 5, section 12004-G, subsection 14 establishes the retail price of spirits sold in the State; describes the process by which the bureau develops recommended retail prices for the commission's consideration; explains how any pricing formula or calculator employed by the bureau to establish such recommended retail prices operates, the factors that affect a retail price calculated using such a formula or calculator and the reasons that the bureau chose to incorporate those factors in the formula or calculator; and informs the committee of the status of the commission's adoption of rules pursuant to the Maine Revised Statutes, Title 28-A, section 81, subsection 5. The committee may submit legislation related to the report to the 131st Legislature in 2023.

See title page for effective date.

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**CHAPTER 623**

**S.P. 674 - L.D. 1913**

**An Act To Create the Electric Ratepayer Advisory Council**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the affordability of electricity in the State is a major issue facing many ratepayers; and

**Whereas**, stakeholders need to begin immediately to evaluate measures to make electricity more affordable and advise the Public Advocate on these potential measures; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 5 MRSA §12004-I, sub-§93** is enacted to read:

**93.**

Public Advocate	Electric Ratepayer Advisory Council	Not Authorized	35-A MRSA §1714
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**Sec. 2. 35-A MRSA §1714** is enacted to read:  
**§1714. Electric Ratepayer Advisory Council**

**1. Appointment; composition.** The Electric Ratepayer Advisory Council, referred to in this section as "the council" and established by Title 5, section 12004-I, subsection 93, consists of 18 members as follows:

A. Thirteen voting members appointed by the Public Advocate including:

- (1) One member representing the interests of senior citizens and the aging population of the State;
- (2) One member representing an equal justice advocacy organization operating in the State;
- (3) One member representing an association of community action agencies as defined in Title 22, section 5321, subsection 2;
- (4) One member representing a statewide organization that advocates for affordable housing;
- (5) One member from each investor-owned transmission and distribution utility in the State;
- (6) One member representing a consumer-owned transmission and distribution utility in the State;
- (7) One member representing a large industrial employer based in the State;
- (8) One member representing a research organization dedicated to improving the economic outlook of the State and its residents;
- (9) One member who is a member of a federally recognized Indian nation, tribe or band in the State based on the joint recommendation of the tribal governments of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkomikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation. If these tribal governments do not make a unanimous joint recommendation, the Public Advocate shall appoint a member of a federally recognized Indian nation, tribe or band in the State and rotate the appointment among members of

each federally recognized Indian nation, tribe or band in the State;

(10) Two public members, one of whom is a customer of an investor-owned transmission and distribution utility serving the northern portion of the State and one of whom is a customer of an investor-owned transmission and distributed utility serving the southern portion of the State; and

(11) One public member who is a small business owner; and

B. Five ex officio, nonvoting members including:

(1) The Public Advocate or the Public Advocate's designee;

(2) The Director of the Governor's Energy Office or the director's designee;

(3) The chair of the commission or the chair's designee;

(4) The Director of the Efficiency Maine Trust or the director's designee; and

(5) The director of the Maine State Housing Authority or the director's designee.

**2. Duties.** The council shall make recommendations to the Public Advocate regarding methods to ensure that ratepayers are able to afford electricity in the State. In developing recommendations, the council shall:

A. Review the electric rates and rate design in effect when the council is developing its recommendations, projected changes in those rates and the policy goals and other factors contributing to projected changes in those rates;

B. Review electric assistance programs in existence when the council is developing its recommendations, including those programs implemented pursuant to section 3214, and consider more streamlined and cost-effective options to provide assistance to all ratepayers that may be struggling to pay their electric utility bills, including an electric utility relief program that provides assistance to individuals receiving benefits under a state or federal low-income assistance program or whose family income is equal to or below 200% of the federal nonfarm income official poverty line;

C. Identify methods to:

(1) Fund electric assistance programs that do not result in shifting costs to ratepayers;

(2) Improve education and outreach efforts regarding electric assistance programs, the retail electricity supply market and energy efficiency programs; and

(3) Make energy efficiency programs more accessible to low-income, moderate-income and small business ratepayers, including those ratepayers that rent housing accommodations or commercial spaces; and

D. Identify any other methods that may improve the affordability of electricity.

**3. Terms.** The term of a member appointed to the council is 3 years, except that a vacancy during an unexpired term must be filled in the same manner as for the original member for the unexpired portion of the member's term.

**4. Meetings.** The council shall meet at least once a year.

**5. Chair.** The Public Advocate shall appoint a chair.

**6. Public participation.** Meetings of the council are public proceedings and may allow for public comment.

**7. Staff assistance.** The Public Advocate and the commission shall provide necessary administrative staffing services to the council.

**8. Reports.** By December 1st of each year, the Public Advocate shall submit a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on the activities of the council and any recommendations the council made to the Public Advocate pursuant to subsection 2. The committee may report out a bill to the Legislature relating to the recommendation of the council.

**Sec. 3. Electric Ratepayer Advisory Council; appointments; meetings.** The Public Advocate shall make initial appointments to the Electric Ratepayer Advisory Council pursuant to the Maine Revised Statutes, Title 35-A, section 1714, subsection 1 no later than 60 days after the effective date of this Act. Notwithstanding Title 35-A, section 1714, subsection 4, during the 2022 calendar year the Electric Ratepayer Advisory Council shall hold its first meeting no later than July 1, 2022 and shall hold at least 5 meetings in total during that calendar year.

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

**EXECUTIVE DEPARTMENT**

**Public Advocate 0410**

Initiative: Provides a one-time allocation for the cost of contracted services to develop a report on the activities and recommendations of the Electric Ratepayer Advisory Council.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$0	\$100,000

OTHER SPECIAL REVENUE	\$0	\$100,000
<b>FUNDS TOTAL</b>		

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 18, 2022.

**CHAPTER 624**

**H.P. 1473 - L.D. 1987**

**An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2022-23**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. Municipal cost components for services rendered.** In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2022-23 is as follows:

Fiscal Administration - Office of the State Auditor	\$272,457
Education	\$12,962,563
Forest Fire Protection	\$150,000
Human Services - General Assistance	\$60,000
Property Tax Assessment	\$1,224,615
Maine Land Use Planning Commission	\$616,833
<b>TOTAL STATE AGENCIES</b>	<b>\$15,286,468</b>
County Reimbursements for Services	
Aroostook	\$1,875,014