

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.

Augusta, Maine
2022

limit on administrative costs established in this paragraph does not apply to the following costs that may be funded by the trust fund:

- (1) Costs of the Department of Environmental Protection for participating in the regional organization as defined in Title 38, section 580-A, subsection 20 and for administering the allowance auction under Title 38, chapter 3-B; and
- (2) Costs of the Attorney General for activities pertaining to the tracking and monitoring of allowance trading activity and managing and evaluating the trust's funding of conservation programs.

G. In order to minimize administrative costs and maximize program participation and effectiveness, the trustees shall, to the greatest extent feasible, coordinate the delivery of and make complementary the energy efficiency programs under this section and other programs under this chapter.

H. The trust shall consider delivery of efficiency programs by means of contracts with service providers that participate in competitive bid processes for reducing energy consumption within individual market segments or for particular end uses.

I. A trade association aggregator is eligible to participate in competitive bid processes under this subsection.

J. Trust fund receipts must, upon request by the Department of Environmental Protection, fund research approved by the Department of Environmental Protection in an amount of up to \$100,000 per year to develop new categories for carbon dioxide emissions offset projects, as defined in Title 38, section 580-A, subsection 6, that are located in the State. Expenditures on research pursuant to this paragraph are not considered administrative costs under paragraph F, subparagraph (1).

K. The trust shall establish an industrial climate transition initiative to develop and support climate change mitigation strategies designed to reduce greenhouse gas emissions at industrial facilities in the State. In establishing the initiative and developing climate change mitigation strategies for industrial facilities, the trust shall:

- (1) Prioritize mitigation strategies identified in the State's climate action plan, as adopted and updated under Title 38, section 577, that offer the most cost-effective means of reducing greenhouse gas emissions at industrial facilities; and
- (2) Consider mitigation strategies and other recommendations identified by any working group, task force or other advisory body that is

established by the Maine Climate Council, established under Title 38, section 577-A, to develop strategies and other recommendations to reduce greenhouse gas emissions at industrial facilities in the State.

The trust may allocate funds from the trust fund, and may expend any federal funds or other public or private funding that may be available, to establish the initiative under this paragraph and to develop and support climate change mitigation strategies designed to reduce greenhouse gas emissions at industrial facilities in the State.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

EFFICIENCY MAINE TRUST

Efficiency Maine Trust Z100

Initiative: Provides funding to the Efficiency Maine Trust to be deposited in the Regional Greenhouse Gas Initiative Trust Fund established under the Maine Revised Statutes, Title 35-A, section 10109, subsection 2 and used to fund the establishment and activities of the industrial climate transition initiative under Title 35-A, section 10109, subsection 4, paragraph K.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$500,000
GENERAL FUND TOTAL	\$0	\$500,000

See title page for effective date.

CHAPTER 717

H.P. 1199 - L.D. 1610

An Act To Promote Equity in Policy Making by Enhancing the State's Ability To Collect, Analyze and Apply Data

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

Sec. 1. 1 MRSA c. 14-B is enacted to read:

CHAPTER 14-B

DATA GOVERNANCE PROGRAM

§547. Data governance program established

The Secretary of State, or the secretary's designee, and the Chief Information Officer shall establish a data governance program.

1. Implementation. Implementation of a data governance program must include:

- A. Establishing data project priorities;
- B. Ensuring data privacy compliance and that best practices are followed;

C. Developing data structure policies that ensure the best data quality, alignment and availability across systems; and

D. Establishing data-sharing policies and agreements.

2. Program requirements. The data governance program must:

A. Support decision making and improve citizen access to government services;

B. Promote consistent collection of racial and ethnic demographic data;

C. Use evidence-based strategies to improve data collection;

D. Address technology barriers that restrict the ability of state agencies to share data between agencies;

E. Create models for sharing data with the public and for developing policies to reduce disparities and increase equity;

F. Include records management capabilities and compliance; and

G. Ensure that data sharing and usage complies with state and federal laws, rules and regulations.

3. Consultations. Within 30 days of the effective date of this chapter, and at least quarterly thereafter, the Secretary of State, or the secretary's designee, and the Chief Information Officer shall consult with:

A. The Permanent Commission on the Status of Racial, Indigenous and Tribal Populations established by Title 5, section 12004-J, subsection 19 to discuss how racial equity will be incorporated in the data governance program as well as in all projects related to the program. The consultation must include discussion of methods for building racial equity considerations into every aspect of the data life cycle, including planning, data collection, data access, algorithms, statistical tools, data analysis, reporting and dissemination; and

B. The State Archivist, or the archivist's designee, regarding the development and implementation of the data governance program and to generate a records management and retention plan and program in compliance with Title 5, section 95-C.

4. Report. The Secretary of State, or the secretary's designee, the Chief Information Officer and the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations established by Title 5, section 12004-J, subsection 19 shall jointly report on the status of the program and the consultations under subsection 3 to the joint standing committee of the Legislature having jurisdiction over state and local government matters annually by February 15. The committee

may report out a bill based on the report during the legislative session in which the report is received.

Sec. 2. 5 MRSA §282, 2nd ¶, as amended by PL 2011, c. 655, Pt. I, §3 and affected by §11, is further amended to read:

The commissioner may employ such other deputies, division heads, assistants and employees as may be necessary, subject to the Civil Service Law. In addition, the commissioner may employ a Director of Compliance to carry out departmental responsibilities related to: Labor relations and labor contract compliance; human rights and affirmative action compliance; and audit guidelines and other 3rd-party compliance requirements. The Director of Compliance serves at the pleasure of the commissioner. In addition, the commissioner may employ an Associate Commissioner for Tax Policy to supervise and direct the tax policy analysis, guidance and communications activities of the Office of Tax Policy within the Bureau of Revenue Services. The Associate Commissioner for Tax Policy serves at the pleasure of the commissioner. In addition, the commissioner may employ a State Economist to provide economic and demographic data and analysis. The State Economist has the authority to hire staff.

Sec. 3. 5 MRSA §282, sub-§11, as enacted by PL 2017, c. 284, Pt. GG, §3, is amended to read:

11. Economic and demographic analyses. To conduct studies and continuing economic and demographic analyses of the state economy, including economic and demographic forecasting, and collect, collate and analyze all pertinent data and statistics relating to those studies and analyses to assist the Governor, the Legislature and the various state departments in formulating ~~economic goals and~~ programs and policies ~~to achieve those goals~~. The commissioner shall make these data and statistics available to the Legislature upon request. All state agencies shall cooperate with the commissioner regarding implementation of the provisions of this subsection. In implementing this subsection, the commissioner may use secondary data made available to the commissioner by other state agencies or other organizations.

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Office of the Commissioner - Administrative and Financial Services 0718

Initiative: Establishes one Public Service Coordinator I position within the Office of the State Economist to conduct demographic analyses and provide the capacity to make data accessible to the public.

GENERAL FUND	2021-22	2022-23
POSITIONS -	0.000	1.000
LEGISLATIVE COUNCIL		

Personal Services	\$0	\$98,620
GENERAL FUND TOTAL	\$0	\$98,620
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2021-22	2022-23
GENERAL FUND	\$0	\$98,620
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$98,620

SECRETARY OF STATE, DEPARTMENT OF Administration - Archives 0050

Initiative: Establishes one Data Governance Architect position within the Maine State Archives to advance data governance policies and programs including design and implementation of necessary database and system architecture and facilitate accessibility, equity, privacy and security.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2021-22	2022-23
Personal Services	0.000	1.000
	\$0	\$118,328
GENERAL FUND TOTAL	\$0	\$118,328

SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS	2021-22	2022-23
GENERAL FUND	\$0	\$118,328
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$118,328

STATUS OF RACIAL, INDIGENOUS AND TRIBAL POPULATIONS, PERMANENT COMMISSION ON THE

Racial, Indigenous and Tribal Populations Z319

Initiative: Establishes one Public Service Coordinator I position within the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations to coordinate the commission's ongoing consultative role in establishing and enhancing the data governance program.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2021-22	2022-23
Personal Services	0.000	1.000
	\$0	\$98,620
GENERAL FUND TOTAL	\$0	\$98,620

STATUS OF RACIAL, INDIGENOUS AND TRIBAL POPULATIONS, PERMANENT COMMISSION ON THE

DEPARTMENT TOTALS	2021-22	2022-23
GENERAL FUND	\$0	\$98,620
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$98,620
SECTION TOTALS	2021-22	2022-23
GENERAL FUND	\$0	\$315,568
SECTION TOTAL - ALL FUNDS	\$0	\$315,568

See title page for effective date.

**CHAPTER 718
H.P. 1227 - L.D. 1656**

An Act To Promote Energy-efficient Affordable Housing

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

Sec. 1. 30-A MRSA §4722, sub-§1, ¶Z-1 is enacted to read:

Z-1. Condition approval of funding of a housing project upon an applicant's compliance with standards and requirements under section 4726;

Sec. 2. 30-A MRSA §4726 is enacted to read:

§4726. Housing design standards and sustainability requirements

1. Housing design standards. The Maine State Housing Authority shall require that construction projects funded by the Maine State Housing Authority meet the standards of at least one of the following:

A. A set of design principles used to attain a quantifiable and rigorous level of energy efficiency within a specific quantifiable comfort level, as determined by a national passive house institute or an international passive house association;

B. A 3rd-party green building certification program that is a globally recognized standard for the design, construction and operation of high-performance green buildings and neighborhoods, as established by a national green building council;

C. A living building program with site, water, energy, health, materials, equity and beauty standards as established by an international institute; or

D. A 3rd-party-recognized certification or state program that is substantially similar to a certification system under paragraph A, B or C and that is approved by the Maine State Housing Authority.