

# 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**

Communication Bureau, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. The committee may report out related legislation to the 131st Legislature in 2023.

See title page for effective date.

**CHAPTER 163  
H.P. 1433 - L.D. 1926**

**Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services**

**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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a provisionally adopted major substantive rule of the Maine Commission on Indigent Legal Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective April 20, 2022.

**CHAPTER 164  
H.P. 222 - L.D. 318**

**Resolve, To Direct the Office of the Public Advocate To Study Reforming Maine's System of Retail Electricity Supply To Provide More Options to Maine Customers and Support Maine's Climate Goals**

**Sec. 1. Public Advocate to conduct study on reform of retail electricity supply. Resolved:** That the Office of the Public Advocate shall conduct a study of options for reforming the State's current system of retail electricity supply in ways that will provide greater competition among retail electricity supply providers and more options and protections for customers, including access to renewable and clean energy supply options. The office shall examine options relating to the State's standard offer system for facilitating the achievement of the State's climate goals and beneficial electrification. In conducting the study, the Public Advocate shall consult with the Public Utilities Commission, the Governor's Energy Office and stakeholders, including but not limited to advocates for low-income persons, appropriate representatives of the federally recognized Indian tribes in this State, representatives of disadvantaged groups, representatives of small and large businesses and industries, advocates for the environment and renewable energy, representatives of retail electricity supply providers and representatives of transmission and distribution utilities. The Public Advocate may also consult with other agencies and organizations, including but not limited to the Office of the Attorney General and the Efficiency Maine Trust. For the purposes of this resolve, "beneficial electrification" means electrification of a technology that results in reduction in the use of a fossil fuel, including electrification of a technology that would otherwise require energy from a fossil fuel, and that provides a benefit to a utility, a ratepayer or the environment, without causing harm to utilities, ratepayers or the environment, by improving the efficiency of the electricity grid or reducing consumer costs or emissions, including carbon emissions.

**Sec. 2. Authority to retain consultant with regard to study on reform of retail electricity supply. Resolved:** That, in conducting the study under section 1, the Public Advocate may retain one or more consultants, including, to the greatest extent possible, persons from academic or research institutions in the State for analysis and report preparation.

**Sec. 3. Issues to be reviewed as part of study on reform of retail electricity supply. Resolved:** That, in conducting the study under section 1, the Public Advocate shall ensure that, at a minimum, the following issues are examined.

1. The Public Advocate shall examine methods of protecting customer rights and interests including through the establishment of a public access website portal through which customers may obtain information on and shop for competitive electricity supply. The Public Advocate shall examine the feasibility of a publicly accessible website maintained by the Public Utilities Commission or by the Office of the Public Advocate that provides current, independent and objective information that allows customers to compare terms, conditions and prices and value-added service offers provided by competitive electricity providers, as well as any other information the Public Advocate or the commission determines would be useful to customers. The Public Advocate shall consider how to ensure customers may use the website to easily access external publicly accessible websites where customers may review offers and contract details and execute agreements electronically.

2. The Public Advocate shall examine the development and adoption of customer protections that include at least the following:

- A. Conditions for, or prohibitions on, any fees for residential customers seeking to change a product or pricing plan;
- B. Credits for excessive call center wait times;
- C. Education programs to inform customers about customer choices and protections and public service announcements by state agencies encouraging customers actively to shop for electricity supply options before winter and summer seasons when prices may be higher;
- D. Options for allowing retail electricity suppliers to bill for their electricity supply, value-added services and products along with the local distribution company's regulated charges, as well as an examination of whether retail electricity suppliers should be allowed to collect electricity bills that include value-added services and products other than generation supply service and whether nonpayment of those portions of electricity bills should be subject to the threat of disconnection of service;
- E. Publication, at least annually, of a competitive electricity provider report card that includes, but is not limited to, levels of verified complaints filed with the Public Utilities Commission against electricity providers;
- F. Examining the advantages and disadvantages of variable-rate contracts for residential customers;
- G. Requiring renewable energy products marketed by retail electricity suppliers to be consistent with the State's renewable energy resources laws;
- H. Examining whether retail electricity suppliers should be allowed to conduct door-to-door sales only if the individual personally attempting to

make a sale is employed by and supervised by the retail electricity supplier and whether the State's existing consumer protection laws adequately protect the State's retail electricity consumers; and

I. Programs to protect low-income customers that incorporate energy equity considerations, including but not limited to a hardship program that provides grants to qualifying low-income customers on an annual basis; a payment extension program that allows a qualifying low-income customer additional time to pay a bill without the threat of termination; a payment plan program that allows qualifying low-income customers to pay the balance owed in installments along with the regular monthly bill; a bill discount program that provides qualifying low-income customers with a fixed discount on their monthly bill; and other programs designed to increase access to renewable energy for such customers.

3. The Public Advocate shall examine issues related to climate change and beneficial electrification, including:

A. Analyzing how each studied electricity supply option would help achieve the state emissions level goals under the Maine Revised Statutes, Title 38, section 576-A and the climate action plan under Title 38, section 577 as well as beneficial electrification, including rapid implementation of time-of-use rates, on-bill financing and other methods to assist customers in reducing carbon emissions and achieving beneficial electrification;

B. Consideration of requirements for all competitive electricity providers to provide one or more clean energy options to customers, including at least one option that provides 100% of its electricity from renewable resources as defined in the Maine Revised Statutes, Title 35-A, section 3210, subsection 2, paragraph C and to advertise to customers renewable energy supply options in a manner that is as prominent as the manner that other options are advertised to customers; and

C. Consideration of whether default or other supply options could be used to assist in funding access to renewable energy or efficiency programs administered by the Efficiency Maine Trust.

4. The Public Advocate shall examine possible alternatives to the State's standard offer service that reduce customer exposure to price volatility, provide product diversity including increased access to variously priced renewable energy and assist low-income and disadvantaged customer groups through product and pricing mechanisms.

5. The Public Advocate shall examine the alternatives to the State's standard offer service identified by stakeholders consulted in accordance with section 1 and identify the likely advantages and disadvantages of

each option with respect to the impact on customers in this State, with specific attention to low-income customers and principles of energy equity; the achievement of the State’s climate goals; and adoption of beneficial electrification. The study must focus on a comprehensive but limited number of options to achieve the goals of the study.

6. The Public Advocate shall examine ways to improve customer satisfaction and service quality when customers choose new retail electricity supply options during any transition to each supply system alternative identified in the study, including:

A. Potential amendments to laws or rules to replace the standard offer service with one or more identified supply options, such as one or more designated default service providers, as a transition to implementation of the supply system option;

B. Requirements for customer service improvements that could be accomplished during a transition to the supply system option, including improved customer service based on metrics relating to call wait time and billing accuracy that exceed the current standard offer service provider performance;

C. Requirements for standard offer service providers, default service providers or other competitive electricity providers to keep customers informed of the price for any transitional retail service and whether the provider is certified by the Public Utilities Commission to offer consolidated billing services under the supply system option; and

D. Any other transition period requirements or customer protections to ensure customers in the State are adequately protected during any transition.

**Sec. 4. Report to Legislature. Resolved:** That the Public Advocate shall complete the study under section 1 and submit a report along with any recommendations and suggested legislation to the joint standing committee of the Legislature having jurisdiction over electric utility matters by February 1, 2023. The Public Advocate shall provide an opportunity for public comment on the draft study and include a summary of public comments received in the final report. The report must include all alternatives that the study examined and the advantages and disadvantages of each alternative as well as any other issues that the Public Advocate and the stakeholders determine should be brought to the attention of the Legislature. The joint standing committee of the Legislature having jurisdiction over electric utility matters may report out a bill during the 131st Legislature in 2023 relating to the results of the study.

**Sec. 5. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**EXECUTIVE DEPARTMENT**

**Public Advocate 0410**

Initiative: Provides an allocation for the cost of contracted services.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$0	\$200,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$200,000

See title page for effective date.

**CHAPTER 165**

**H.P. 336 - L.D. 460**

**Resolve, Directing the Department of Labor To Convene a Stakeholder Group To Examine Workforce Development Issues in the Hospitality and Food and Beverage Industries**

**Sec. 1. Department of Labor to convene stakeholder group. Resolved:** That the Department of Labor shall convene a stakeholder group to examine workforce development issues in the hospitality industry and the food and beverage industry. The stakeholder group must be composed of representatives from the food and beverage industry, the hospitality industry and the Maine Community College System and 2 or more employees actively employed in the hospitality industry and the food and beverage industry or former employees with significant experience in these industries. The stakeholder group shall:

1. Examine workforce development training programs, including the existence of such programs, the value such programs add to employees of the hospitality industry and the food and beverage industry and whether there is a greater need for such workforce development training programs; and

2. Examine, using existing data and resources, economic conditions in the State and trends in the hospitality industry and food and beverage industry and the effect workforce development has had on these industries.

**Sec. 2. Stakeholder group to submit report. Resolved:** That the stakeholder group under section 1 shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters no later than January 1, 2023 on the matters described in this resolve. The report must include any findings and recommendations, including suggested legislation. The