

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

to submit such written evidence as it determines necessary to support the application.

See title page for effective date.

**CHAPTER 328
S.P. 688 - L.D. 1724**

**An Act to Enact the Beneficial
Electrification Policy Act**

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

Sec. 1. 35-A MRSA c. 38 is enacted to read:

CHAPTER 38

**BENEFICIAL ELECTRIFICATION POLICY
ACT**

§3801. Short title

This chapter may be known and cited as "the Beneficial Electrification Policy Act."

§3802. Definitions

For the purposes of this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Beneficial electrification. "Beneficial electrification" has the same meaning as in section 10102, subsection 3-A.

2. Office. "Office" means the Governor's Energy Office.

3. Renewable resource. "Renewable resource" has the same meaning as in section 3210, subsection 2, paragraph C.

4. Trust. "Trust" means the Efficiency Maine Trust.

§3803. Support for policy of beneficial electrification

1. Petition for renewable resources procurement. The office may petition the commission to procure energy from renewable resources to achieve the emission reduction and renewable energy goals of the State and to meet reasonably expected growth in electric demand.

A. In developing a petition for procurement of energy from renewable resources, the office shall consult with relevant departments and agencies.

B. The commission shall evaluate a petition submitted by the office in accordance with section 3804 and may through a competitive procurement process established by the commission by rule procure energy from one or more renewable resources. The commission may direct a transmission and distribution utility to enter into a long-term contract

for the energy procured. Rules adopted to implement this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

2. Plan for promoting beneficial electrification for end uses of energy. The trust shall develop a 3-year beneficial electrification plan for end uses of energy as part of the trust's triennial plan in accordance with section 10104, subsection 4 and provide annual updates to the plan in accordance with section 10104, subsection 6. In developing its beneficial electrification plan for end uses, the trust shall consult with relevant departments and agencies.

3. Funding and reporting. Notwithstanding sections 116 and 117, at the request of the office, the commission may transfer money from funds in the Public Utilities Commission Regulatory Fund or the Public Utilities Commission Reimbursement Fund to the office to pay for the costs associated with a petition for a procurement of energy from renewable resources under subsection 1 and, at the request of the trust, to the trust to implement the 3-year beneficial electrification plan included in the triennial plan under subsection 2. At the end of any year in which the commission has transferred money under this subsection to the office or the trust, the office or the trust, respectively, shall provide a report to the commission detailing its fund requests, money received and expenditures.

4. Monitoring beneficial electrification trends and opportunities. To the extent possible through readily available information, the office, the commission and the trust shall coordinate to monitor:

A. All beneficial electrification activity in the State and the effect of the commission's actions under section 3804;

B. Trends in beneficial electrification in the State and in other jurisdictions; and

C. The estimated costs and benefits for ratepayers of beneficial electrification programs occurring as a result of this chapter and other programs that have been implemented in the State.

§3804. Commission advancement of clean energy and beneficial electrification

The commission shall advance through its decisions and orders beneficial electrification in order to achieve the emission reduction and renewable energy goals of the State, reduce energy costs to consumers and provide economic and climate benefits for all ratepayers. The commission shall seek to procure energy under section 3803, subsection 1, paragraph B in a manner that is consistent with beneficial electrification. To the extent practicable, the commission shall seek to ensure that the acquisition of energy from renewable resources under section 3803, subsection 1, paragraph B is designed to procure sufficient energy to meet the portfolio

requirements under section 3210 for the reasonably expected increase in use of electricity by retail electricity consumers.

§3805. Reporting

1. Commission report. The commission shall include in its annual report under section 120, subsection 7 a summary of its activities in accordance with this chapter.

2. Office report. The office shall include in its annual report under Title 2, section 9, subsection 3, paragraph C-1 a summary of its activities in accordance with this chapter.

3. Trust report. The trust shall include in its annual report under section 10104, subsection 5 a summary of its activities in accordance with this chapter.

Sec. 2. 35-A MRSA §10102, sub-§3-A, as enacted by PL 2019, c. 365, §1, is amended to read:

3-A. Beneficial electrification. "Beneficial electrification" means electrification of a technology or process that results in reduction in the use of a fossil fuel, including electrification of a technology or process 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. 3. 35-A MRSA §10104, sub-§2, ¶C, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

C. The efficiency with which programs are planned, designed, overseen and delivered is maximized; ~~and~~

Sec. 4. 35-A MRSA §10104, sub-§2, ¶D, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

D. Sufficient checks and balances are provided to ensure consistency with public policy and accountability for meeting the principles set out in paragraphs A to C ~~and E~~ so that energy efficiency programs in the State are sustainable for the long term; ~~and~~

Sec. 5. 35-A MRSA §10104, sub-§2, ¶E is enacted to read:

E. Programs are planned and implemented to advance the policy of beneficial electrification as described in chapter 38.

Sec. 6. 35-A MRSA §10110, sub-§4-A, ¶B, as amended by PL 2019, c. 313, §8, is further amended by amending the first blocked paragraph to read:

The trust shall use, and the commission shall give deference to, values for each element of avoided

energy cost from a regional avoided energy supply cost study as long as the analysis has been developed through a transparent process, with input from state agencies, public advocates, utilities or energy efficiency administrators from at least 3 other states in New England and the analysis has been published not more than 24 months prior to the trust's filing of the plan. When values specific to the State are not available in the regional study, the trust may use, and the commission shall give deference to, regional values provided in that regional study or values determined from other sources when supported by evidence in the record; ~~and~~

Sec. 7. 35-A MRSA §10110, sub-§4-A, ¶C, as enacted by PL 2013, c. 369, Pt. A, §20 and affected by §30, is amended to read:

C. Maximize total electricity savings for all ratepayers; ~~and~~

Sec. 8. 35-A MRSA §10110, sub-§4-A, ¶D is enacted to read:

D. Include all beneficial electrification measures that are cost-effective and reliably reduce electricity rates over the life of the measures. In determining whether a measure is cost-effective, the commission shall account for all net energy costs, including savings from avoided heating, transportation or industrial process fuels displaced by the measure.

Sec. 9. Study; report required. The Public Utilities Commission shall conduct a study on how to cost-effectively provide consumer financing of beneficial electrification products, including products for energy efficiency, home or business energy storage, electric vehicle charging equipment and other distributed energy products through methods including, but not limited to, on-bill financing by standard-offer service providers or competitive electricity providers, or through some combination thereof. The study must provide analysis of the relative advantages and disadvantages of each financing method considered by the commission compared to existing and planned offerings of other finance initiatives in the State, including but not limited to the offerings of the Efficiency Maine Trust, the Maine State Housing Authority and the Finance Authority of Maine. The study must also review consumer protection provisions used by other jurisdictions that permit on-bill financing. By January 5, 2024, the commission shall submit to the Joint Standing Committee on Energy, Utilities and Technology a report on the study required by this section. The committee may report out a bill during the Second Regular Session of the 131st Legislature concerning the subject matter of the report.

Sec. 10. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Public Utilities - Administrative Division 0184

Initiative: Provides allocations for expenditures related to contracted consulting services.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$202,042	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$202,042	\$0

See title page for effective date.

CHAPTER 329

S.P. 694 - L.D. 1749

An Act to Establish the Physical Therapy Licensure Compact

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

Sec. 1. 32 MRSA c. 149 is enacted to read:

CHAPTER 149

PHYSICAL THERAPY LICENSURE COMPACT

§18701. Short title

This chapter may be known and cited as "the Physical Therapy Licensure Compact," referred to in this chapter as "the compact."

§18702. Purpose

The purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient is located at the time of the physical therapy services. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives:

1. License recognition. Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;

2. State powers. Enhance the states' ability to protect the public's health and safety;

3. Multistate practice. Encourage the cooperation of member states in regulating multistate physical therapy practice;

4. Military spouses. Support spouses of relocating active duty military personnel;

5. Information exchange. Enhance the exchange of licensure, investigative and disciplinary information among member states; and

6. Compact privilege. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

§18703. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Active duty military. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserves of the United States Armed Forces on active duty orders pursuant to 10 United States Code, Chapters 1209 and 1211.

2. Adverse action. "Adverse action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance or a combination of both.

3. Alternative program. "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board, including, but not limited to, addressing substance use disorder issues.

4. Compact privilege. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient is located at the time of the physical therapy services.

5. Continuing competence. "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, or completion of, educational and professional activities relevant to practice or area of work.

6. Data system. "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege and adverse action information.

7. Encumbered license. "Encumbered license" means a license that a physical therapy licensing board has limited in any way.

8. Executive board. "Executive board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

9. Home state. "Home state" means the member state that is the licensee's primary state of residence.

10. Investigative information. "Investigative information" means information, records and documents