

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

written certification from the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of this Act; from the Governor and the Council of the Penobscot Nation that the nation has agreed to the provisions of this Act; and from the Houlton Band Council of the Houlton Band of Maliseet Indians that the band has agreed to the provisions of this Act, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes.

See title page for effective date, unless otherwise indicated.

CHAPTER 371

S.P. 792 - L.D. 1943

An Act Regarding Future Energy Procurements for Renewable Energy Development in Northern Maine

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

Sec. 1. 35-A MRSA §3210-I, sub-§3-A is enacted to read:

3-A. Requests for proposals: additional generation capacity. The commission shall issue a request for proposals for the development and construction of renewable energy generation projects in northern Maine, in addition to those selected under subsection 3, in order to maximize the utilization of the capacity of the transmission line proposal selected under subsection 2. The commission shall:

A. Approve a contract as long as the commission evaluates the contract in accordance with subsection 3, paragraph C and determines that the contract is in the public interest; and

B. Consider bids in any previous request for proposals issued under subsection 3 by:

(1) Providing those bidders with an opportunity to submit updated proposals that account for any previous contract awards in order to ensure that proposals are expeditiously received and most cost-effective in consideration of those previous awards; and

(2) Applying evaluation criteria set forth in this subsection, except that the commission shall give greatest preference to any proposal that:

(a) Demonstrates the greatest likelihood of ensuring the success of the program by contributing to the likelihood of successful completion of the transmission line

proposal selected under subsection 2 and other generation proposals selected under subsection 3;

(b) Is submitted by a bidder that demonstrates significant experience in the successful completion of renewable energy generation projects similar to that proposal; and

(c) Complements the proposals previously selected under subsection 3, but mitigates overall risk to the success of the program by diversifying bidder selection and economic development opportunities in northern Maine.

If a selected proposal under this subsection is unable, at any time after selection and before commercial operation, to fulfill the obligations of the contract, the commission may consider other proposals received under this subsection or subsection 3 to ensure the successful implementation of the program. If the commission finds that a proposal or proposals, whether in whole or in part, received under this subsection or subsection 3 would support the overall successful implementation of the program, the commission shall approve and order a contract or contracts accordingly.

Sec. 2. Integration study and cluster system impact study; timing. The Public Utilities Commission shall conduct a request for proposals and approve contracts in accordance with the Maine Revised Statutes, Title 35-A, section 3210-I, subsection 3-A, if practicable, on a schedule to enable selected renewable energy generation projects to seek inclusion in the New England independent system operator's Third Maine Resource Integration Study and the subsequent cluster system impact study. If the commission determines that the request for proposals or approval of contracts would interfere with the completion of the cluster system impact study, it may delay the request for proposals or approval of contracts until such time that such actions would no longer interfere.

See title page for effective date.

CHAPTER 372

H.P. 1272 - L.D. 1979

An Act Regarding Surplus Lines Insurance Tax

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

Sec. 1. 36 MRSA §2531, sub-§2, as amended by PL 2021, c. 630, Pt. A, §2, is further amended to read:

2. Rate and incidence of tax. Except as otherwise provided in section 2532, the rate of taxation ~~on~~ is 3%

of the premiums subject to tax under this section is the greater of 3% and the highest rate of taxation that applies to nonadmitted insurance premiums in the state, district or possession of the United States or province of Canada in which the insurer is incorporated. For purposes of this section, an insurance company incorporated in another country is deemed to be incorporated in the state, district or possession of the United States where it has elected to make its deposit and establish its principal agency in the United States. For all coverage placed in accordance with Title 24-A, chapter 19, the tax must be paid by the surplus lines producer. For all other nonadmitted insurance, the tax must be paid by the insured.

Sec. 2. Retroactivity. This Act applies retroactively to January 1, 2023.

See title page for effective date.

CHAPTER 373

H.P. 1093 - L.D. 1704

**An Act Regarding Incarcerated
Individuals and Legislative
Apportionment**

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

Sec. 1. 21-A MRSA §1208 is enacted to read:

§1208. Incarcerated persons

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Correctional facility" has the same meaning as in Title 34-A, section 1001, subsection 6.

B. "Residence" has the same meaning as described in section 112, subsection 1.

2. Counting incarcerated persons for apportionment. A person whose usual residence is determined by the Federal Decennial Census to be a correctional facility in this State must be counted for apportionment under this chapter as follows.

A. If the records of the Department of Corrections show the person has a residence address in this State immediately prior to incarceration, that address must be considered that person's residence for purposes of apportionment under this chapter.

B. If the records of the Department of Corrections do not show the person's residence address immediately prior to incarceration, or show a residence address immediately prior to incarceration that is not within this State, that person may not be counted for apportionment under this chapter.

3. Department of Corrections to provide data. Notwithstanding any provision of law respecting confidentiality to the contrary, the Department of Corrections shall provide to the Legislative Apportionment Commission, to the extent the department possesses or has access to the data, the preincarceration residence address and other demographic data of persons who are incarcerated in a correctional facility as of 12:01 a.m. on the date of the most recent Federal Decennial Census. This demographic data must include but is not limited to the last known complete preincarceration street address of the person, the person's race, age and gender and whether the person is a veteran. The department shall provide this data within 30 days of the first meeting of the commission. The data provided by the department is not a public record and the commission shall institute measures to safeguard its confidentiality and to ensure its safekeeping upon conclusion of the commission's work.

4. Construction. This section may not be construed to affect the population count in any geographical area for any purposes other than apportionment.

See title page for effective date.

CHAPTER 374

S.P. 751 - L.D. 1850

**An Act Relating to Energy
Storage and the State's Energy
Goals**

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

Sec. 1. 35-A MRSA §3145, as amended by PL 2021, c. 676, Pt. A, §49, is further amended to read:

§3145. State energy storage policy goals

The state goal for energy storage system development is at least 300 megawatts of installed capacity located within the State by December 31, 2025 and at least 400 megawatts of installed capacity located within the State by December 31, 2030. Beginning January 1, 2031 2024, and every 2 years thereafter, the Governor's Energy Office established in Title 2, section 9 shall set may reevaluate and increase the state goal for energy storage system development and report that goal to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters. For the purposes of this section, "energy storage system" has the same meaning as in section 3481, subsection 6.

Sec. 2. Maine energy storage program development. The Governor's Energy Office, established in the Maine Revised Statutes, Title 2, section 9, referred to in this section as "the office," shall, in consultation with the Public Utilities Commission, evaluate designs for a program to procure commercially avail-