

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

transmission and distribution utility in an effective, prudent and efficient manner. In making recommendations, in addition to the input received from stakeholders, the commission shall consider at a minimum:

1. The role that investor-owned transmission and distribution utility ownership of, financial interest in or control of energy storage systems may have in:

A. The achievement of the state energy storage goals established in Title 35-A, section 3145, including current and future state programs to encourage investment in energy storage;

B. The achievement of the objectives of Title 35-A, chapter 32;

C. The achievement of the greenhouse gas emissions reduction requirements established in Title 38, section 576-A;

D. The achievement of the renewable energy goals established in Title 35-A, section 3210;

E. The achievement of the renewable energy deployment goals of the State, including but not limited to the solar deployment goals established in Title 35-A, chapter 34-B and the wind energy development goals established in Title 35-A, chapter 34;

F. The procurement of nonwires alternatives under Title 35-A, section 3132-D; and

G. The achievement of lower electricity costs for ratepayers; and

2. Whether the competitive market for energy storage can meet the energy needs of transmission and distribution utilities at a reasonable cost.

The commission shall submit a report containing any recommendations based on the commission's activities under this section related to energy storage to the Joint Standing Committee on Energy, Utilities and Technology no later than February 15, 2024. The committee may report out a bill related to the subject matter of the report.

See title page for effective date.

CHAPTER 375

H.P. 1298 - L.D. 2012

An Act to Prohibit Early Termination Fees for Residential Electric Generation Service Contracts

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

Sec. 1. 35-A MRSA §3203, sub-§4-B, ¶E, as enacted by PL 2017, c. 74, §1, is amended to read:

~~E. May not impose enter into or renew a contract for generation service that includes an early termination fee for any contract for generation service that was renewed without express consent from the residential consumer.~~

See title page for effective date.

CHAPTER 376

S.P. 266 - L.D. 649

An Act to Promote Water Conservation and Water Quality and Create Habitat for Wildlife, Including Pollinator Species, by Protecting Low-impact Landscaping

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

Sec. 1. 33 MRSA c. 28-B is enacted to read:

CHAPTER 28-B

PROTECTION OF LOW-IMPACT LANDSCAPING

§1451. Protection of low-impact landscaping

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

A. "Condominium" has the same meaning as in section 1601-103, subsection (7).

B. "Low-impact landscaping" means landscaping techniques that conserve water, lower maintenance costs, provide pollution prevention and create habitat for wildlife. "Low-impact landscaping" includes gardens and other features designed to attract wildlife generally and pollinator species more specifically; rain gardens and other features that use natural biological principles to return rainwater to the soil and to filter rainwater of excess nutrients; and other forms of landscaping or gardening that reduce or eliminate the need for supplemental water from irrigation.

C. "Real estate subject to common ownership" means residential real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions and that common ownership is in the form of undivided interests in that common portion.

D. "Restriction" includes any covenant, restriction or condition contained in a deed, declaration, contract, bylaw, rule or other instrument governing activities on real estate within a condominium or real estate subject to common ownership.

E. "Unreasonable limitation" includes a limitation that significantly increases the cost of low-impact landscaping, significantly decreases the efficiency of low-impact landscaping or requires cultivated vegetation to consist in whole or in part of turf grass.

2. Prohibition. A restriction may not put an unreasonable limitation on low-impact landscaping on any portion of a condominium or real estate subject to common ownership that is not subject to common ownership and that the owner has the right to exclusive use of as long as the owner maintains and regularly tends to the low-impact landscaping.

3. Construction; application. This section may not be construed to prohibit a restriction relating to reasonable design and aesthetic guidelines regarding the type, number and location of low-impact landscaping features. This section does not apply to a restriction on historic property that is listed in or determined by the Maine Historic Preservation Commission to be eligible for inclusion in the National Register of Historic Places.

See title page for effective date.

CHAPTER 377
H.P. 754 - L.D. 1182

An Act to Make Revisions to the Tax Increment Financing and Development District Laws

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

Sec. 1. 30-A MRSA §5223, sub-§3, ¶A, as amended by PL 2011, c. 675, §2, is further amended by amending subparagraph (3) to read:

(3) Must be suitable for commercial or arts district uses. For the purposes of this subparagraph, "suitable for commercial or arts district uses" includes, but is not limited to, the total acreage of a lot or parcel or portion of a lot or parcel included in a development district that is zoned for commercial or arts district uses or on which commercial or arts district uses are allowed as a conditional or grandfathered use or pursuant to contract zoning.

Sec. 2. 30-A MRSA §5226, sub-§2, as amended by PL 2011, c. 655, Pt. JJ, §26 and affected by §41 and amended by c. 657, Pt. W, §5, is further amended to read:

2. Review by commissioner. Before final designation of a tax increment financing district, the commissioner shall review the proposal to ensure that the proposal complies with statutory requirements. ~~In the case of a downtown tax increment financing district, the Department of Agriculture, Conservation and Forestry and~~

~~the Department of Transportation shall review the proposal and provide advice to assist the commissioner in making a decision under this subsection.~~

See title page for effective date.

CHAPTER 378
H.P. 1239 - L.D. 1931

An Act to Foster Stable and Affordable Home Ownership in Mobile Home Parks by Amending the Laws Relating to the Sale of Mobile Home Parks

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

Sec. 1. 10 MRSA §9094-A, sub-§1, as enacted by PL 1989, c. 768, is repealed and the following enacted in its place:

1. Notice required. The owner of a mobile home park shall give notice of the intent to sell the mobile home park to each owner of a mobile home in the mobile home park and to the Maine State Housing Authority. The owner of the mobile home park may not make a final unconditional acceptance of an offer for the sale of the mobile home park earlier than the 60th day after the date the notice was mailed as required by this subsection. The notice must include:

A. A statement that a group of mobile home owners or a mobile home owners' association of the mobile home park may make an offer to purchase the mobile home park within 60 days of the mailing date of the notice; and

B. Either:

(1) The price, terms and conditions for which the owner of the mobile home park intends to sell the mobile home park; or

(2) The price, terms and conditions of any acceptable offer the owner of the mobile home park has received for the mobile home park, including a signed copy of the written offer that contains a description of the property. The owner may redact the name, address, contact information or other identifying information of the party making the offer.

The notice must be mailed by certified mail, return receipt requested, to each mobile home owner at the mobile home owner's home address and to the Maine State Housing Authority.

Sec. 2. 10 MRSA §9094-A, sub-§2, as enacted by PL 1989, c. 768, is repealed.

Sec. 3. 10 MRSA §9094-A, sub-§3, as enacted by PL 1989, c. 768, is repealed.