

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
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tion, partnership, sole proprietorship or governmental entity, who is not an attorney, but is appearing for that organization in an action cognizable as a small claim under Title 14, chapter 738; nor to a person who is not an attorney, but is representing a municipality under Title 12, section 4812-C, subsection 2; Title 30, section 3222, subsection 2; or Title 30, section 4966, subsection 1; nor to a person who is not an attorney, but is representing the Department of Environmental Protection under Title 38, section 342, subsection 7. In all proceedings, the fact, as shown by the records of the Board of Overseers of the Bar, that that person is not recorded as a member of the bar shall be prima facie evidence that he is not a member of the bar licensed to practice law in the State.

Notwithstanding any of the other provisions of this chapter and under such terms, conditions, limitations, qualifications and supervision as the Supreme Judicial Court shall by rule require, a senior law student in a law school in this State approved by the American Bar Association or a senior law student who is a Maine resident and who is enrolled in a law school which is in another state and which is approved by the American Bar Association, may appear in the courts of the State on behalf of the State or an agency thereof, or under the supervision of an organization providing legal services to the indigent approved by the Supreme Judicial Court on behalf of an individual receiving services through such organization.

Sec. 9. Transition. The members of the Board of Examiners for the Examination of Applicants for Admission to the Bar shall continue to serve until their successors are appointed.

The applicants for the July 1986 bar examination shall be the first applicants subject to the requirements of the Maine Revised Statutes, Title 4, section 805-A, subsection 2, paragraph C, and section 806-A.

Effective September 19, 1985.

CHAPTER 125

H.P. 417 - L.D. 583

AN ACT to Increase the Annual Public
Utilities Commission Regulatory Fund
Assessment and to Clarify the Current
Statutes.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until the summer of 1985; and

Whereas, the Public Utilities Commission requires additional funds in fiscal years 1985-86 and 1986-87 for ongoing services in order to ensure reliable service at just and reasonable rates for Maine ratepayers; and

Whereas, these funds must be assessed by May 1, 1985, in order to be available in fiscal year 1985-86; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 35 MRSA §17, sub-§1, as amended by PL 1983, c. 821, §1, is further amended to read:

1. Utilities subject to assessments. Every electric, gas, telegraph, telephone and water utility subject to regulation by the commission and every water carrier subject to the jurisdiction of the commission pursuant to Private and Special Act of the Legislature shall be subject to an assessment of not more than .25% on its intrastate gross operating revenues to produce no more than \$1,294,000 \$1,894,000 in revenues annually beginning in the 1984-85 1985-86 fiscal year and no more than \$1,939,000 in revenues annually beginning in the 1986-87 fiscal year. Notwithstanding any other provision of law, the amount of annual revenue to be raised by this section shall be increased by an additional \$300,000 to supplant an equal amount of General Fund revenues used previously to fund commission activities which shall instead be appropriated for the use of the Public Advocate. The commission shall determine the assessments annually prior to May 1st and shall assess each utility for its pro rata share. Each utility shall pay the assessment charged to the utility on or before July 1st of each year.

A. The assessments charged to utilities under this section shall be deemed just and reasonable operating costs for rate-making purposes.

B. For the purposes of this section, intrastate gross operating revenues means intrastate revenues derived from filed rates, except revenues derived from sales for resale.

C. Gas utilities subject to the jurisdiction of the commission solely with respect to safety shall not be subject to any assessment until such time as the commission has reviewed the scope and cost of such jurisdiction and an assessment or fee structure is authorized by the Legislature.

D. The commission may at its discretion correct any errors in the assessments by means of a credit or debit to the following year's assessment rather than reassessing all utilities in the current year.

Sec. 2. 35 MRSA §17, sub-§4, as amended by PL 1983, c. 821, §2, is further amended to read:

4. Use of funds. The Public Utilities Commission is authorized to fund 35 39 employees beginning in the 1984-85 fiscal year and 2 seasonal legal researchers from the revenues provided in this section to defray the costs incurred by the commission pursuant to this Title and to include administrative expenses, general regulatory expenses, consulting fees and all other reasonable costs incurred to administer this Title. Notwithstanding any other provision of law, the number of employees funded by this section shall be increased by 10 on the effective date of this Act establishing the Public Advocate to compensate for an equivalent reduction in the number of employees funded by the General Fund revenues which elsewhere in this section are appropriated for the use of the Public Advocate.

Sec. 3. Allocation. Income not otherwise allocated from the Public Utilities Commission Regulatory Fund is allocated for the fiscal years ending June 30, 1986, and June 30, 1987, and shall be segregated, apportioned and disbursed as designated in the following schedule:

<u>1985-86</u>	<u>1986-87</u>
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PUBLIC UTILITIES COMMISSION

Personal Services	\$ 9,340	\$ 9,340
All Other	<u>290,660</u>	<u>335,660</u>
This allocation is to provide for 2 seasonal legal research- ers.		
Total	\$300,000	\$345,000

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 25, 1985.

CHAPTER 126

H.P. 235 - L.D. 276

AN ACT to Establish Policies Governing Smoking in Places of Work.

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

22 MRSA §1580-A is enacted to read:

§1580-A. Smoking in places of employment

1. Title. This law shall be known as the "Workplace Smoking Act of 1985."

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

A. "Business facility" means a structurally enclosed location or portion thereof at which employees perform services for their employer. A business facility shall not include any workplace or portion of a workplace which also serves as the employee's or employer's personal residence.

B. "Employee" means a person who performs a service for wages or other remuneration under a contract of hire, written or oral, expressed or implied. Employee includes a person employed by the State or a political subdivision of the State.