

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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

J.S. McCarthy Company
Augusta, Maine
1999

determines do not present danger, imminent, present or delayed, to the people of the State or to its natural environment.

See title page for effective date.

CHAPTER 335

H.P. 917 - L.D. 1295

An Act Regarding Continuing Education for Professional Land Surveyors

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

Sec. 1. 32 MRSA §13908, sub-§4, last ¶, as amended by PL 1995, c. 353, §26, is repealed.

Sec. 2. Rules enacted by the Board of Licensure for Professional Land Surveyors. All continuing education rules enacted by the Board of Licensure for Professional Land Surveyors that were in effect on February 28, 1999 remain in effect upon passage of this Act and may only be altered pursuant to the Maine Revised Statutes, Title 5, chapter 375.

Sec. 3. Retroactivity. This Act applies retroactively to February 28, 1999.

See title page for effective date.

CHAPTER 336

H.P. 1000 - L.D. 1398

An Act to Secure Environmental and Economic Benefits from Electric Utility Restructuring

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

Sec. 1. 5 MRSA §3305, sub-§1, ¶K, as repealed and replaced by PL 1995, c. 625, Pt. A, §7, is repealed.

Sec. 2. 5 MRSA §3305-B is enacted to read:

§3305-B. Additional powers; energy policy

1. Coordination of energy policy. The office shall coordinate the development of energy policy by:

A. Collecting and analyzing energy data from all available energy sources in the State. Upon request of a company engaged in the wholesale and retail trade of petroleum products in the State, the director may designate as confidential

information documents and data dealing with sales of that company. Information designated confidential by the director under this paragraph is not a public record and is not subject to disclosure under Title 1, chapter 13, subchapter I;

B. Preparing and submitting to the Governor and the Legislature every 2 years an energy resources plan that includes:

(1) A description of historical energy demand by end-use sector and energy resources used to meet that demand; and

(2) A forecast of energy demand, including electric and gas energy demand, by end-use sector for the next 5 years, 10 years and 20 years;

C. Encouraging and directing or sponsoring research, experiments and demonstration projects within the State to develop alternate energy sources, particularly, but not limited to, those sources that rely on renewable natural resources of the State, such as solar energy, water of tides and rivers, forests, winds and other sources that to date have not been fully explored or utilized;

D. Providing conservation alternatives to proposed new electric power generating plants and transmission and distribution facilities and assessing the long-term and short-term energy savings realized by the conservation alternatives; and

E. Coordinating the actions of state agencies that affect the consumption of energy with the objective of securing the environmental and economic benefits of electric industry restructuring occurring pursuant to Title 35-A, chapter 32.

2. Conservation programs. The office shall guide the development of statewide conservation programs to be implemented by transmission and distribution utilities pursuant to Title 35-A, section 3211 by:

A. Creating objectives and an overall energy strategy for such conservation programs, including implementation guidance on the use of competitive bidding or alternative contractual arrangements when program requirements make such arrangements preferable for the achievement of program objectives;

B. Revising program objectives and the overall energy strategy from time to time on a schedule to be determined by the office;

C. Reviewing and approving proposed utility implementation plans, including proposed com-

petitive bidding plans, for consistency with the objectives, strategy and planning guidance established pursuant to paragraph A or B;

D. Monitoring and evaluating implementation of programs for consistency with the objectives, strategy and planning guidance established pursuant to paragraph A or B and negotiating with utilities program modifications when modifications are supported by evaluation results or changed circumstances in the marketplace; and

E. Monitoring and participating in conservation planning and program development forums elsewhere in the region or the country and entering into agreements with public agencies or other entities outside of the State for joint or cooperative conservation planning or program delivery whenever such arrangements can provide demonstrable benefits to citizens of the State and when such arrangements are consistent with objectives, strategies and program plans developed pursuant to paragraph A or B.

3. Implementation. In performing the duties under this section, the office shall:

A. Coordinate its efforts with similar efforts in and among states in the northeast region that are designed to achieve the same goals;

B. Coordinate its efforts with agencies of the State with related responsibilities including the Public Utilities Commission, the Department of Environmental Protection, the Maine State Housing Authority, the Finance Authority of Maine, the Office of the Public Advocate and the Department of Economic and Community Development;

C. Encourage, when practicable, the development of resources, infrastructure and skills within the State by utilizing in-state contractors to provide energy efficiency services;

D. Pursue to the greatest extent practicable market-based approaches to implementing conservation programs;

E. Seek to implement the delivery of conservation program services in all regions of the State on an equitable basis and to citizens at all income levels;

F. Apply for grants and receive grants from state, federal and private sources when receipt of any such funding is consistent with the purposes of this section; and

G. Invite, accept, review and consider comments and suggestions from interested parties and hold

at least one hearing prior to adopting or substantially revising program objectives or energy strategies under subsection 2.

4. Fund. The Conservation Program Fund, referred to in this section as the "fund," is established as a nonlapsing fund within the State Planning Office to provide funds for carrying out the duties established under subsection 2. The fund may receive funds collected by the Public Utilities Commission from transmission and distribution utilities pursuant to Title 35-A, section 3211 for deposit in the fund.

5. Report. The office shall report by December 30th of each year to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on:

A. Activities undertaken pursuant to subsection 2;

B. Any proposals for changes to law that the office recommends as a result of its activities undertaken under subsection 2; and

C. An accounting of expenditures from the fund.

Sec. 3. 35-A MRSA §3211, as enacted by PL 1997, c. 316, §3, is repealed and the following enacted in its place:

§3211. Conservation programs

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

A. "Conservation program" means an energy conservation program developed by the State Planning Office pursuant to Title 5, section 3305-B.

B. "Prior conservation efforts" means programs to promote conservation undertaken at the direction of the commission prior to March 1, 2000.

C. "Service provider" means a provider of energy efficiency services.

2. Programs. Beginning March 1, 2000, to the extent funding is available pursuant to subsection 4, the commission shall require transmission and distribution utilities to implement energy conservation programs.

3. Selection of service providers. Except as otherwise directed by the commission, transmission and distribution utilities shall select service providers through a periodic competitive bidding process. The commission may direct a transmission and distribution utility to select a service provider without employing a

competitive bidding process if the commission finds that the selection of the service provider is:

A. Consistent with programs developed by the Executive Department, State Planning Office; and

B. In the best interests of the State.

4. Funding level. The commission shall establish total conservation program expenditures for each transmission and distribution utility that:

A. Are based on the relevant characteristics of the transmission and distribution utility's service territory, including the needs of customers;

B. Do not exceed .15 cent per kilowatt-hour; and

C. Are no less than 0.5% of the total transmission and distribution revenues of the transmission and distribution utility.

For purposes of this subsection, the term "total conservation program expenditures" means expenditures associated with prior conservation efforts, expenditures for conservation programs and assessments made pursuant to subsection 6.

5. Funding use. Funding for conservation programs must be expended in a manner consistent with applicable conservation programs.

6. Program costs. The commission shall assess transmission and distribution utilities in an equitable manner to produce in any fiscal year an amount of funds equal to the amount that the legislative allocation in that fiscal year from the Conservation Program Fund established under Title 5, section 3305-B exceeds any unencumbered amount in the fund carried forward from the prior fiscal year. Funds collected by the commission pursuant to this subsection must be transferred to the State Planning Office, which shall deposit those funds in the Conservation Program Fund.

7. Cost recovery. The commission shall include the cost of conservation programs, including any assessment collected pursuant to subsection 6, in the rates of transmission and distribution utilities.

8. Rules. The commission shall adopt rules implementing this section. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1999-00	2000-01
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EXECUTIVE DEPARTMENT

State Planning Office - Energy

Conservation Program

Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$37,255	\$50,702
All Other	100,000	100,000

Provides funds for one Policy Development Specialist position within the State Planning Office and consulting expenses to undertake responsibilities pursuant to the Maine Revised Statutes, Title 5, section 3305-B.

EXECUTIVE DEPARTMENT		
TOTAL	\$137,255	\$150,702

See title page for effective date.

CHAPTER 337

S.P. 418 - L.D. 1207

An Act to Amend the Local Highway Laws

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

Sec. 1. 23 MRSA c. 307, sub-c. II, Art. 1 is amended by repealing the headnote and enacting in its place the following:

Article 1

Municipalities

Sec. 2. 23 MRSA §3351 is amended to read:

§3351. Notice to owners to connect

~~Whenever the paving or repairing of~~ **Prior to paving or substantially repairing** any street or public highway ~~shall have been ordered by the city government, the road commissioner, the commissioner of public works or such officer as the city government municipal officers may appoint in the absence of a commissioner~~ shall duly serve upon owners of property abutting on ~~such a~~ street or highway and upon all corporations, persons, firms and bridge or water districts occupying ~~such a~~ street or highway a notice directing ~~such~~ owners, corporations, persons, firms and bridge or water districts to make ~~such~~ sewer,