

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (New Draft of S.P. 141, L.D. 395)
3 FIRST REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 1653

8
9 S.P. 637

In Senate, June 14, 1985

10 Reported by Senator Matthews of Kennebec from the Committee on
11 Audit and Program Review and printed under Joint Rule 2. Original bill
12 sponsored by Senator Diamond of Cumberland. Cosponsored by
Representative Rolde of York.

JOY J. O'BRIEN, Secretary of the Senate

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-FIVE
18

19 AN ACT Relating to Periodic Justification of
20 Departments and Agencies of State
21 Government under the Maine Sunset
22 Laws.
23

24 Emergency preamble. Whereas, Acts of the Legis-
25 lature do not become effective until 90 days after
26 adjournment unless enacted as emergencies; and

27 Whereas, the 90-day period may not terminate un-
28 til after the beginning of the next fiscal year; and

29 Whereas, certain obligations and expenses inci-
30 dent to the operation of departments and agencies
31 will become due and payable on or immediately after
32 July 1, 1985; and

33 Whereas, certain independent agencies will termi-
34 nate unless continued by the Legislature prior to
35 June 30, 1985; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 PART A

10 Sec. 1. 1 MRSA §25 is amended to read:

11 §25. The Maine Geological Survey to have charge of
12 topographic mapping

13 ~~The Public Utilities Commission~~ Maine Geological
14 Survey shall have charge of topographic mapping on
15 behalf of the State. ~~Said commission~~ The Maine Geo-
16 logical Survey is authorized and directed to enter
17 into such agreements with the Director of the United
18 States Geological Survey as will assure the progress
19 of the work in an efficient and economical manner.

20 Sec. 2. 3 MRSA §507, sub-§7, as repealed and re-
21 placed by PL 1983, c. 819, Pt. A, §2, is amended to
22 read:

23 7. Group D-1 and D-2 departments.

24 A. The evaluations and analyses of the justifi-
25 cation reports for the programs of the following
26 Group D-1 departments shall be reviewed by the
27 Legislature no later than June 30, 1986:

28 (1) Department of Business, Occupational
29 and Professional Regulation; and

30 (2) Department of Educational and Cultural
31 Services, but limited to the cultural bu-
32 reaus; library services, State Museum Bu-
33 reau, Arts and Humanities Bureau, Historic
34 Preservation Commission, and the Management

1 Information Division, higher education ser-
2 VICES and the Bryant Pond Conservation
3 School.

4 B. The evaluations and analyses of the justifi-
5 cation reports for the programs of the following
6 Group D-2 departments shall be reviewed by the
7 Legislature no later than June 30, 1987:

8 (1) Board of Trustees of the University of
9 Maine; and

10 (2) Board of Trustees of the Maine Maritime
11 Academy; and

12 (3) Department of Educational and Cultural
13 Services, except for the cultural bureaus,
14 Management Information Division, higher edu-
15 cation services and the Bryant Pond Conser-
16 vation School.

17 Sec. 3. 3 MRSA §507-B, sub-§§7 and 8 are enacted
18 to read:

19 7. Agencies scheduled for termination on June
20 30, 1985. Pursuant to section 507, subsection 6,
21 paragraph B, the following agencies scheduled for
22 termination on June 30, 1985, are continued or modi-
23 fied by an Act of the Legislature passed prior to
24 June 30, 1985:

25 (1) Public Utilities Commission;

26 (2) State Development Office;

27 (3) Office of Energy Resources;

28 (4) Maine Development Foundation;

29 (5) Saco River Corridor Commission;

30 (6) State Soil and Water Conservation Com-
31 mission; and

32 (7) Atlantic Sea Run Salmon Commission.

1 8. Agencies scheduled for termination on June
2 30, 1985. The following agencies and those scheduled
3 for termination on June 30, 1985, pursuant to section
4 507, subsection 6, paragraph B, shall continue, but
5 shall terminate, not including the grace period, no
6 later than June 30, 1986, unless continued or modi-
7 fied by law:

8 (1) Maine Sardine Council;

9 (2) Atlantic States Marine Fisheries Com-
10 mission;

11 (3) Board of Directors, Maine Municipal and
12 Rural Electrification Cooperative Agency;

13 (4) State Energy Resource Advisory Board;

14 (5) Low-level Waste Siting Commission;

15 (6) Lobster Advisory Council;

16 (7) Board of Environmental Protection; and

17 (8) State Board of Examiners of Psycholo-
18 gists.

19 Sec. 4. 4 MRSA §164, sub-§17 is enacted to read:

20 17. Marine Resources Bureau. Establish in each
21 division a Marine Resources Bureau. The Chief Judge
22 shall appoint the clerks of the District Court in
23 each division as violations clerk for the Marine Re-
24 sources Bureau in their respective divisions.

25 The violations clerk shall accept written appear-
26 ances, waiver of trial, plea of guilty and payment of
27 fine and costs in marine resources' offense cases,
28 subject to the limitations prescribed in this subsec-
29 tion. The violations clerk shall serve under the di-
30 rection and control of the judge of the court for
31 which he is appointed.

32 A. A marine resources' offense means any viola-
33 tion of any provision of Title 12, chapters 601

1 to 627 and chapter 715, or any regulation promul-
2 gated by the Commissioner of Marine Resources
3 pursuant to those chapters.

4 B. The Chief Judge shall by order, which may
5 from time to time be amended, suspended or re-
6 pealed, designate the marine resources' offenses
7 within the authority of the violations clerk, ex-
8 cept that the offenses shall not include any of-
9 fense for which a mandatory minimum term of im-
10 prisonment is provided by law. The court shall
11 establish schedules, within the limits prescribed
12 by law, of the amount of fines to be imposed for
13 the offenses. The order of the court establish-
14 ing the schedules shall be prominently posted in
15 the place where the fines are paid. Fines and
16 costs shall be paid to, receipted by and ac-
17 counted for by the violations clerk in accordance
18 with these provisions.

19 C. Any person charged with any marine resources'
20 offense within the authority of the violations
21 clerk may file an appearance in person or by mail
22 before the violations clerk. Any person may en-
23 ter a plea admitting the violation charged and
24 waiver of trial and pay the fine, and costs, es-
25 tablished for the violation charged. Any person
26 so entering a plea admitting the infraction
27 charged shall be informed of his rights, includ-
28 ing his right to stand trial, that his signature
29 to a plea admitting the violation charged will
30 have the same effect as a judgment of the court
31 and that the record of adjudication will be sent
32 to the Commissioner of Marine Resources.

33 D. Any person who has been found guilty of or
34 who has signed a plea of guilty to, or who has
35 been found to have committed or who has signed a
36 plea admitting or admitting with an explanation,
37 one or more previous marine resources' offenses
38 subject to this subsection within a 12-month pe-
39 riod shall not be permitted to appear before the
40 violations clerk unless the court, by order, per-
41 mits such appearance. Each waiver of hearing
42 filed under this subsection shall recite on the

1 oath or affirmation of the offender whether or
2 not he has been previously found guilty of or to
3 have committed or has previously signed a plea of
4 guilty to, admitting or admitting with an expla-
5 nation to, one or more marine resources' offenses
6 within a 12-month period. Any person swearing
7 falsely to such statement shall, upon conviction,
8 be subject to a fine of not more than \$50.

9 E. The Chief Judge, following notification to
10 the Chief Justice of the Supreme Judicial Court
11 or his delegate, may authorize such forms and
12 procedures as he deems appropriate to carry out
13 this subsection.

14 Sec. 5. 4 MRSA §173-A, as enacted by PL 1975, c.
15 731, §12-A, is amended to read:

16 §173-A. Costs taxable for the State in civil viola-
17 tion or traffic infraction proceedings

18 Costs taxable for the State in civil violation or
19 traffic infraction proceedings shall be as follows.

20 Unless the defendant shows that his failure to
21 pay was neither intentional nor knowing nor due to a
22 failure on his part to make a good faith effort to
23 obtain the funds required for the payment, for fail-
24 ure to pay a fine, imposed for the commission of a
25 civil violation or traffic infraction within 30 days
26 of entry of judgment, \$25.

27 Sec. 6. 5 MRSA §672, as amended by PL 1975, c.
28 766, §4, is further amended to read:

29 §672. Filling of positions

30 Positions in the classified service shall be
31 filled by original appointment, promotion, transfer,
32 reinstatement or demotion in pursuance of rules and
33 regulations established and administered by the com-
34 missioner. These rules shall provide for the direct
35 hire of positions in the classified service where ap-
36 propriate.

1 Sec. 7. 5 MRSA §931, sub-§1, ¶H, as repealed and
2 replaced by PL 1983, c. 862, §10, is amended to read:

3 H. Officers and employees of the unorganized
4 territory school system; the teachers, adminis-
5 trators and professional employees of the state
6 vocational-technical institutes and the Governor
7 Baxter School for the Deaf; and the teachers, ad-
8 ministrators and professional employees of school
9 systems in other state institutions; ~~and~~

10 Sec. 8. 5 MRSA §931, sub-§1, ¶I, as enacted by
11 PL 1983, c. 729, §4, is amended to read:

12 I. Deputies, assistants, staff attorneys, re-
13 search assistants and the secretary to the Attor-
14 ney General of the Department of Attorney Gener-
15 al- ; and

16 Sec. 9. 5 MRSA §931, sub-§1, ¶J is enacted to
17 read:

18 J. Staff attorney, financial analyst and chief
19 utility accountant positions at the Public Utili-
20 ties Commission.

21 Sec. 10. 5 MRSA §945, as enacted by PL 1983, c.
22 729, §4, is amended to read:

23 §945. Department of Marine Resources

24 1. Major policy-influencing positions. The fol-
25 lowing positions are major policy-influencing posi-
26 tions within the Department of Marine Resources.
27 Notwithstanding any other provision of law, these po-
28 sitions and their successor positions shall be sub-
29 ject to this chapter:

30 A. Deputy Commissioner; and

31 B. Chief, Bureau of Marine Patrol; and .

32 C. ~~Assistant to the Commissioner.~~

33 Sec. 11. 5 MRSA §1742, sub-§21 is amended to
34 read:

1 21. Rules. To make rules and regulations, sub-
2 ject to the approval of the Commissioner of Finance
3 and Administration for the purposes of carrying out
4 this subchapter; and

5 Sec. 12. 5 MRSA §1742, sub-§22 is enacted to
6 read:

7 22. Drug-related seized property. To review and
8 comment on all records provided by the Commissioner
9 of Public Safety relating to the disposition of
10 drug-related seized property pursuant to Title 22,
11 section 2387, subsection 5.

12 Sec. 13. 5 MRSA §1825 is enacted to read:

13 §1825. Prohibitions

14 All state agencies, except the Department of
15 Transportation, are prohibited from purchasing what
16 is normally classified as heavy equipment not previ-
17 ously authorized by the Legislature through the bud-
18 get process, without prior written authorization from
19 the Commissioner of Finance and Administration. All
20 purchase requisitions for heavy equipment shall indi-
21 cate the budget year and account which authorized
22 each item of equipment and, if required, contain the
23 written authorization of the Commissioner of Finance
24 and Administration.

25 Sec. 14. 5 MRSA §5004, sub-§2, as repealed and
26 replaced by PL 1975, c. 587, §1, is amended to read:

27 2. Qualifications. The Director of the Office of
28 Energy Resources shall have a background in engineer-
29 ing, economies, energy research or the administration
30 of energy programs and shall be qualified to evaluate
31 energy conservation or development proposals in terms
32 of technical and economic feasibility.

33 Sec. 15. 5 MRSA §5004, sub-§4, as amended by PL
34 1981, c. 701, §3, is repealed.

35 Sec. 16. 5 MRSA §5005, sub-§1, as amended by PL
36 1981, c. 701, §§4 to 7, is further amended to read:

1 1. Powers and duties. The Office of Energy Re-
2 sources shall:

3 A. Prepare an energy resources plan to be sub-
4 mitted to the Governor and the Legislature by
5 September 15, 1983, and every 2 years thereafter.

6 (1) The plan shall include:

7 (a) A description of historical energy
8 demand by end use sector and energy re-
9 sources used to meet that demand;

10 (b) A forecast of energy demand by end
11 use sector for the next 5, 10 and 20
12 years, including an electricity demand
13 forecast and the unit cost of the re-
14 sources that may be utilized to meet
15 that demand. A description of the as-
16 sumptions upon which the forecasts are
17 based and the probability of error
18 shall also be provided. This forecast
19 shall include the electric and gas
20 forecast from paragraph B;

21 (c) A description and quantification
22 of potentially available energy re-
23 sources for use in the State;

24 (d) A report on the progress of imple-
25 menting the last energy resources plan;
26 and

27 (e) Recommendations for energy policy,
28 including specific recommendations for
29 state action necessary to implement
30 this policy. The recommendations shall
31 include proposals concerning the types
32 and quantity of resources that will
33 meet the future energy demand in the
34 most desirable and feasible manner.
35 Preference shall be given to conserva-
36 tion and renewable resources where they
37 are technically and economically feasi-
38 ble; and

1 (f) A report on the progress of pro-
2 grams developed and implemented by the
3 Office of Energy Resources and the di-
4 rection of programs planned for the en-
5 suing 2 years.

6 (2) The director shall hold a public hear-
7 ing on the report prior to submission to the
8 Governor and the Legislature.

9 (3) The director shall assist the Governor
10 in the preparation of a state energy policy-
11 ;

12 B. Prepare a biennial electric and gas energy
13 forecast for use in preparing the biennial energy
14 resources plan. That forecast shall be prepared
15 as follows.

16 (1) Each electric company serving more than
17 20,000 customers within the State or gas
18 company serving within the State shall file
19 with the Office of Energy Resources a long-
20 range forecast of demand for the utility's
21 service 5, 10 and 20 years ahead. A fore-
22 cast prepared to meet this requirement may
23 also be filed by the utility in any proceed-
24 ing before the Public Utilities Commission.

25 (2) The director shall prepare a draft
26 forecast based on the information received
27 under subparagraph (1) and any other infor-
28 mation available to him, and hold a public
29 hearing to receive comments on the draft.
30 The draft report shall contain:

31 (a) Projection of the demand for elec-
32 trical energy and natural gas in the
33 State for the succeeding 5-year,
34 10-year and 20-year periods;

35 (b) Identification of supplies and ca-
36 pacity for meeting the electric and gas
37 needs including planned increases in
38 supply and capacity intended to meet

1 that demand and other options for meet-
2 ing the electric and gas needs, such as
3 conservation or other supplies; and

4 (c) Such other information as the di-
5 rector deems appropriate.

6 (3) Within 60 days of the public hearing
7 described in subparagraph (2), the director
8 shall publish a final forecast. That fore-
9 cast shall be included in the biennial ener-
10 gy resources plan.

11 (4) The director shall submit a copy of the
12 electric and gas energy forecast to the Pub-
13 lic Utilities Commission. The commission
14 may consider the forecast in all relevant
15 proceedings;

16 B-1. Nothing in this section may prohibit the
17 director from preparing additional reports and
18 forecasts in order to carry out the responsibili-
19 ties of the office;

20 C. Encouragement of voluntary energy conserva-
21 tion among state and local government, industry,
22 business and the public for the most efficient
23 utilization of available energy;

24 D. The Director of Energy Resources shall be re-
25 sponsible for collecting and analyzing energy da-
26 ta from all available energy sources in the
27 State. Data relating to activities outside the
28 State may be requested only insofar as these ac-
29 tivities have a direct impact upon energy costs
30 and availability within the State. The director
31 shall afford confidential treatment to informa-
32 tion, documents and data dealing with sales of
33 individual companies which are engaged in the
34 wholesale and retail trade of petroleum products
35 in the State, upon request of the individual com-
36 panies;

37 E. Provide technical assistance to the Governor
38 and the Legislature in identifying the emergency

- 1 and long-range needs and resources to meet these
2 needs for the State;
- 3 F. Upon request, provide planning and technical
4 assistance to public and private groups in the
5 field of energy planning;
- 6 G. Encourage and direct or sponsor research, ex-
7 periments, and demonstration projects within the
8 State to develop alternate energy sources, par-
9 ticularly, but not limited to, those sources
10 which rely on the renewable natural resources of
11 the State, such as solar energy, the water of the
12 tides and rivers, the forests, the winds and oth-
13 er sources which to date have not been fully ex-
14 plored or utilized;
- 15 H. Encourage and direct, in conjunction with
16 private industry, the practical development and
17 operation on a small scale of experimental
18 projects involving alternate energy sources, in
19 order to ascertain the potential usefulness of
20 such alternate energy sources and their costs,
21 provided only that such projects shall be subject
22 to the regulations of those state agencies con-
23 cerned with the protection of the environment and
24 preservation of the natural resources of the
25 State, and with regulation of other energy
26 sources;
- 27 I. The Office of Energy Resources, with the con-
28 sent of the Governor, may employ such expert and
29 professional consultants as it deems necessary
30 within the limit of funds available and consist-
31 ent with the powers and duties of the office; ;
- 32 J. Provide conservation alternatives to proposed
33 new electric power generating plants and render
34 an account of the long-term and short-term energy
35 savings realized by the conservation alterna-
36 tives;
- 37 K. Study, in conjunction with the Department of
38 Transportation, car pooling parking facilities
39 throughout the State, determine the need for such

1 facilities and report its findings and any neces-
2 sary legislation to the Legislature; ~~and~~

3 L. Compile a list of all the statutes pertaining
4 to energy and energy conservation. The list
5 shall include the Title and section affected and
6 the content of each provision-; ;

7 M. Encourage the use of solar energy equipment
8 under the state policy of providing tax incen-
9 tives to develop alternate energy resources. This
10 paragraph shall remain in effect until January 1,
11 1983-; ;

12 N. In cooperation with the Office of the State
13 Fire Marshal and other interested parties, pre-
14 pare proposed standards for the installation of
15 stoves designed exclusively to burn wood for the
16 purposes of heating or cooking, but shall not in-
17 clude wood stoves designed as furnaces attached
18 to a central heating system. A hearing shall be
19 held, preceded by reasonable notice to the pub-
20 lic, on these proposed standards and they shall
21 be modified as deemed necessary in response to
22 the public hearing. The Office of Energy Re-
23 sources shall make these standards available to
24 those municipalities which desire to regulate the
25 installation of wood stoves, pursuant to their
26 powers as expressed in Title 30, section 2151-; ;

27 O. In cooperation with the Plumbers' Examining
28 Board and the Department of Business, Occupation-
29 al and Professional Regulation, establish a vol-
30 untary training and certification program for in-
31 stallers of solar energy equipment; ~~and~~

32 P. Have the authority to collect inventory and
33 product delivery data from the state's primary
34 storage facilities of petroleum products and
35 shall afford confidential treatment to that in-
36 formation-; and

37 Q. Be the designated state agency to handle all
38 energy matters within the State which are not the
39 responsibilities of other state agencies under

1 the provisions of federal or state law, and au-
2 thority is conferred on the direction of that of-
3 fice to accept, use and administer all energy
4 funds, including federal, state and private
5 funds, in accordance with established budgetary
6 procedures which become available pursuant to
7 this Act. The director may receive and accept,
8 on behalf of the Office of Energy Resources or on
9 behalf of the State, any grants or gifts.

10 Sec. 17. 5 MRSA §5006, as amended by PL 1981, c.
11 701, §8, is further amended to read:

12 §5006. Maine Energy Resources Development Program

13 All federal and private moneys received by the
14 Office of Energy Resources for energy research and
15 development shall be deposited in the Maine Energy
16 Resources Development Fund. The Maine Energy Re-
17 sources Development Fund shall be administered by the
18 Director of the Office of Energy Resources and shall
19 be used only to carry out the provisions of this Act.
20 The Office of Energy Resources shall be the desig-
21 nated state agency to handle all energy matters with-
22 in the State which are not the specific responsibili-
23 ty of another state agency under the provisions of
24 federal or state law, and authority is conferred on
25 the director of such office to accept, use and admin-
26 ister all energy funds, including federal, state and
27 private funds, in accordance with established budget-
28 ary procedures which become available pursuant to
29 this Act. The director may receive on behalf of the
30 Office of Energy Resources or on behalf of the State
31 any grants or gifts and may accept them-

32 The Office of Energy Resources shall, as funding
33 allows, administer a program of energy research and
34 demonstration activities related to both the use of
35 indigenous, renewable resources and more efficient
36 use of energy. The director may accept private money
37 for the purpose of pursuing this program.

38 1. Report to Legislature. The Director of Energy
39 Resources shall report annually to the Legislature in
40 January of every regular and special session of the

1 Legislature include, in the biennial comprehensive
2 energy plan, a report which specifies in regard to
3 the Maine Energy Resources Development Program the
4 expenditure of funds, the purposes for which said the
5 funds were used and the amount of as well as the
6 sources from which the funds were derived.

7 2. Expenditures requiring approval. For all
8 programs involving expenditures of \$10,000 or more,
9 the director shall recommend those expenditures to
10 the Governor. If the Governor approves, he shall
11 recommend those expenditures to the Legislature under
12 the procedure authorizing the transfer of funds set
13 forth in section 1585, subsection 3.

14 Sec. 18. 5 MRSA §12004, sub-§1, ¶A, as amended
15 by PL 1983, c. 862, §§17 to 19, is further amended to
16 read:

17 A. This classification includes the following
18 boards:

19		NAME OF	RATE OF	STATUTORY
20		ORGANIZATION	COMPENSATION	REFERENCE
21	(1)	Board of Accountancy	\$35/Day	32 MRSA §3971
22	(2)	Arborist Examining	\$25/Day	32 MRSA §2001
23		Board		
24	(3)	Maine State Board	\$35/Day	32 MRSA §211
25		for Registration of		
26		Architects and Land-		
27		scape Architects		
28	(4)	Board of Examiners	Legislative	4 MRSA §801
29		of Applicants for	Per Diem	
30		Admission to the Bar		
31	(5)	State Board of	\$35/Day	32 MRSA §351
32		Barbers		
33	(6)	Board of Boiler	Expenses	26 MRSA §171
34		Rules	Only	

1	(7)	Board of Chiro-	\$25/Day	32 MRSA §501
2		practic Exami-		
3		nation and		
4		Registration		
5	(8)	State Board of	\$35/Day	32 MRSA §1601
6		Cosmetology		
7	(9)	Board of Dental	\$35/Day	32 MRSA §1071
8		Examiners		
9	(10)	Board of Commer-	\$35/Day	32 MRSA §9552
10		cial Driver	Public	
11		Education	Member	
12	(11)	Electricians'	\$30/Day	32 MRSA §1151
13		Examining Board		
14	(12)	Board of Elevator	Expenses	26 MRSA §475
15		and Tramway Safety	Only	
16	(13)	State Board of	Expenses	32 MRSA §1301
17		Registration for	Only	
18		Professional Engi-		
19		neers		
20	(14)	State Board of	Expenses	32 MRSA §5004
21		Registration for	Only	
22		Professional Foresters		
23	(15)	State Board of	\$20/Day	32 MRSA §1451
24		Funeral Service		
25	(16)	State Board of	Expenses	32 MRSA §4907
26		Certification for	Only	
27		Geologists and Soil		
28		Scientists		
29	(17)	Board of Examiners	Expenses	12 MRSA §7301
30		for the Licensing of	Only	
31		Guides		
32	(18)	Junior Maine Guides	Expenses	12 MRSA §7302
33		and Trip Leaders'	Only	
34		Curriculum Board		

1	(19)	Board of Hearing Aid	\$35/Day	32 MRSA §1658
2		Dealers and Fitters		
3	(20)	State Board of	Expenses	32 MRSA §1671
4		Registration for	Only	
5		Land Surveyors		
6	(21)	Manufactured	\$35/Day	10 MRSA §9003
7		Housing Board		
8	(22)	State Board of	\$30/Day	32 MRSA §63
9		Licensure of		
10		Administrators of		
11		Medical Care		
12		Facilities other		
13		than Hospitals		
14	(23)	Board of Registration	\$1,250/Year-	32 MRSA §3263
15		in Medicine	Member	
16			\$1,500/Year-	
17			Chairman	
18			\$7,500/Year-	
19			Secretary	
20	(24)	State Board of	Legislative	32 MRSA §2151
21		Nursing	Per Diem	
22	(24-A)	Board of Occupa-	Expenses	32 MRSA §2273
23		tional Therapy	Only	
24		Practice		
25	(25)	Oil and Solid Fuel	\$30/Day	32 MRSA §2351
26		Board		
27	(26)	State Board of	\$25/Day	32 MRSA §2415
28		Optometry		
29	(27)	Board of Osteopathic	Legislative	32 MRSA §2561
30		Examination and	Per Diem	
31		Registration		
32	(28)	Board of Commis-	\$25/Day	32 MRSA §2851
33		sioners of the Pro-		
34		fession of Pharmacy		

1	(29)	Board of Examiners	\$25/Day	32 MRSA §3112
2		in Physical Therapy		
3	(30)	Plumbers' Examining	\$35/Day	32 MRSA §3401
4		Board		
5	(31)	Board of Examiners	\$25/Day	32 MRSA §3601
6		of Podiatrists		
7	(32)	State Board	\$35/Day	32 MRSA §3821
8		of Examiners of		
9		Psychologists		
10	(32-A)	<u>Joint Committee of</u>	<u>See subsec-</u>	<u>32 MRSA §3840</u>
11		<u>Licensure-Certifi-</u>	<u>tion 1, para-</u>	
12		<u>cation for School</u>	<u>graph A, sub-</u>	
13		<u>Psychological Ser-</u>	<u>paragraph (32)</u>	
14		<u>vices</u>	<u>and subsec-</u>	
15			<u>tion 8, para-</u>	
16			<u>graph A, sub-</u>	
17			<u>paragraph (3)</u>	
18	(33)	Real Estate	\$35/Day	32 MRSA §4051-A
19		Commission		
20	(34)	State Board of	Expenses	32 MRSA §7026
21		Social Worker	Only	
22		Registration		
23	(35)	Board of Examiners	\$25/Day	32 MRSA §6010
24		on Speech Pathology		
25		and Audiology		
26	(36)	Board of Registration	Not	32 MRSA §6201
27		of Substance Abuse	Authorized	
28		Counselors		
29	(37)	State Board of	Legislative	32 MRSA §4854
30		Veterinary Medicine	Per Diem	
31	(38)	Penobscot Bay and	Not	38 MRSA §89
32		River Pilotage	Authorized	
33		Commission		
34	(39)	Maine Athletic		8 MRSA §141

1 Commission

2 (a) The total per diem compensation
3 for each member shall not exceed \$1,000
4 per year.

5 Sec. 19. 10 MRSA §1415-A, sub-§4, as enacted by
6 PL 1979, c. 676, §2, is repealed.

7 Sec. 20. 12 MRSA §206, as enacted by PL 1983, c.
8 522, is amended to read:

9 §206. Establishment of fund

10 There is established a fund to encourage local
11 soil and water conservation projects. The fund shall
12 consist of all moneys appropriated to it and any mon-
13 eys received as donations or from other sources.
14 Moneys in this fund shall be disbursed periodically
15 by the Soil and Water Conservation Commission on a
16 competitive basis to one or more of the soil and wa-
17 ter conservation districts for the funding of innova-
18 tive soil and water conservation projects. Any bal-
19 ance in this fund, except moneys appropriated by the
20 State, shall not lapse, but shall be carried forward
21 from year to year to be expended for the purposes set
22 forth in this subchapter. The commission shall es-
23 tablish by rule criteria for project submission,
24 evaluation and selection. These criteria shall,
25 among other factors, address priority of need,
26 boldness of approach, program feasibility and repro-
27 ducibility and verification of results. The commis-
28 sion may impose such conditions on the use of funds
29 awarded as in its judgment are best suited to accom-
30 plish the purposes of this subchapter and insure that
31 moneys awarded by the commission are properly spent
32 by the districts. Any final decision of the commis-
33 sion to fund a project or to not fund a project shall
34 constitute "final agency action" for purposes of Ti-
35 tle 5, chapter 375, subchapter IV. The commission
36 shall submit an annual report on the status of the
37 Challenge Grant Program to the joint standing commit-
38 tees of the Legislature having jurisdiction over ag-
39 riculture and audit and program review, as well as
40 the Finance Authority of Maine for public hearing and
41 critique.

1 Sec. 21. 12 MRSA §4807-B, as enacted by PL 1973,
2 c. 411, §1, is amended to read:

3 §4807-B. Approval of smaller lots

4 A lot of less than the size required in section
5 4807-A may be used for subsurface waste disposal if
6 approved in writing by the Board of Environmental
7 Protection Department of Human Services. Approval
8 shall be granted if the applicant for approval demon-
9 strates to the Board of Environmental Protection De-
10 partment of Human Services that, based upon the
11 amount and nature of wastes, construction of the sub-
12 surface disposal system, soil types and slopes,
13 percolation rates, depth to bedrock and groundwater,
14 density of any proposed development, and other rele-
15 vant factors, the proposed subsurface waste disposal
16 will not lower the water quality of or otherwise pose
17 a threat to any lake, pond, stream, river or tidal
18 waters, any underground water supply, or to the pub-
19 lic health, safety and general welfare.

20 Sec. 22. 12 MRSA §4807-C, as enacted by PL 1973,
21 c. 411, §1, is amended to read:

22 §4807-C. Approval of lesser frontage

23 A lot of less than the frontage required in sec-
24 tion 4807-A may be used for subsurface waste disposal
25 if approved in writing by the Board of Environmental
26 Protection Department of Human Services. Approval
27 shall be granted if the applicant for approval demon-
28 strates to the board that such frontage will not
29 cause such lot to be of such configuration as to pre-
30 vent compliance with the standards in section 4807-B,
31 or not otherwise present any harm to public health,
32 safety or general welfare.

33 Sec. 23. 12 MRSA §4811, as amended by PL 1983,
34 c. 458, §2, is repealed.

35 Sec. 24. 12 MRSA §4811-A, as amended by PL 1983,
36 c. 796, §3, is reallocated to be Title 38, section
37 436.

1 Sec. 25. 12 MRSA §4811-B, as enacted by PL 1983,
2 c. 458, §4, is reallocated to be Title 38, section
3 437.

4 Sec. 26. 12 MRSA §4812, as amended by PL 1975,
5 c. 497, §3, is repealed.

6 Sec. 27. 12 MRSA §4812-A, as amended by PL 1975,
7 c. 438, is reallocated to be Title 38, section 439.

8 Sec. 28. 12 MRSA §4812-B, as amended by PL 1975,
9 c. 623, §§15A and 15B, is reallocated to be Title 38,
10 section 440.

11 Sec. 29. 12 MRSA §4812-C, as enacted by PL 1983,
12 c. 796, §4, is reallocated to be Title 38, section
13 441.

14 Sec. 30. 12 MRSA §4813, as amended by PL 1979,
15 c. 541, Pt. A, §131, is repealed.

16 Sec. 31. 12 MRSA §4814, as amended by PL 1983,
17 c. 306, §1, is repealed.

18 Sec. 32. 12 MRSA §4815, as repealed and replaced
19 by PL 1983, c. 796, §5, is reallocated to be Title
20 38, section 444.

21 Sec. 33. 12 MRSA §§4816 and 4817, as enacted by
22 PL 1983, c. 458, §5, are repealed.

23 Sec. 34. 12 MRSA §6022, sub-§1, as amended by PL
24 1979, c. 127, §82, is further amended to read:

25 1. Appointment and term. The commissioner shall
26 be appointed by the Governor and shall be subject to
27 review by the Joint Standing Committee on Marine Re-
28 sources and to confirmation by the Legislature. ~~His~~
29 ~~term shall be coterminous with the Governor, but~~
30 ~~shall continue until his successor is appointed and~~
31 ~~qualified.~~ The commissioner shall serve at the plea-
32 sure of the Governor.

33 Sec. 35. 12 MRSA §6024, sub-§1, as amended by PL
34 1983, c. 812, §81, is further amended to read:

1 1. Appointment; composition; term; compensation.
2 The advisory council, established by Title 5, section
3 12004, subsection 10, shall consist of 9 members.
4 Each member shall be appointed by the Governor and
5 shall be subject to review by the joint standing com-
6 mittee of the Legislature having jurisdiction over
7 marine resources and to confirmation by the Legisla-
8 ture. Eight of the members shall be selected from
9 persons directly engaged in commercial activities or
10 industries based on marine resources, and one of the
11 members shall be selected from persons who represent
12 recreational fishing interests. The composition of
13 the council shall adequately represent the commercial
14 fisheries' activities over which the department has
15 jurisdiction and shall also reflect a geographical
16 distribution along the coast. All members shall be
17 appointed for a term of 3 years, except a vacancy
18 shall be filled in the same manner as an original for
19 the unexpired portion of the term. No member may
20 serve more than 2 consecutive terms at any one time.
21 Members shall serve until their successors are ap-
22 pointed. Members shall be compensated as provided in
23 Title 5, chapter 379.

24 Sec. 36. 12 MRSA §6024, sub-§5, as enacted by PL
25 1979, c. 357, is amended to read:

26 5. Research oversight. The commissioner shall
27 annually report to the council on the research of the
28 department. The report shall include the present re-
29 search plan and its implementation, any necessary re-
30 vision of the plan and its necessary extension over
31 the planning period. The council may appoint marine
32 scientists, who are not employees of the department,
33 to advise it in considering the research plan. After
34 completing its review, the council shall report the
35 plan, and any recommendations or comments, to the
36 joint standing committee of the Legislature having
37 jurisdiction over marine resources.

38 Sec. 37. 12 MRSA §6208 is enacted to read:

39 §6208. Marine resources' citation form

1 1. Form. The commissioner may establish cita-
2 tion forms for use by the Bureau of Marine Patrol.
3 These forms, if established, shall be uniform
4 throughout the State and shall be issued in books
5 with citations in not less than quadruplicate. When
6 the form requires a signature by a person upon whom
7 the citation is served, the form shall include a
8 statement that signing the citation does not consti-
9 tute an admission of guilt and that failure to sign
10 constitutes a separate offense which is a Class E
11 crime. The form shall be approved by the Chief Judge
12 of the District Court prior to its use.

13 2. Responsibility for issuance and disposi-
14 tion. Responsibility for issuance and disposition
15 shall be as follows.

16 A. The commissioner shall be responsible for all
17 marine resources' citation forms.

18 B. The commissioner may in his discretion pro-
19 vide books to other law enforcement agencies and
20 officers listed in section 7055 for their use in
21 the enforcement of chapters 601 to 627. The com-
22 missioner may not require other agencies to use
23 this form.

24 3. Illegal disposition; prohibited act. It is
25 unlawful and official misconduct for any marine pa-
26 trol officer or other public employee to dispose of
27 an official citation form, except in accordance with
28 law and as provided for in any applicable official
29 policy or procedure of the Bureau of Marine Patrol.

30 4. When a lawful complaint. If the citation
31 provided for in this section is duly sworn to and
32 otherwise satisfies the requirements of the general
33 laws of this State, in respect to the form of a com-
34 plaint and charges an offense, it may be filed in a
35 court having jurisdiction and shall constitute a law-
36 ful complaint for the purpose of the commencement of
37 any criminal prosecution or civil violation proceed-
38 ing.

1 5. When a lawful summons. A citation, as pro-
2 vided for in this section, when served upon a person
3 by a law enforcement officer, shall act as a summons
4 to appear in court or, if a civil violation is
5 charged, to otherwise respond in accordance with law
6 on or before the date specified in this citation.

7 6. Refusal to sign; prohibited act. No person
8 may refuse to sign a citation after having been or-
9 dered to do so by a law enforcement officer.

10 Sec. 38. 12 MRSA §6251, as amended by PL 1983,
11 c. 812, §§82 and 83, is repealed.

12 Sec. 39. 12 MRSA §6251-A is enacted to read:

13 §6251-A. Atlantic Sea Run Salmon Commission

14 1. Purposes. For the purposes of undertaking
15 projects in research, planning, management, restora-
16 tion and propagation of the Atlantic Sea Run Salmon
17 in the State, the Atlantic Sea Run Salmon Commission
18 is established.

19 2. Members. The commission shall have the fol-
20 lowing members:

21 A. The Commissioner of Marine Resources or his
22 designee;

23 B. The Commissioner of Inland Fisheries and
24 Wildlife or his designee; and

25 C. A public member, who shall be a resident of
26 the State, appointed by the Governor. The ap-
27 pointment shall be for 4 years or thereafter un-
28 til a successor is appointed. Any vacancy shall
29 be filled by an appointment for a full 4-year
30 term.

31 3. Compensation. The appointed public member
32 shall be compensated as provided in Title 5, chapter
33 379.

1 4. Chairman. The Commissioner of Inland Fisher-
2 ies and Wildlife shall act as permanent chairman of
3 the commission and shall have sole authority over the
4 administrative and financial matters of the commis-
5 sion.

6 5. Meetings. Except as otherwise provided in
7 this section, the commission shall conduct its busi-
8 ness in public meetings, from time to time called by
9 the chairman, in accordance with Title 1, sections
10 401 to 406. Decisions of the commission require at
11 least 2 affirmative votes. The commission may dele-
12 gate to any of its members or to its staff any rou-
13 tine business as it deems necessary to carry out its
14 purposes.

15 6. Staff. Subject to appropriation or alloca-
16 tion and in accordance with the Personnel Law, staff
17 may be hired to carry out the work of the commission.
18 Hiring and management of the staff shall be the re-
19 sponsibility of the Commissioner of Inland Fisheries
20 and Wildlife.

21 Sec. 40. 12 MRSA §6252, as enacted by PL 1977,
22 c. 661, §5, is repealed.

23 Sec. 41. 12 MRSA §6252-A is enacted to read:

24 §6252-A. Powers

25 In furtherance of the purposes described in sec-
26 tion 6251-A, subsection 1, the commission shall have
27 the following powers.

28 1. Programs. The commission shall make studies,
29 undertake research, publish and disseminate informa-
30 tion, plans and reports and implement programs as it
31 deems necessary in furtherance of its purposes.

32 2. Contracts and agreements. Subject to the ap-
33 plicable provisions of Title 5, sections 1811 to 1824
34 and other requirements of state law, the commission
35 may enter into any contracts, agreements or other ar-
36 rangements with public agencies and with private par-
37 ties which the commission finds necessary to carry
38 out its purposes.

1 3. Funding. Subject to other applicable re-
2 quirements of state law, the commission may receive
3 and expend funds from any source, public or private,
4 which it finds necessary to carry out its purposes.
5 Any funds received shall be placed in a nonlapsing,
6 separate account by the Treasurer of State, to be ex-
7 pende d by the commission for the purposes stated in
8 this section.

9 4. Regulations. Subject to the applicable re-
10 quirements of Title 5, section 8051 to 8059, the com-
11 mission may adopt and may amend regulations to pro-
12 mot e the conservation and propagation of the Atlantic
13 sea run salmon in the same manner and with the same
14 limits as provided for the conservation and propaga-
15 tion of marine organisms under sections 6171 and 6191
16 to 6193. The advice and consent of the advisory
17 council shall not be required for the promulgation of
18 those regulations. The regulations of the commission
19 shall have the same effect, shall bear the same pen-
20 alty and shall be proved and enforced in the same
21 manner as regulations of the Commissioner of Marine
22 Resources under sections 6174 and 6201 to 6207.
23 Proof of such regulations may be effected by a certi-
24 fied copy and statement by either the Commissioner of
25 Marine Resources or the Commissioner of Inland Fish-
26 eries and Wildlife. Any marine patrol officer of the
27 Department of Marine Resources, any warden of the De-
28 partment of Inland Fisheries and Wildlife and any
29 other law enforcement officer may enforce the regula-
30 tions of the commission.

31 5. Property. Subject to other applicable re-
32 quirements of state law, the commission may acquire,
33 install, construct, operate, manage, sell and convey
34 interests in real and personal property, including,
35 without limitation, lands, dams, buildings, facili-
36 ties, structures, flowage rights, mill privileges,
37 easements and rights-of-way, as it finds necessary to
38 carry out its purposes, provided that prior right of
39 municipalities are not affected by the requirements.

40 Sec. 42. 12 MRSA §6253, as amended by PL 1983,
41 c. 680, §2, is repealed.

1 Sec. 43. 12 MRSA §6741, sub-§3 is enacted to
2 read:

3 3. Inspection. The commissioner or his duly au-
4 thorized agents shall have free access, ingress and
5 egress at all reasonable hours to any establishment
6 where quahogs are held or to any records required to
7 make a proper inspection.

8 Sec. 44. 12 MRSA §6742, as enacted by PL 1981,
9 c. 297, §4, is repealed.

10 Sec. 45. 12 MRSA §7776, as enacted by PL 1979,
11 c. 420, §1, is repealed.

12 Sec. 46. 12 MRSA §7776-A, as enacted by PL 1983,
13 c. 458, §6, is repealed.

14 Sec. 47. 12 MRSA §7777, as amended by PL 1983,
15 c. 458, §7, is repealed.

16 Sec. 48. 12 MRSA §7778, as enacted by PL 1979,
17 c. 420. §1, is reallocated to be Title 38, section
18 428.

19 Sec. 49. 12 MRSA §7779, as repealed and replaced
20 by PL 1983, c. 796, §6, is reallocated to be Title
21 38, section 429.

22 Sec. 50. 12 MRSA §7780, as amended by PL 1983,
23 c. 819, Pt. A, §28, is repealed.

24 Sec. 51. 22 MRSA §2387, sub-§5, as amended by PL
25 1981, c. 529, §4, is further amended to read:

26 5. Records. Any officer, department or agency
27 having custody or property subject to forfeiture un-
28 der subsection 1, paragraph A, B or C, or having dis-
29 posed of the property shall keep and maintain full
30 and complete records showing from whom it received
31 the property, under what authority it held or re-
32 ceived or disposed of the property, to whom it deliv-
33 ered the property, the date and manner of destruction
34 or disposition of the property and the exact kinds,
35 quantities and forms of the property. Said records

1 shall be open to inspection by all federal and state
2 officers charged with enforcement of federal and
3 state drug control laws. Persons making final dispo-
4 sition or destruction of said property under court
5 order shall report, under oath, to the court the ex-
6 act circumstances of said disposition or destruction.

7 The Department of Public Safety shall be responsible
8 for maintaining a centralized record of property
9 seized, held by and ordered to the department. A re-
10 port of the disposition of property previously held
11 by the department and ordered by the court to any
12 governmental entity shall be provided at least quar-
13 terly to the Commissioner of Finance and Administra-
14 tion and the Legislative Finance Office for review.
15 These records shall include an estimate as to the
16 fair market value of items seized.

17 Sec. 52. 29 MRSA §2241-D, sub-§1, as amended by
18 PL 1983, c. 505, §3, is repealed and the following
19 enacted in its place:

20 1. Fee. Notwithstanding any other provisions of
21 this Title, before a mandatory suspension, a mandato-
22 ry revocation or a suspension ordered by the Secre-
23 tary of State or a court of a persons' s driving priv-
24 ilege may be terminated or reinstated, there shall be
25 paid to the Secretary of State a fee of \$25 which
26 shall be in addition to the regular registration or
27 license fee.

28 All reinstatement fees paid for court-ordered suspen-
29 sions under sections 2301 and 2301-A shall be depos-
30 ited equally between the Highway Fund and the General
31 Fund.

32 Sec. 53. 29 MRSA §2241-E, as repealed and re-
33 placed by PL 1977, c. 694, §525, is amended to read:

34 §2241-E. Suspension

35 Suspension Except for a court-ordered suspension
36 under section 2301 or 2301-A, any suspension autho-
37 rized under this Title shall be effective on a speci-

1 fied date not less than 10 days after the mailing of
2 the notification of suspension and the period of sus-
3 pension shall be computed from that date. For the
4 purpose of the reinstatement fee, any court-ordered
5 suspension under section 2301 or 2301-A shall be ef-
6 fective when entered by the court. Upon motion and
7 good cause shown, the court ordering the suspension
8 under section 2301 or 2301-A may waive all or any
9 part of the reinstatement fee.

10 Sec. 54. 30 MRSAs §1962, sub-§1, as amended by PL
11 1983, c. 812, §179, is further amended to read:

12 1. Commission. "Commission" means a river cor-
13 ridor commission granted approval by the commissioner
14 under section 1963 and authorized by Title 5, section
15 12004, subsection 8, or as established pursuant to
16 Title 38, sections 951 to 968.

17 Sec. 55. 32 MRSAs §3811, sub-§§1 and 2, as en-
18 acted by PL 1967, c. 544, §82, are amended to read:

19 1. Psychological examiner. A person practices as
20 a "psychological examiner" within the meaning of this
21 chapter when he holds himself out to be a psychologi-
22 cal examiner, or renders to individuals or to the
23 public for remuneration services involving the appli-
24 cation of recognized principles, methods and proce-
25 dures of the science and profession of psychology,
26 but limited to interviewing or administering and in-
27 terpreting tests of mental abilities, aptitudes, in-
28 terests and personality characteristics, for such
29 purposes as psychological evaluation or for educa-
30 tional or vocational selection, guidance or place-
31 ment. A psychological examiner may provide interven-
32 tion, such as consultation, behavior management or
33 social skills training under the supervision of a li-
34 icensed psychologist or as otherwise provided in law
35 or rules issued in accordance with this chapter. A
36 psychological examiner may not provide psychotherapy
37 services under any circumstances. The State Board of
38 Examiners of Psychologists shall establish rules for
39 supervision of psychological examiners for interven-
40 tion services.

1 2. Psychologist. A person practices as a "psy-
2 chologist" within the meaning of this chapter when he
3 holds himself out to be a psychologist, or renders to
4 individuals or to the public for remuneration any
5 service involving the application of recognized prin-
6 ciples, methods and procedures of the science and
7 profession of psychology; such as interviewing or ad-
8 ministering and interpreting tests of mental abili-
9 ties, aptitudes, interests and personality character-
10 istics, for such purposes as psychological evaluation
11 or for educational or vocational selection; guidance
12 or placement; or for such purposes as overall
13 personality appraisal or classification; personality
14 counseling; psychotherapy or personality
15 readjustment. Services which may be provided by psy-
16 chologists include diagnosing, assessing and treating
17 mental, emotional and psychological illness, disor-
18 ders, problems and concerns and evaluation and treat-
19 ment of vocational, social, educational, behavioral,
20 intellectual and learning and cognitive disorders.
21 These functions are performed through recognized psy-
22 chological techniques such as, but not limited to,
23 psychological testing, psychological interviews, psy-
24 chological assessments, psychotherapy, personality
25 counseling, behavior modification, cognitive
26 therapies, learning therapies, biofeedback,
27 hypnotherapy and psychological consultation to indi-
28 viduals and organizations.

29 Sec. 56. 32 MRSa §3811-A is enacted to read:

30 §3811-A. Definitions

31 For the purposes of this chapter, unless the con-
32 text otherwise indicates, "mental illness" means a
33 clinically significant behavioral or psychological
34 syndrome or pattern that occurs in an individual and
35 that is typically associated with either a painful
36 symptom or impairment in one or more important areas
37 of functioning.

38 Sec. 57. 32 MRSa §3821, as amended by PL 1983,
39 c. 812, §233, is further amended to read:

40 §3821. Membership; terms; vacancies

1 The State Board of Examiners of Psychologists, as
2 established by Title 5, section 12004, subsection 1,
3 and called the "board," shall consist of 6 9 members
4 who shall be appointed by the Governor to serve a
5 term of 5 3 years. ~~One member~~ Two members of the
6 board shall be ~~a representative~~ representatives of
7 the public. ~~Five~~ Seven members of the board shall be
8 licensed psychologists or psychological examiners
9 with at least one member licensed as a psychological
10 examiner. These 7 members shall be representative of
11 the field of psychology insofar as possible. Any va-
12 cancy occurring on the board shall be filled by the
13 Governor for the unexpired term by a person qualified
14 and selected as was the member he is replacing. No
15 person may be eligible to serve more than 2 full con-
16 secutive terms; provided that for this purpose only a
17 period actually served which exceeds 1/2 of the
18 5-year term shall be deemed a full term at any one
19 time. Upon expiration of a member's term, he shall
20 serve until his successor is qualified and appointed.
21 The successor's term shall be 5 3 years from the date
22 of that expiration, regardless of the date of his ap-
23 pointment. Prior to the filling of any vacancies of
24 professional or public members, the Governor shall
25 solicit recommendations. A board member may be re-
26 moved by the Governor for cause.

27 Sec. 58. 32 MRSA §3822, as amended by PL 1983,
28 c. 812, §234, is further amended to read:

29 §3822. Meetings; organizations

30 The board shall meet at least once a year to con-
31 duct its business and to elect a chairman, secretary
32 and treasurer. Additional meetings shall be held as
33 necessary to conduct the business of the board, and
34 may be convened at the call of the chairman or a ma-
35 jority of the board members. Each member shall be
36 compensated according to the provisions of Title 5,
37 chapter 379, provided that the expense shall not ex-
38 ceed the fees collected by the board. ~~Four~~ Five
39 members of the board shall at all times constitute a
40 quorum. The board shall keep such records and min-
41 utes as are necessary to the ordinary dispatch of its
42 functions.

1 Sec. 59. 32 MRSA §3824, sub-§1, as enacted by PL
2 1983, c. 413, §151, is amended to read:

3 1. Licenses; enforcement. The board shall eval-
4 uate the qualifications and supervise the examination
5 of applicants for licensure under this chapter, and
6 investigate or cause to be investigated all com-
7 plaints made to it and all cases of noncompliance
8 with this chapter, including the supervision of psy-
9 chological examiners.

10 Sec. 60. 32 MRSA §3824, sub-§§5 and 6 are en-
11 acted to read:

12 5. Temporary licensure. The board shall provide
13 in rules for the granting of a temporary license to
14 enable psychologists to practice in this State under
15 supervision prior to full licensure by the board. An
16 applicant who fulfills all the requirements for li-
17 censure, except the written examination, may apply to
18 the board for a temporary license. Upon receiving a
19 completed application and fee, the board shall issue
20 a temporary license which entitles the applicant to
21 practice as a psychologist or psychological examiner
22 under supervision while completing the requirements
23 for permanent licensure. The temporary license shall
24 be effective for one year.

25 6. Continuing education. The board shall estab-
26 lish in rules requirements for continuing education.
27 The board shall require the applicant for license re-
28 newal to present evidence of his satisfactory comple-
29 tion of continuing professional education in accord-
30 ance with rules adopted by the board. This subsec-
31 tion takes effect on January 1, 1986.

32 Sec. 61. 32 MRSA §3831, sub-§2, as repealed and
33 replaced by PL 1983, c. 816, Pt. A, §34, is amended
34 to read:

35 2. Psychologist. Any person wishing to obtain
36 the right to practice as a psychologist, who has not
37 been licensed to do so, shall, before it shall be
38 lawful for him to practice psychology, make applica-
39 tion to the State Board of Examiners of Psycholo-

1 gists, upon such form and in such manner as pre-
2 scribed by the board, and obtain from the board a li-
3 cense to do so. Unless such a person has obtained a
4 license, it shall be unlawful for him to practice
5 and, if he shall practice psychology without first
6 having obtained a license, he shall be deemed to have
7 violated this chapter. A candidate for this license
8 shall furnish the board with satisfactory evidence
9 that he is trustworthy and competent to practice as a
10 psychologist in such manner as to safeguard the in-
11 terest of the public; has received a doctorate degree
12 reflecting comprehensive training in psychology from
13 an accredited institution recognized by the board as
14 maintaining satisfactory standards, at the time the
15 degree was granted; has had at least 2 years of expe-
16 rience in psychology of a type considered by the
17 board to be qualifying in nature; is competent in
18 psychology, as shown by passing such examinations,
19 written or oral, or both, as the board deems neces-
20 sary; is not considered by the board to be engaged in
21 unethical practice; and has not within the preceding
22 6 months failed an examination given by the board.
23 The board shall recognize that valid comprehensive
24 training in psychology must be received in or ac-
25 cepted by a single program, but may be obtained
26 through a degree given by administrative units other
27 than a department of psychology, including programs
28 approved by the National Association of School Psy-
29 chologists or the American Psychological Association
30 designation program. The board shall adopt a list of
31 these programs. Individuals with degrees from pro-
32 grams not on that list shall be evaluated on a
33 case-by-case basis.

34 Sec. 62. 32 MRSA §3835, first ¶, as amended by
35 Pl 1983, c. 553, §46, is further amended to read:

36 Licenses issued under this chapter shall expire
37 biennially on such date as may be established by the
38 Commissioner of Business, Occupational and Profes-
39 sional Regulation, if not renewed. Every person li-
40 censed under this chapter shall, on or before the bi-
41 ennial expiration date, submit an application for li-
42 cense renewal together with the biennial renewal fee
43 of up to \$80. The board shall establish these fees as
44 necessary in rules to cover the cost of operation.

1 Sec. 63. 32 MRSA §3838, as repealed and replaced
2 by PL 1983, c. 413, §158, is amended to read:

3 §3838. Hearing on refusal to issue or renew

4 The board shall not refuse to renew a license for
5 any reason other than failure to pay a required fee,
6 unless it has afforded the licensee an opportunity
7 for an adjudicatory hearing. The board shall hold an
8 adjudicatory hearing at the written request of any
9 person who is denied a license without a hearing for
10 any reason other than failure to pay a required fee,
11 provided that the request for hearing is received by
12 the board within 30 days of the applicant's receipt
13 of written notice of the denial of his application,
14 the reasons for the denial and his right to request a
15 hearing. The hearing shall be held within 60 days of
16 the board's receipt of the applicant's request for a
17 hearing, unless extended upon the applicant's re-
18 quest.

19 Sec. 64. 32 MRSA §3840 is enacted to read:

20 §3840. Joint licensure-certification process

21 1. Established. There is established a Joint
22 Committee of Licensure-Certification for School Psy-
23 chological Services.

24 2. Purpose. The purpose of the Joint Committee
25 of Licensure-Certification for School Psychological
26 Services shall be to ensure that school psychologists
27 and school psychological consultants shall be compe-
28 tent to provide services in the schools. This
29 licensure-certification process shall serve to pro-
30 vide accessible and timely services to meet the needs
31 of the school systems in the State.

32 3. Membership. The joint committee shall con-
33 sist of 6 members. Three shall be appointed by the
34 State Board of Examiners of Psychologists from the
35 present membership of the State Board of Examiners of
36 Psychologists and 3 shall be appointed by the State
37 Board of Education from the present membership of the
38 State Board of Education.

1 4. Chairman. The board shall convene for the
2 first time at the call of the chairman of the State
3 Board of Examiners of Psychologists at which time the
4 Joint Committee of Licensure-Certification of School
5 Psychological Services shall select a chairman.

6 5. Term of office. Members shall be appointed
7 for a minimum term of one year or until the expira-
8 tion of their term on the board of appointment.

9 6. Meetings. The committee shall meet as neces-
10 sary to fulfill its purposes and duties.

11 7. Quorum. A majority vote of the 3 members ap-
12 pointed from the State Board of Examiners of Psychol-
13 ogists shall be necessary for the granting of a li-
14 cence.

15 A majority of the 3 members appointed from the State
16 Board of Education shall be necessary for the grant-
17 ing of a certificate.

18 8. Compensation. Committee members shall be
19 compensated according to the provisions of Title 5,
20 chapter 379. Compensation shall be paid by the board
21 of appointment.

22 9. Records. The committee shall keep records
23 and minutes of its activities and meetings. The
24 records and minutes shall be housed by the Department
25 of Educational and Cultural Services or the Depart-
26 ment of Business, Occupational and Professional Regu-
27 lation and made easily accessible to the public and
28 shall be provided expeditiously upon request.

29 10. Vacancies. Vacancies shall be filled by the
30 appointing authority to complete the term of the ap-
31 pointee who vacated the position.

32 11. Responsibilities and duties. The responsi-
33 bilities and duties of the joint committee are as
34 follows.

35 A. The Joint Committee on Licensure - Certifica-
36 tion of School Psychological Services shall be

1 responsible for developing and implementing a
2 simultaneous licensure-certification process for
3 school psychologists and school psychological
4 consultants.

5 B. The criteria for joint licensure - certifica-
6 tion as a school psychologist or school psycho-
7 logical consultant shall be based, in part, on
8 the granting of a license as a psychologist or
9 psychological examiner respectively.

10 C. The joint committee may promulgate rules to
11 carry out this section.

12 D. The joint committee shall report to the joint
13 standing committees of the Legislature having ju-
14 risdiction over audit and program review and
15 business and commerce by the First Regular Ses-
16 sion of the 113th Legislature.
17

18 Sec. 65. 35 MRSA §1, as amended by PL 1983, c.
19 729, §8, is further amended to read:

20 §1. Members; terms; vacancies; seal; clerks; office
21 and equipment; salary; expenses

22 The Public Utilities Commission, as heretofore
23 established, shall consist of 3 members appointed by
24 the Governor, subject to review by the legislative
25 committee having jurisdiction over public utilities
26 and to confirmation by the Legislature from time to
27 time upon the expiration of the terms of the several
28 members, for terms of 6 years and all 3 members of
29 the commission shall devote full time to their du-
30 ties. Each term shall end on March 31st of the 6th
31 year of the term. A commissioner may continue to
32 serve beyond the end of his term until a duly quali-
33 fied successor is appointed. Any vacancy occurring
34 in said commission shall be filled by appointment for
35 the unexpired portion of the term in which such va-
36 cancy occurs. One member of the commission shall be
37 designated by the Governor as chairman. The basic
38 policies of the Public Utilities Commission are to be
39 set by the commission. Each commissioner is entitled

1 to full access to the Public Utilities Commission
2 staff and to any information available at the commis-
3 sion. The chairman shall be the principal executive
4 officer of the commission in carrying out its poli-
5 cies and shall preside at meetings of the commission.
6 The chairman shall be responsible for the expedient
7 organization of the work of the commission. When ab-
8 sent one working day or more, the chairman shall name
9 another commissioner to act as chairman. For any par-
10 ticular hearing or series of hearings before the com-
11 mission, the chairman may assign a commissioner, in-
12 cluding the chairman, to attend. The commission shall
13 adopt and have a seal and be provided with an office
14 at the State House in which its records shall be kept
15 space. The commission shall appoint an administrative
16 director, a director of finance and a director of
17 technical analysis. The director of technical anal-
18 ysis shall have a bachelor's degree in an appropriate
19 field and 4 years' experience in engineering, or
20 shall be registered as a professional engineer. It
21 shall appoint, with the approval of the Attorney Gen-
22 eral, a general counsel. It shall appoint, subject to
23 the Personnel Law, an assistant to the administrative
24 director. The administrative director shall keep a
25 full and minute record of the proceedings of the com-
26 mission which shall be open to public inspection at
27 all times. The assistant director shall assist the
28 director in the performance of his duties, and in the
29 absence of the director shall have the same powers as
30 the director. The administrative director shall have
31 authority to certify to all official acts of the com-
32 mission, administer oaths, issue subpoenas and issue
33 all processes, notices, orders or other documents
34 necessary to the performance of the duties of the
35 commission. The commission shall have custody and
36 control of all records, maps and papers pertaining to
37 the offices of the former Board of Railroad Commis-
38 sioners and the former State Water Storage Commis-
39 sion. The commission may delegate to its staff such
40 powers and duties as the commission finds proper. All
41 delegations existing as of the effective date of this
42 section shall remain valid.

43 The salaries of the other subordinate officials
44 and employees of that commission, other than those of

1 the general counsel, the Administrative Director, the
2 director of finance and the director of technical
3 analysis, staff attorney, financial analyst and chief
4 utility accountant positions, shall be subject to the
5 Personnel Law. The general counsel, the Administra-
6 tive Director, the Director of Finance and the Direc-
7 tor of Technical Analysis shall serve at the pleasure
8 of the commission and their salaries shall be set by
9 the commission within the range established by Title
10 2, section 6-A. After successful completion of a pro-
11 bationary period, the employees occupying the staff
12 attorney, financial analyst and chief utility account-
13 ant positions may be dismissed, suspended or other-
14 wise disciplined only for cause. The compensation of
15 staff attorney, financial analyst and chief utility
16 accountant positions shall be fixed by the commis-
17 sion with the approval of the Governor, but the com-
18 pensations shall not in the aggregate exceed the to-
19 tal amount appropriated or allocated in the commis-
20 sion's budget. The commissioners and all employees
21 shall receive actual expenses when traveling on offi-
22 cial business.

23 Sec. 66. 35 MRSA §1-A, sub-§4, ¶¶J and K, as en-
24 acted by PL 1981, c. 479, §2, are amended to read:

25 J. When deemed necessary by the Public Advocate,
26 in the interest of the using and consuming pub-
27 lic, or any particular group thereof, intervening
28 and appearing on their behalf in any proceedings
29 before the commission, appeals from orders of the
30 commission, or proceedings before state and fed-
31 eral agencies and courts in which the subject
32 matter of the action affects the customers of any
33 utility doing business in this State, except that
34 the Public Advocate shall not intervene in any
35 proceeding in which the commission staff is
36 representing a position substantially similar to
37 that of the Public Advocate, as determined by the
38 Public Advocate; and

39 K. Preparing and submitting an annual report of
40 the activities of the Public Advocate to the Gov-
41 ernor and to the legislative committee having ju-
42 risdiction over public utilities by August 1st of

1 each year, with copies available to all legisla-
2 tors on request; and

3 Sec. 67. 35 MRSA §1-A, sub-§4, ¶L is enacted to
4 read:

5 L. Assisting customers of consumer-owned elec-
6 tric utilities in reviewing proposed rate in-
7 creases and preparing questions and testimony for
8 public hearings and, on request of a customer and
9 when deemed necessary by the Public Advocate, in-
10 tervening in the proceedings conducted in accord-
11 ance with sections 75, 76 and 77.

12 Sec. 68. 35 MRSA §2, as amended by PL 1981, c.
13 456, Pt. A, §118, is further amended to read:

14 §2. Conflicts of interest

15 In addition to the limitations of Title 5, sec-
16 tion 18, no member or employee of said commission
17 shall have any official or professional connection or
18 relation with or hold any stock or securities in any
19 public utility, as defined in section 15, operating
20 within this State, nor shall he render any profes-
21 sional service against any such public utility nor
22 shall he be a member of a firm which shall render any
23 such service. No commissioner may hold any other
24 civil office of profit or trust under the Government
25 of the United States or of this State except the of-
26 ~~fice of Coordinator of Atomic Development Activities~~
27 ~~or~~ the office of notary public, nor shall he serve on
28 or under any committee of any political party. Any
29 willful violation of ~~chapters 1 to 17~~ this Title by
30 any commissioner shall constitute sufficient cause
31 for his removal by the Governor, on the address of
32 both branches of the Legislature, or by impeachment,
33 pursuant to the Constitution of Maine, Article IX,
34 section 5.

35 Sec. 69. 35 MRSA §§4-A and 7-A are enacted to
36 read:

37 §4-A. Commission action

1 A majority of the duly appointed commissioners
2 shall constitute a quorum and the act or decision of
3 a majority of commissioners present, if at least a
4 quorum is present, shall be the act or decision of
5 the commission in any formal proceeding before the
6 commission.

7 §7-A. Five-year review

8 Commencing with a review in 1985, the Public
9 Utilities Commission shall review the laws governing
10 Public Utility Commission operations and areas of ju-
11 risdiction every 5 years. Upon the review, the com-
12 mission shall submit to the joint standing committee
13 of the Legislature having jurisdiction over utilities
14 legislation to remove any outdated references.

15 Sec. 70. 35 MRS §9 to 12 are repealed.

16 Sec. 71. 35 MRS §15, sub-§13, as amended by PL
17 1983, c. 304, §1, is further amended to read:

18 13. Public utility. "Public utility" includes
19 every gas company, natural gas pipeline company,
20 electrical company, telephone company, telegraph com-
21 pany, water company, public heating company,
22 ~~wharfinger and warehouseman and water carrier~~, as
23 those terms are defined in this section, and each
24 thereof is declared to be a public utility and to be
25 subject to the jurisdiction, control and regulation
26 of the commission, and to chapters 1 to 17. "Public
27 utility" does not include the operation of a radio
28 paging service as that term is defined in this sec-
29 tion. Nothing in this subsection precludes the ju-
30 risdiction, control and regulation by the commission
31 pursuant to private and special Act of the Legisla-
32 ture.

33 Sec. 72. 35 MRS §15, sub-§24-A is enacted to
34 read:

35 24-A. Water carrier. "Water carrier" is any wa-
36 ter carrier subject to the commission's jurisdiction,
37 control and regulation pursuant to Private and Spe-
38 cial Act of the Legislature. A water carrier is not a

1 public utility for the purposes of safety jurisdic-
2 tion of the commission.

3 Sec. 73. 35 MRSA §69, next to last paragraph, as
4 amended by PL 1981, c. 428, §3, is further amended
5 to read:

6 This section shall not apply to municipal or qua-
7 si-municipal corporations which are water companies
8 within the definition of section 15, subsection 25,
9 or to consumer-owned electric utilities as defined in
10 sections 75 to 79, any provisions in any charter not-
11 withstanding, and which elect to proceed pursuant to
12 the terms of section 72 or section 76, unless by the
13 express terms of section 72 or section 76 the provi-
14 sions of this section are made applicable to those
15 corporations and consumer-owned utilities.

16 Sec. 74. 35 MRSA §§75 to 79 are enacted to read:

17 §75. Consumer-owned electric utilities

18 For purposes of this section and sections 76 to
19 79, "consumer-owned electric utility" means any elec-
20 tric utility which is wholly owned by its consumers,
21 including, but not limited to, any rural electrifica-
22 tion cooperative organized under chapters 221 to 227,
23 any electrification cooperative organized on a coop-
24 erative plan under the laws of the State, any municip-
25 al plantation or quasi-municipal electric corpora-
26 tion or district, the electric portion of any municip-
27 al, plantation or electric and other services or any
28 electric utility wholly owned by a municipality.

29 §76. Procedures for changes in rates

30 Notwithstanding section 69, any consumer-owned
31 electric utility which proposes to increase rates,
32 tolls or charges by not more than 15% of the
33 utility's annual operating revenues, may elect to set
34 rates pursuant to this section and section 77. These
35 sections do not apply to fuel adjustment clauses as
36 governed by section 131.

1 1. Public hearing. Any consumer-owned electric
2 utility which elects to set rates under this section
3 shall not file with the commission or increase any
4 rate, toll or charge without first holding a public
5 hearing at which the Public Advocate and any person,
6 firm or corporation which pays these rates, tolls or
7 charges to the consumer-owned electric utility may
8 present testimony and may question the officials
9 present regarding the proposed increase.

10 2. Notification. The consumer-owned electric
11 utility as defined shall, at least 30 days prior to
12 the hearing, publish a notice of the amount of the
13 proposed rate increase, the percent of increase for
14 each customer class and the hearing, including the
15 date, time, place and purpose of the hearing at least
16 twice in a newspaper of general circulation in the
17 area encompassed by the consumer-owned electric util-
18 ity. In addition, 60 days prior to the hearing, the
19 consumer-owned electric utility shall notify the Pub-
20 lic Utilities Commission and the Public Advocate of
21 its intent to increase rates, tolls or charges.

22 3. Ratepayer notification. Each consumer-owned
23 electric utility shall give, at least 30 days prior
24 to the public hearing, one notice to each of its
25 ratepayers of the amount of the proposed rate in-
26 crease, the percent of increase for each customer
27 class, the customer's right to request information
28 relating to the present and proposed rates, his right
29 to an open and fair hearing and his right to further
30 hearings before the Public Utilities Commission, the
31 availability of assistance from the Public Advocate
32 and the date, time and place of hearing.

33 4. Customer rights. At the commencement of each
34 hearing held pursuant to this section, the
35 consumer-owned electric utility shall inform those
36 present of customer rights as specified in subsection
37 3 and that the rate increase may be investigated by
38 the Public Utilities Commission in accordance with
39 subsection 8.

40 5. Supporting materials. The consumer-owned
41 electric utility shall file a copy of all materials

1 supporting the proposed increase with the Public
2 Utilities Commission and the Public Advocate, at
3 least 30 days prior to the hearing. A copy of all
4 material supporting the proposed increase shall be
5 made available to customers for examination at the
6 offices of the consumer-owned electric utility for at
7 least 30 days prior to the hearing. The
8 consumer-owned electric utility shall promptly pro-
9 vide any relevant additional material or information
10 requested by a customer or by the Public Utilities
11 Commission or by the Public Advocate.

12 6. Rate filing. The consumer-owned electric
13 utility shall file its changed rates with the commis-
14 sion within 30 days of the public hearing, but not
15 sooner than 10 days following the public hearing.
16 The Public Utilities Commission may order the
17 consumer-owned electric utility to correct any mathe-
18 matical or clerical errors.

19 7. Effective date of rate change. Subject to
20 the notice and waiver requirements of section 64,
21 consumer-owned electric utilities electing to set
22 rates under this section may establish an effective
23 date for any rate change of at least one month, but
24 not more than 9 months, from the date the rates are
25 filed with the commission.

26 8. Petition and suspension. If, within 30 days
27 of the public hearing, 10% of the customers of the
28 consumer-owned electric utility or 750 customers,
29 whichever is less, file petitions with the treasurer
30 of the corporation and with the Public Utilities Com-
31 mission, the rate change may be suspended, investi-
32 gated, reviewed and changed in accordance with sec-
33 tion 69, except that no suspension ordered issued by
34 the commission pursuant to section 69 may be effec-
35 tive for a period greater than 9 months from the date
36 the rate changes were filed. If the number of
37 signatures on the petition is at least 750 or if the
38 number of signatures on the petition equals or ex-
39 ceeds 10% of the customers indicated on the
40 consumer-owned electric utility's most recent annual
41 report on file with the Public Utilities Commission,
42 the commission may suspend the rate change pursuant

1 to section 69. The commission shall notify the elec-
2 tric utility of any such suspension. The electric
3 utility shall have 10 days from the receipt of notice
4 to notify the commission whether it intends to con-
5 test any aspect of the validity of the petition, af-
6 ter which it shall lose that right. If the electric
7 utility notifies the commission in a timely fashion
8 that it wishes to contest the validity of the peti-
9 tions, the commission shall set the matter down for
10 hearing. It shall hold the hearing and issue its de-
11 cision on the validity of the petitions within 30
12 days of notification by the electric utility that it
13 intends to contest the validity of the petitions. If
14 the commission finds the petitions to be invalid, it
15 shall lift its order of suspension. For the purposes
16 of this subsection, "customer" means, in the case of
17 residential accounts, any adult residing in a house-
18 hold where the utility's electric service is pro-
19 vided, and in the case of all other accounts where
20 the utility's electric service is provided, a corpo-
21 rate officer, a partner or a proprietor. No one per-
22 son may sign on behalf of more than one account un-
23 less receiving service at that account.

24 9. Section 69 petition. Nothing in this section
25 may prohibit a consumer-owned electric utility from
26 petitioning the Public Utilities Commission for re-
27 view pursuant to section 69 in the first instance.

28 10. Frequency of rate increases. No
29 consumer-owned electric utility may initiate a pro-
30 ceeding under this section for a general increase in
31 its rates within one year of its most recent notifi-
32 cation in accordance with subsection 3. For the pur-
33 poses of this section, a "general increase in rates"
34 means any change in the rates, tolls and charges of
35 the public utility, the effect of which is to in-
36 crease the annual operating revenues of a public
37 utility by more than 1%, provided that this term
38 shall not include a rate change made for the sole
39 purpose of implementing a fuel cost adjustment rate,
40 pursuant to section 131.

41 11. Penalty. If, upon the filing of a rate in-
42 crease pursuant to this section, the commission finds

1 that the utility has failed to comply with this section,
2 the commission may suspend the rates for investigation
3 pursuant to section 69. If there is a substantial
4 procedural violation of this section, the
5 commission may prohibit the utility from filing rates
6 pursuant to this section in its next rate case.

7 §77. Rates for consumer-owned electric utilities

8 1. Scope of section. Notwithstanding any other
9 provision of law or any charter to the contrary and
10 in addition to any charter or private and special
11 laws creating or affecting any consumer-owned electric
12 utility, the rate, toll or charge made, exacted,
13 demanded or collected by the consumer-owned electric
14 utility is governed by this section.

15 2. Definition. As used in this section, the
16 term "governing body" means the governing body of a
17 consumer-owned electric utility.

18 3. Just and reasonable rates. The governing
19 body shall establish and file rates, tolls or charges
20 which are just and reasonable and which provide revenue
21 as may be required for the consumer-owned electric
22 utility to perform its public utility service
23 and to attract necessary capital on just and reasonable
24 terms.

25 4. Nondiscriminatory rates. The governing body
26 shall establish and file rates which are nondiscrimi-
27 natory and which are applied on a nondiscriminatory
28 basis.

29 5. Purposes. The governing body may establish
30 and file rates under this section so as to provide
31 revenue for the following purposes, but no other:

32 A. To pay the current expenses for operating and
33 maintaining the electric system and to provide
34 for normal renewals and replacements;

35 B. To provide for the payment of the interest on
36 the indebtedness created or assumed by the utility;
37

1 C. For consumer-owned electric utilities, except
2 rural electrification cooperatives:

3 (1) To provide each year a sum equal to not
4 less than 2 % nor more than 10% of the term
5 indebtedness represented by the issuance of
6 bonds created or assumed by the utility,
7 which sum shall be turned into a sinking
8 fund and there kept to provide for the ex-
9 tinguishment of term indebtedness. The mon-
10 ey set aside in this sinking fund and all
11 interest accrued to this fund shall be de-
12 voted to the retirement of the term obliga-
13 tions of the utility and may be invested in
14 such securities as savings banks in the
15 State are allowed to hold;

16 (2) To provide for annual principal pay-
17 ments on serial indebtedness created or as-
18 sumed by the utility; and

19 (3) To provide for a contingency reserve
20 fund to reflect up to a 5% addition to year-
21 ly revenues over what is required to operate
22 the electric utility. Any surplus in excess
23 of 5% shall be used to offset future revenue
24 requirements in the setting of rates. Any
25 interest generated on these funds shall be
26 deposited into the contingency reserve fund.
27 The balance in the contingency reserve fund
28 at the close of the utility's fiscal year
29 shall not exceed 5% of the yearly revenues
30 over what is required to operate the elec-
31 tric utility.

32 D. For rural electrification cooperatives sup-
33 plying or authorized to supply energy, to provide
34 for a contingency reserve fund by providing rates
35 to reflect an additional amount no more than the
36 amount of yearly long-term interest payments.
37 The total accumulation of funds shall not exceed
38 the level of equity required by the lender and in
39 no case may exceed 25% of the long-term debt.
40 Any surplus in excess shall be used to offset fu-
41 ture revenue requirements in the setting of
42 rates.

1 6. Penalty. If, as a result of investigation
2 pursuant to sections 69, 291 or 296, the commission
3 finds that the utility has set rates pursuant to sec-
4 tion 76 which significantly exceed the limits of this
5 section, the commission may order the utility to use
6 any existing surplus to offset future revenue re-
7 quirements and may suspend the utility's rights pur-
8 suant to section 76 for a specified time period.

9 §78. Treatment of certain small electric utilities

10 Upon request of a consumer-owned electric utility
11 of not more than 150 customers, the commission may
12 exempt the utility from any of the requirements of
13 this Title and any commission rules with the excep-
14 tion of sections 76 and 77. The commission when
15 promulgating rules shall take into account the effect
16 of those rules on the consumer-owned utilities with
17 not more than 150 customers and in doing so shall not
18 impose unreasonable requirements.

19 §79. Sunset provision

20 This section and sections 75 to 78 shall be re-
21 pealed on June 30, 1989, pending review by the joint
22 standing committee of the Legislature having juris-
23 isdiction over utilities and continuation by legisla-
24 tive Act.

25 Sec. 75. 35 MRSA §§83 to 85, as enacted by PL
26 1975, c. 585, §1, are repealed

27 Sec. 76. 35 MRSA §212, as amended by PL 1981, c.
28 469, §17, is further amended to read:

29 §212. Abandonment of property or service

30 No public utility as defined in ~~chapters 1 to 17~~
31 this Title shall abandon all or any part of its
32 plant, property or system necessary or useful in the
33 performance of its duties to the public, or discon-
34 tinue the service which it is rendering to the public
35 by the use of such facilities, without first securing
36 the approval of the commission. In granting its ap-
37 proval, the commission may impose such terms, condi-

1 tions or requirements as in its judgment are neces-
2 sary to protect the public interest. Any public util-
3 ity abandoning all or any part of its plant, property
4 or system or discontinuing service in pursuance of
5 authority granted by the commission under this sec-
6 tion shall be deemed to have waived any and all ob-
7 jections to the terms, conditions or requirements im-
8 posed by the commission in that regard. ~~This section~~
9 ~~shall not apply to any action under any order of a~~
10 ~~court having and exercising jurisdiction over a pub-~~
11 ~~lic utility in bankruptcy, foreclosure or receiver-~~
12 ~~ship proceedings.~~

13 Sec. 77. 35 MRSA §299, as amended by PL 1981, c.
14 642, is further amended to read:

15 §299. Hearings; examiners

16 Each of the commissioners, for the purposes men-
17 tioned in ~~chapters 1 to 17~~ this Title, may hold hear-
18 ings and conduct investigations, administer oaths,
19 certify to official acts, issue subpoenas, compel the
20 attendance of witnesses and the production of books,
21 accounts, papers, documents and testimony, punish by
22 fine and imprisonment for contempt and issue all pro-
23 cesses necessary to the performance of the duties of
24 the commission. Said commission shall have power to
25 appoint, to serve during its pleasure, examiners,
26 who, being first duly sworn, shall have authority to
27 administer oaths, examine witnesses, issue subpoenas,
28 require the production of books, accounts, papers,
29 documents and testimony, and receive evidence in any
30 matter under the jurisdiction of the commission, and
31 shall perform such other duties as may be assigned to
32 them. Evidence so taken and received shall have the
33 same force and effect as though taken and received by
34 said commission and shall authorize action by said
35 commission as though by it taken and received. When
36 objection is made to admissibility of evidence, exam-
37 iners authorized to practice before the Supreme Judi-
38 cial Court shall rule on the admissibility of evi-
39 dence in accordance with the practice and rules of
40 evidence in civil actions in the Superior Court. The
41 commission shall fix the salary of said examiners.
42 Either the examiner or the commissioner, who is the

1 presiding officer at said hearing, shall at the
2 outset of said hearing inform the public as to the
3 steps necessary to preserve their right to appeal the
4 final order or decision of the commission to the Su-
5 preme Judicial Court under the provisions of sections
6 303 and 305.

7 For any particular hearing or series of hearings
8 before the commission, the chairman may assign a com-
9 missioner, including the chairman, to attend:

10 Sec. 78. 35 MRSA §315, as enacted by PL 1981, c.
11 171, is amended to read:

12 §315. Appearance by officer or employee of corpora-
13 tion or partnership

14 Notwithstanding Title 4, section 807, the
15 ~~authorized~~ appearance of an authorized officer ~~or,~~
16 employee or representative of a corporation or
17 partnership party in any hearing, action or proceed-
18 ing before the commission in which the ~~corporation or~~
19 ~~partnership party~~ is participating or desires to partic-
20 ipate is not deemed to be an unauthorized practice
21 of law and is not subject to any criminal sanction.
22 In order to facilitate the efficient processing of
23 any proceeding, the commission may, in its discre-
24 tion, require the appearance of counsel on behalf of
25 the ~~corporation or partnership party~~.

26 Sec. 79. 35 MRSA §2404 is amended to read:

27 §2404. Application for inspection; removal of faulty
28 meter; expense of inspection

29 If any consumer to whom a meter has been fur-
30 nished shall apply in writing to the city or town
31 clerk for the inspection of such meter, and shall de-
32 posit with the clerk the fee fixed by the municipal
33 officers for said service, the inspector shall in-
34 spect and test said meter and, if said meter on being
35 so tested, shall be found to be incorrect to the ex-
36 tent of 4% if an electric meter or 2% if a gas or wa-
37 ter meter, to the prejudice of such consumer, the in-

1 spector shall order the corporation, district, munic-
2 ipality or person furnishing said meter forthwith to
3 remove the same and to install in place thereof a me-
4 ter which has been tested, approved, marked and
5 sealed by an inspector of meters. The inspector shall
6 thereupon give a certificate to the consumer, showing
7 the result of said test. Upon presenting said certif-
8 icate to the city or town clerk, the consumer shall
9 receive the fee deposited with said clerk. In such
10 case the corporation, district, municipality or per-
11 son shall bear the expense of such inspection and
12 shall pay to the treasurer of the city or town the
13 fee required of the consumer, ~~but such consumer shall~~
14 ~~not be entitled to recover back in whole or in part~~
15 ~~from such corporation, municipality, district or per-~~
16 ~~son any sums paid for service prior to the filing of~~
17 ~~his application for inspection.~~ All fees collected by
18 the city or town clerk or treasurer shall be placed
19 to the credit of the city or town to be used for mu-
20 nicipal purposes.

21 Sec. 80. 35 MRSA §2963, as enacted by PL 1981,
22 c. 694, §2, is amended to read:

23 §2963. Rate setting

24 Municipal power districts, which are electric
25 companies within the definition of section 15, shall
26 be subject to the suspension, investigation, hearing
27 and rate substitution provisions of ~~section~~ sections
28 69, 75, 76, 77, 78 and 79 applicable to electric
29 utilities.

30 Sec. 81. 36 MRSA §2903-A, as amended by PL 1983,
31 c. 94, Pt. C, §§11 and 20, is further amended to
32 read:

33 §2903-A. Finding of fact

34 The Legislature makes a finding of fact that the
35 percentage relationship of "gasoline tax" paid by
36 that segment of the nonhighway gasoline user, the mo-
37 torboat user, is not less than 1.25% of the total
38 "gasoline tax" revenue, but certainly is more than
39 the 1.25% referred to. Based on this legislative

1 "finding of fact" there is set aside 1.25% of the to-
2 tal excise tax on internal combustion engine fuel
3 sold or used within the State, but not including in-
4 ternal combustion engine fuel sold for use in the
5 propulsion of aircraft, not to exceed \$555,000 annu-
6 ally. From this allocation shall be deducted the re-
7 funds paid out under section 2908 to purchasers and
8 users of internal combustion engine fuel for commer-
9 cial motorboats; 20% of the balance of this alloca-
10 tion after paying out such refunds shall be paid to
11 the Treasurer of State to be made available to the
12 Commissioner of Marine Resources for the purpose of
13 conducting research, development and propagation ac-
14 tivities by the department, and it is the responsi-
15 bility of the Commissioner of Marine Resources to se-
16 lect activities and projects that will be most bene-
17 ficial to the commercial fisheries of the State as
18 well as the development of sports fisheries activi-
19 ties in the State; the remaining 80% of the balance
20 of this allocation after paying out such refunds
21 shall be credited to the Boating Facilities Fund, es-
22 tablished under Title 38, section 322, within the Bu-
23 reau of Parks and Recreation. The State Tax Assessor
24 shall certify to the State Controller, on or before
25 the 15th day of each month, the amounts to be cred-
26 ited under the previous sentence, as of the close of
27 the State Controller's records for the previous
28 month. When refunds paid to purchasers and users of
29 internal combustion engine fuel for commercial motor-
30 boats in any month exceed 1.25% of gasoline tax reve-
31 nues for that month, such excess shall be carried
32 forward in computing amounts to be credited to the
33 Department of Marine Resources and to the Boating Fa-
34 cilities Fund under this section for the succeeding
35 month or months. Funds credited to the Department of
36 Marine Resources shall be allocated by the joint
37 standing committee of the Legislature having juris-
38 isdiction over appropriations and financial affairs.

39 Sec. 82. 38 MRSa §361-A, sub-§1-E is enacted to
40 read:

41 1-E. Commissioner. "Commissioner" means the
42 Commissioner of Environmental Protection.

1 Sec. 83. 38 MRSA §425 is enacted to read:

2 §425. Prohibited acts

3 A person, municipality, state agency or other le-
4 gal entity is guilty, except as provided in section
5 430, of unlawful alteration of a river, stream or
6 brook if he or it dredges or causes to be dredged,
7 fills or causes to be filled, or erects or causes to
8 be erected a causeway, bridge, marina, wharf, dock or
9 other permanent structure, above head of tide, in, on
10 or over any river, stream or brook, or on the land
11 adjacent to any river, stream or brook in such a man-
12 ner that any dredged spoil, fill or structure may
13 fall or be washed into such waters, without first ob-
14 taining a permit therefor from the commissioner.

15 Sec. 84. 38 MRSA c. 3, sub-c. 1, is amended by
16 inserting before §425, the following:

17 ARTICLE 2-A
18 ALTERATION OF RIVERS
19 STREAMS AND BROOKS

20 Sec. 85. 38 MRSA §426 is enacted to read:

21 §426. Special protection for outstanding river seg-
22 ments

23 In accordance with Title 12, section 402, out-
24 standing river segments shall include:

25 1. Aroostook River. The Aroostook River from
26 the Canadian border to the Masardis and T.10, R.6,
27 W.E.L.S. townline, excluding the segment in T.9, R.5,
28 W.E.L.S., including its tributaries the Big Machias
29 River from the Aroostook River to the Ashland and
30 Garfield Plantation townline and the St. Croix
31 Stream from the Aroostook River in Masardis to the
32 Masardis and T.9, R.5, W.E.L.S. townline;

33 2. Carrabassett River. The Carrabassett River
34 from the Kennebec River to the Carrabassett Valley
35 and Mt. Abram Township townline;

1 3. Crooked River. The Crooked River from its
2 inlet into Sebago Lake in Casco to the Waterford and
3 Albany Township townlines;

4 4. Dennys River. The Dennys River from the
5 railroad bridge in Dennysville Station to the outlet
6 of Meddybemps Lake, excluding the western shore in
7 Edmunds Township and No. 14 Plantation;

8 5. East Machias River. The East Machias River,
9 including the Maine River, from the old powerhouse in
10 East Machias to the East Machias and T.18, E.D.,
11 B.P.P. townline, from the T.19, E.D., B.P.P. and Wes-
12 ley townline to the outlet of Crawford Lake, and from
13 the No. 21 Plantation and Alexander townline to the
14 outlet of Pocomoonshine Lake, excluding Hadley Lake,
15 Lower Mud Pond and Upper Mud Pond;

16 6. Fish River. The Fish River from the bridge
17 in Fort Kent Mills to the Fort Kent and Wallagrass
18 Plantation townline, from the T.16, R.6, W.E.L.S.
19 and Eagle Lake townline to the Eagle Lake and
20 Winterville Plantation townline, and from the T.14,
21 R.6, W.E.L.S. and Portage Lake townline to the Por-
22 tagage Lake and T.13, R.7, W.E.L.S. townline, excluding
23 Portage Lake;

24 7. Kennebago River. The Kennebago River from
25 its inlet into Cupsuptic Lake to the Rangeley and
26 Lower Cupsuptic Township townline;

27 8. Kennebec River. The Kennebec River from the
28 Route 148 bridge in Madison to the Caratunk and The
29 Forks Plantation townline, excluding the western
30 shore in Concord Township, Pleasant Ridge Plantation
31 and Carrying Place Township, and excluding Wyman
32 Lake;

33 9. Machias River. The Machias River from the
34 Route 1 bridge to the Northfield and T.19, M.D.,
35 B.P.P. townline, including its tributaries the Old
36 Stream from the Machias River to the northern most
37 crossing of the Wesley and T.31, M.D., B.P.P.
38 townline, excluding the segments in T.25, M.D.,
39 B.P.P. and T.31, M.D., B.P.P.;

1 10. Mattawamkeag River. The Mattawamkeag River
2 from the Penobscot River to the Mattawamkeag and
3 Kingman Township townline, and from the Reed
4 Plantation and Bancroft townline to the East Branch,
5 including its tributaries the West Branch from the
6 Mattawamkeag River to the Haynesville and T.3, R.3,
7 W.E.L.S. townline and from its inlet into Upper
8 Mattawamkeag Lake in Island Falls to the Hersey and
9 Moro Plantation townline; the East Branch from the
10 Mattawamkeag River to the Haynesville and Forkstown
11 Township townline and from the T.4, R.3, W.E.L.S. and
12 Oakfield townline to the Smyrna and Dudley Township
13 townline; the Fish Stream for the West Branch of the
14 Mattawamkeag River to the Crystal and Patten
15 townline; the Molunkus Stream from the Silver Ridge
16 Township and Benedicta townline to the East Branch
17 Molunkus Stream; the Macwahoc Stream from the Silver
18 Ridge Township and Sherman townline to the outlet of
19 Macwahoc Lake; and the Baskehegan Stream from the
20 Mattawamkeag River to the Danforth and Brookton Town-
21 ship townline, and from the Brookton Township and
22 Topsfield townline to the Topsfield and Kossuth Town-
23 ship townline, excluding Baskehegan Lake and Crooked
24 Brook Flowage;

25 11. Narraguagus River. The Narraguagus River
26 from the ice dam above the railroad bridge in
27 Cherryfield to the Beddington and Devereaux Township
28 townline, excluding Beddington Lake;

29 12. Penobscot River. The Penobscot River from
30 the Bangor Dam in Bangor to the Veazie Dam and its
31 tributary the East Branch of the Penobscot from the
32 Penobscot River to the East Millinocket and
33 Grindstone Township townline;

34 13. Piscataquis River. The Piscataquis River
35 from the Penobscot River to the Monson and Blanchard
36 Plantation townline, including its tributaries the
37 East and West Branches of the Piscataquis River from
38 the Blanchard Plantation and Shirley townline to the
39 Shirley and Little Squaw Township townline; the
40 Seboeis Stream from its confluence with the
41 Piscataquis River in Howland to the Howland and
42 Mattamiscontis Township townline and from the

1 Mattamiscontis and Maxfield townline to the Maxfield
2 and Seboeis Plantation townline, excluding Shirley
3 Pond and West Shirley Bog;

4 14. Pleasant River. The Pleasant River from the
5 dam in Columbia Falls (formerly the Hathaway Dam) to
6 the Columbia and T.18, M.D., B.P.P. townline, and
7 from the T.24, M.D., B.P.P. and Beddington townline
8 to the outlet of Pleasant River Lake in Beddington;

9 15. Rapid River. The Rapid River from the
10 Magalloway Plantation and Upton townline to the out-
11 let of Pond in the River;

12 16. Saco River. The Saco River from the Little
13 Ossipee River to the New Hampshire border;

14 17. St. Croix River. The St. Croix River from
15 the cotton mill dam in Milltown to the Calais and
16 Baring Plantation townline, from the Baring
17 Plantation and Baileyville townline to the
18 Baileyville and Fowler Township townline, and from
19 the Lambert Lake Township and Vanceboro townline to
20 the outlet of Spednik Lake, excluding Woodland Lake
21 and Grand Falls Flowage;

22 18. St. George River. The St. George River from
23 the Route 90 bridge in Warren to the outlet of Lake
24 St. George in Liberty, excluding White Oak Pond, Sev-
25 en Tree Pond, Round Pond, Sennebec Pond, Trues Pond,
26 Stevens Pond and Little Pond;

27 19. St. John River. The St. John River from the
28 Hamlin Plantation and Van Buren townline to the Fort
29 Kent and St. John Plantation townline, and from the
30 St. John Plantation and St. Francis townline to the
31 Allagash and St. Francis townline;

32 20. Sandy River. The Sandy River from the Ken-
33 nebec River to the Madrid and Township E townline;

34 21. Sheepscot River. The Sheepscot River from
35 the Head Tide dam in Alna to the Halldale Road in
36 Montville, excluding Long Pond and Sheepscot Pond,
37 including its tributary the West Branch of the

1 Sheepscot from its confluence with the Sheepscot Riv-
2 er in Whitefield to the outlet of Branch Pond in
3 China;

4 22. West Branch Pleasant River. The West Branch
5 Pleasant River from the East Branch to the Brownville
6 and Williamsburg Township townline; and

7 23. West Branch Union River. The West Branch
8 Union River from the Route 181 bridge in Mariaville
9 to the outlet of Great Pond in the Town of Great
10 Pond.

11 Sec. 86. 38 MRSA §427 is enacted to read:

12 §427. Permits

13 1. Eligibility. In order to obtain a permit, an
14 applicant shall demonstrate to the satisfaction of
15 the commissioner that the proposed activity will not:

16 A. Unreasonably interfere with existing recrea-
17 tional and navigational uses;

18 B. Cause unreasonable soil erosion;

19 C. Unreasonably interfere with the natural flow
20 of any waters;

21 D. Unreasonably harm any wildlife habitat; and

22 E. Lower the quality of any waters.

23 If the proposed activity is a crossing of an out-
24 standing river segment, as identified in section 426,
25 the applicant shall demonstrate that no reasonable
26 alternative exists which would have less adverse ef-
27 fect upon the natural and recreation features of the
28 river segment.

29 2. Issuance. The commissioner may grant the
30 permit upon such terms as he deems necessary to in-
31 sure that the proposed activity will comply with the
32 standards set out in subsection 1. The commissioner
33 may permit the applicant to provide evidence on the

1 economic benefits of the proposal as well as the im-
2 act of the proposal on energy resources.

3 3. Fees. The commissioner shall charge such
4 fees as he deems necessary to properly administer
5 this subchapter.

6 4. Conditions of application. If the river,
7 stream or brook is utilized by a water company, mu-
8 nicipality or water district as a source of supply,
9 the applicant for the permit shall, at the time of
10 filing an application, forward a copy of the applica-
11 tion to the water company or water district by certi-
12 fied mail.

13 5. Participation by the Department of Inland
14 Fisheries and Wildlife. The commissioner or the
15 board shall solicit comments from the Department of
16 Inland Fisheries and Wildlife regarding each stream
17 alteration permit application. The commissioner
18 shall notify the Department of Inland Fisheries and
19 Wildlife about the disposition of each stream altera-
20 tion permit application.

21 Sec. 87. 38 MRSA §430 is enacted to read:

22 §430. Exceptions

23 1. Public works and private crossing and dam
24 projects. Notwithstanding section 425, that section
25 shall not apply to river, stream or brook crossings
26 in connection with public works projects which alter
27 not more than a total of 300 feet in any mile of
28 shore nor to private crossing or dam projects which
29 alter not more than a total of 100 feet in any mile
30 of shore. Alterations to both shores of the river,
31 stream or brook shall be combined in arriving at a
32 total shore footage. This exception shall not apply
33 to any project on outstanding river segments, as
34 identified in section 426.

35 2. Railroad repair and maintenance. Notwith-
36 standing section 425, that section shall not apply to
37 emergency repairs, maintenance of railroad struc-
38 tures, track or roadbed within the located right-
39 of-way of any railroad.

1 3. Maine Land Use Regulation Commission juris-
2 isdiction. Notwithstanding section 425, a permit shall
3 not be required from the commissioner provided:

4 A. The Maine Land Use Regulation Commission's
5 standards for the alterations will not be ex-
6 ceeded where standards for stream alterations are
7 established by the commission; or

8 B. A permit has been obtained from the Maine
9 Land Use Regulation Commission for the altera-
10 tions.

11 Sec. 88. 38 MRSA §431 is enacted to read;

12 §431. Transfer of files

13 Pursuant to this Article, the Department of In-
14 land Fisheries and Wildlife shall transfer all files
15 to the Board of Environmental Protection after July
16 1, 1985.

17 Sec. 89. 38 MRSA §435 is enacted to read:

18 §435. Shoreland areas

19 To aid in the fulfillment of the State's role as
20 trustee of its waters and to promote public health,
21 safety and the general welfare, it is declared to be
22 in the public interest that shoreland areas defined
23 as land within 250 feet of the normal high water mark
24 of any pond, river or salt water body be subjected to
25 zoning and subdivision controls. The purposes of such
26 controls shall be to further the maintenance of safe
27 and healthful conditions; prevent and control water
28 pollution; protect spawning grounds, fish, aquatic
29 life, bird and other wildlife habitat; control build-
30 ing sites, placement of structures and land uses; and
31 conserve shore cover, visual as well as actual points
32 of access to inland and coastal waters and natural
33 beauty.

34 It is further declared that, in accordance with
35 Title 12, section 402, certain river and stream seg-
36 ments, as identified in the Department of

1 Conservation's 1982 Maine Rivers Study and as specif-
2 ically delineated in section 437, are significant
3 river segments and deserve special shoreland zoning
4 controls designed to protect their natural and recre-
5 ation features.

6 Sec. 90. 38 MRSA c. 3, sub-c. 1, is amended by
7 inserting before §435, the following:

8 ARTICLE 2-B
9 MANDATORY ZONING AND
10 SUBDIVISION CONTROL

11 Sec. 91. 38 MRSA §438 is enacted to read:

12 §438. Municipal control

13 Cities and towns pursuant to presently existing
14 enabling legislation are authorized to plan, zone and
15 control the subdivision of land. With respect to the
16 shoreland areas defined in section 435, cities and
17 towns, hereafter called municipalities, shall adopt
18 zoning and subdivision control ordinances according
19 to the following schedule.

20 1. Prior to July 1, 1973. Prior to July 1, 1973
21 the municipal officers of each city or town shall
22 have appointed an appropriate municipal body with re-
23 sponsibility for preparing such ordinances as are
24 necessary for compliance with this chapter and shall
25 certify such appointment to the State Planning Of-
26 fice.

27 2. Prior to July 1, 1974. Prior to July 1, 1974
28 each municipality shall have:

29 A. Prepared a comprehensive plan adequate to
30 comply with the requirements of Title 30, section
31 4961 and this chapter and notified the State
32 Planning Office; and

33 B. Adopted shoreland protection, subdivision and
34 zoning ordinances adequate to comply with the re-
35 quirements of this chapter for shoreland protec-
36 tion and filed a copy of said ordinances with the
37 State Planning Office.

1 In order to aid municipalities in meeting the re-
2 quirements of this chapter, the Department of Inland
3 Fisheries and Wildlife shall, prior to January 1,
4 1973, identify all of those areas in municipalities
5 which it finds to be areas of moderate to high water-
6 fowl breeding areas. Any or all areas within a mu-
7 nicipality which are subject to nonmunicipal zoning
8 controls may be exempted from the operation of this
9 section upon a finding by the Board of Environmental
10 Protection and the Maine Land Use Regulation Commis-
11 sion that the purposes of this chapter have been ac-
12 complished by such nonmunicipal zoning.

13 3. After July 1, 1985. After July 1, 1985, pur-
14 suant to this Article, the following shall occur:

15 A. The State Planning Office shall transfer all
16 files to the Board of Environmental Protection;
17 and

18 B. The municipalities shall notify the Board of
19 Environmental Protection of the completion or
20 amendment of their comprehensive plans and shall
21 file a copy of their zoning and subdivision con-
22 trol ordinances and amendments with the Board of
23 Environmental Protection unless these documents
24 have been filed previously with the State Plan-
25 ning Office.

26 Sec. 92. 38 MRSA §442 is enacted to read:

27 §442. Municipal failure to accomplish purposes

28 If any municipality fails to adopt ordinances as
29 required by section 438 for shoreland areas as de-
30 defined in section 435 or if the Board of Environmental
31 Protection and the Maine Land Use Regulation Commis-
32 sion determine that particular municipal ordinances
33 because of their laxity and permissiveness do not ad-
34 equately prevent and control water pollution, protect
35 wildlife habitat, conserve shore cover or otherwise
36 fail to accomplish the purposes outlined in section
37 435, the Department of Environmental Protection and
38 the Maine Land Use Regulation Commission shall adopt
39 suitable ordinances for these municipalities, which

1 ordinances the respective municipalities shall then
2 administer and enforce.

3 The Department of Environmental Protection and
4 the Maine Land Use Regulation Commission, shall by
5 December 15, 1973 adopt minimum guidelines for the
6 protection of shoreland areas reflecting considera-
7 tions of preventing and controlling water pollution,
8 protecting spawning grounds, fish, aquatic life, bird
9 and other wildlife habitat, location and size of
10 structures and signs and conserving shore cover. The
11 incorporation of such guidelines into a municipal
12 regulatory ordinance shall be deemed sufficient to
13 meet the requirements of this section.

14 Sec. 93. 38 MRSA §443 is enacted to read:

15 §443. Cooperation

16 The Board of Environmental Protection and the
17 Maine Land Use Regulation Commission, municipalities
18 and all state agencies shall mutually cooperate to
19 accomplish the objectives of this chapter. To that
20 end, the board and the commission shall consult with
21 the governing bodies of municipalities and to whatev-
22 er extent necessary with other state agencies to se-
23 ecure voluntary uniformity of regulations, so far as
24 practicable, and shall extend all possible assistance
25 therefor. The Board of Environmental Protection shall
26 be responsible for coordinating the efforts of the
27 Maine Land Use Regulation Commission, municipalities
28 and all state agencies acting pursuant to this chap-
29 ter.

30 If a municipality fails to administer and enforce
31 zoning ordinances adopted by it or the State, pursu-
32 ant to the requirements of this chapter, the Attorney
33 General shall seek an order of the Superior Court of
34 the county in which the municipality lies, requiring
35 the municipal officials to enforce such zoning ordi-
36 nance. The Attorney General shall be made a party to
37 all civil and criminal actions in which the pleadings
38 challenge the legality of any ordinance or portion
39 thereof adopted pursuant to the guidelines promul-
40 gated under section 442.

1 Sec. 94. 38 MRSA §445 is enacted to read:

2 §445. Guidelines for shoreland zoning along signifi-
3 cant river segments

4 In addition to the guidelines adopted under sec-
5 tion 438, the following guidelines for the protec-
6 tion of the shorelands shall apply along significant
7 river segments identified in section 437. These
8 guidelines are intended to maintain the special val-
9 ues of these particular river segments by protecting
10 their scenic beauty and undeveloped character.

11 1. New principal structures. New principal
12 structures, except for structures related to
13 hydropower facilities, shall be set back a minimum of
14 125 feet from the normal high-water mark of the riv-
15 er. These structures shall be screened from the riv-
16 er by existing vegetation.

17 2. New roads. Developers of new permanent roads,
18 except for those providing access to a structure or
19 facility allowed in the 250-foot zone, shall demon-
20 strate that no reasonable alternative route outside
21 of the zone exists. When roads must be located with-
22 in the zone, they shall be set back as far as practi-
23 cable from the normal high-water mark and screened
24 from the river by existing vegetation.

25 3. New gravel pits. Developers of new gravel
26 pits shall demonstrate that no reasonable mining site
27 outside of the zone exists. When gravel pits must be
28 located within the zone, they shall be set back as
29 far as practicable from the normal high-water mark
30 and no less than 75 feet and screened from the river
31 by existing vegetation.

32 Sec. 95. 38 MRSA §446 is enacted to read:

33 §446. Municipal ordinance review and certification

34 Each municipality with shorelands along signifi-
35 cant river segments, as identified in section 438,
36 shall review the adequacy of the zoning on these
37 shorelands to protect the special values cited for

1 these river segments by the Department of
2 Conservation's 1982 Maine Rivers Study and for con-
3 sistency with the guidelines established under sec-
4 tion 445. Prior to December 15, 1984, each such mu-
5 nicipality shall certify to the Board of Environmen-
6 tal Protection either that its existing zoning for
7 these areas is at least as restrictive as the guide-
8 lines established under section 445, or that it has
9 amended its zoning for this purpose. This certifica-
10 tion shall be accompanied by the ordinances and zon-
11 ing maps covering these areas. Failure to accomplish
12 the purposes of this subsection shall result in adop-
13 tion of suitable ordinances for these municipalities,
14 as provided for in section 442.

15 Sec. 96. 38 MRSA §964, as enacted by PL 1979, c.
16 459, §1, is repealed and the following enacted in its
17 place:

18 §964. Certificate of compliance

19 It shall be unlawful to use or occupy, or permit
20 the use or occupancy of, any land, structure or part
21 of any land or structure created, erected, changed,
22 converted or wholly or partly altered or enlarged in
23 its use or structural form, which use or structure
24 requires a permit under this chapter unless the per-
25 mit requirements and conditions of approval have been
26 met.

27 For the purposes of inspection and to assure com-
28 pliance with this chapter and any standards, rules
29 and orders issued by the commission pursuant to this
30 chapter, commission members, staff, consultant per-
31 sonnel and designated municipal officials may conduct
32 such investigations, examinations, tests and site
33 evaluations as necessary to verify compliance with
34 any permits or variances issued by the commission.

35 Sec. 97. 38 MRSA §1304-A, sub-§2, as enacted by
36 PL 1981, c. 478, §5, is amended to read:

37 2. Report to the board. The commissioner shall
38 annually, prior to ~~October~~ May 1st, prepare a report
39 to the board covering the prior ~~fiscal~~ calendar year
40 which shall include the following data:

1 A. The amount of hazardous waste by type that is
2 generated, handled or transported within the
3 State;

4 B. The amount of hazardous waste by type that is
5 handled at commercial hazardous waste facilities
6 within the State;

7 C. The number of hazardous waste facility per-
8 mits by type currently active and the number
9 granted and revoked in the year;

10 D. The amount of hazardous waste by type gener-
11 ated outside the State that was handled at per-
12 mitted facilities within the State, and the
13 amount of hazardous waste generated within the
14 State that was handled at facilities located out-
15 side the State;

16 E. A list of hazardous waste facilities located
17 within the State and those located outside the
18 State which are available for use by generators
19 in the State; and

20 F. A list of known firms that provide testing,
21 consulting, brokerage, waste exchange, transport
22 or other services to hazardous waste generators.

23 Sec. 98. 38 MRSA §1306, sub-§3 is enacted to
24 read:

25 3. Discharge of hazardous waste. The discharge
26 of hazardous waste into or upon any waters of the
27 State, or into or upon any land within the State's
28 territorial boundaries or into the ambient air, is
29 prohibited unless licensed or authorized under state
30 or federal law.

31 Sec. 99. P&SL 1885, c. 495, §10, 4th sentence,
32 as repealed and replaced by P&SL 1963, c. 174, §1, is
33 amended to read:

34 All authorized carriers shall maintain safe and ade-
35 quate service to the islands of Casco Bay under rules
36 and regulations promulgated by the Public Utilities

1 Commission as to rates, and schedules and the Department
2 of Transportation as to safety.

3 Sec. 100. P&SL 1885, c. 495, §10, 7th ¶, as re-
4 pealed and replaced by P&SL 1963, c. 174, §1, is
5 amended to read:

6 Any vessel authorized to be used under this sec-
7 tion shall be examined at least once each year by the
8 Public Utilities Commission Department of
9 Transportation or its authorized agent.

10 Sec. 101. P&SL 1981, c. 22, §12 is amended to
11 read:

12 Sec. 12. Regulation by the Public Utilities Com-
13 mission. Nothing in this chapter may be construed to
14 exempt the district from regulation by the Public
15 Utilities Commission. The district shall operate un-
16 der all the restraint, responsibilities and privi-
17 leges as have applied to Casco Bay Lines, provided
18 that alterations to rates and tolls by the district
19 shall go into effect after such public notice as the
20 Public Utilities Commission shall by rule prescribe
21 without further action by the Public Utilities Com-
22 mission, unless ~~10~~ 50 ratepayers request in writing
23 an investigation of the alterations, in which case
24 the investigation shall be conducted as prescribed in
25 the Revised States, Title 35, chapter 15.

26 Sec. 102. Transition clause. Any funds appro-
27 priated or allocated to the State Planning Office and
28 any corresponding powers and duties granted to the
29 State Planning Office for the purpose of carrying out
30 the provisions of the Maine Revised Statutes, Title
31 12, chapter 424, sections 4811 to 4817, shall be
32 transferred to the Department of Environmental Pro-
33 tection for the purpose of carrying out the provi-
34 sions of the Maine Revised Statutes, Title 38, chap-
35 ter 3, subchapter I, Article 2-B, sections 435 to
36 446.

37 Sec. 103. Transition clause. Any funds appro-
38 priated or allocated to the Department of Inland
39 Fisheries and Wildlife and any corresponding powers

1 and duties granted to the Department of Inland Fish-
2 eries and Wildlife for the purpose of carrying out
3 the provisions of the Maine Revised Statutes, Title
4 12, sections 7776 to 7780, shall be transferred to
5 the Department of Environmental Protection for the
6 purposes of carrying out the provisions of the Maine
7 Revised Statutes, Title 38, sections 425 to 430.

8 Sec. 104. Public Utilities Commission staff
9 alignment. Upon completion of a review by the joint
10 standing committee of the Legislature having juris-
11 diction over audit and program review, the Public
12 Utilities Commission may proceed with a realignment
13 of staff positions to funding source provided that
14 the realignment does not increase costs to either the
15 General Fund or Public Utilities Commission Regulator-
16 y Fund.

17 Sec. 105. Reorganization of Atlantic Sea Run
18 Salmon Commission. There shall be a reorganization
19 of the Atlantic Sea Run Salmon Commission as provided
20 for in Parts D, E and F of this Act.

21 It is the Legislature's intent that the reorgani-
22 zation be accomplished within the existing resources
23 of the commission. The establishment of new posi-
24 tions shall be effective upon the termination of the
25 old positions, provided that the occupants of the old
26 positions shall remain on staff until the new posi-
27 tions are filled.

28 Sec. 106. Review by joint standing committee;
29 report. The Department of Marine Resources shall not
30 proceed with the conversion of the Jubilee without
31 prior review of the joint standing committees having
32 jurisdiction over marine resources and audit and
33 program review. The Department of Marine Resouces
34 shall forward to both legislative committees and the
35 Legislative Finance Office, 30 days prior to commenc-
36 ing conversion, a report on the full cost of conver-
37 sion, anticipated annual operating expenditures for
38 vessel and expected research capability upon conclu-
39 sion of that conversion. The department shall pro-
40 vide a schedule of planned research activities for
41 the coming year.

1

PART B

2 Sec. 1. Recodification; purpose. The joint
3 standing committee of the Legislature having juris-
4 diction over utilities shall have the responsibility
5 for the recodification of the laws governing the Pub-
6 lic Utilities Commission. The legislation resulting
7 from this recodification shall be presented to the
8 First Regular Session of the 113th Legislature.

9 The recodification shall include and consist of a
10 complete revision, redraft and rearrangement of all
11 sections of the Maine Revised Statutes, Title 35,
12 pertaining to public utilities. A statement of pur-
13 pose for the Public Utilities Commission shall be de-
14 veloped and included in the proposed redraft. Other
15 than the statement of purpose, the recodification
16 shall not involve substantive changes.

17 Sec. 2. Meetings. The joint standing committee
18 of the Legislature having jurisdiction over utili-
19 ties, with approval of the Legislative Council, shall
20 determine how the recodification shall be undertaken,
21 the size of the study committee should one be formed
22 and the number of required meetings. The study shall
23 commence 30 days upon enactment of this Part.

24 Sec. 3. Staffing. The Legislative Council shall
25 assign legislative staff as appropriate to conduct
26 this study. In addition, the Public Utilities Commis-
27 sion shall make commission staff available.

28

PART C

29 Sec. 1. 35 MRS §6 is amended to read:

30 §6. Information to be furnished

31 Every public utility shall furnish the commission
32 with all information necessary to carry into effect
33 ~~chapters 1 to 17~~ this Title. In case it is unable to
34 furnish such information, it shall give a good and
35 sufficient reason for such failure, and the reason
36 for such failure shall be verified by an officer,
37 owner or agent of such public utility and returned to

1 the commission at its office within the time fixed by
2 the commission.

3 Sec. 2. 35 MRSA §8, as amended by PL 1973, c.
4 567, §20, is further amended to read:

5 §8. Violations and penalties; duties of Attorney
6 General and county attorneys; actions

7 The commission shall inquire into any neglect or
8 violation of the laws of the State by any public
9 utility doing business therein, or by the officers,
10 agents or employees thereof or by any person operat-
11 ing the plant of any public utility; and shall en-
12 force ~~chapters 1 to 17~~ this Title and all other laws
13 relating to public utilities and shall report all vi-
14 olations thereof to the Attorney General. Upon the
15 request of the commission, the Attorney General or
16 the district attorney of the proper county shall aid
17 in any investigation, hearing or trial had under
18 ~~chapters 1 to 17~~ this Title, and shall institute and
19 prosecute all necessary actions or proceedings for
20 the enforcement of ~~chapters 1 to 17~~ this Title and of
21 all other laws of this State relating to public util-
22 ities and to the punishment of all violations there-
23 of. Any forfeiture or penalty shall be recovered and
24 suit therefor be brought in the name of the State in
25 the Superior Court in the county where the main of-
26 fice of the public utility is located or in Kennebec
27 County. Complaint for the recovery of any such for-
28 feiture may be made by the commission or any member
29 thereof, and when so made the action so commenced
30 shall be prosecuted by the Attorney General. The com-
31 mission may employ counsel in any proceeding, inves-
32 tigation or trial.

33 Sec. 3. 35 MRSA §15, sub-§13, as amended by PL
34 1983, c. 304, §1, is further amended to read:

35 13. Public utility. "Public utility" includes
36 every gas company, natural gas pipeline company,
37 electrical company, telephone company, telegraph com-
38 pany, water company, public heating company,
39 wharfinger and warehouseman, as those terms are de-
40 fined in this section, and each thereof is declared

1 to be a public utility and to be subject to the ju-
2 risdiction, control and regulation of the commission,
3 and to ~~chapters 1 to 17~~ this Title. "Public utility"
4 does not include the operation of a radio paging ser-
5 vice as that term is defined in this section. Noth-
6 ing in this subsection precludes the jurisdiction,
7 control and regulation by the commission pursuant to
8 private and special Act of the Legislature.

9 Sec. 4. 35 MRSA §54 is amended to read:

10 §54. Account of subsidiary business

11 Every public utility engaged directly or indi-
12 rectly in any other subsidiary business shall, if or-
13 dered by the commission, keep and render separately
14 to the commission in like manner and form, the ac-
15 counts of all such business, in which case all the
16 provisions of ~~chapters 1 to 17~~ this Title shall apply
17 with like force and effect to the books, accounts,
18 papers and records of such other business.

19 Sec. 5. 35 MRSA §55, as amended by PL 1965, c.
20 91, §3, is further amended to read:

21 The commission shall prescribe the forms of all
22 books, accounts, papers and records required to be
23 kept, and every public utility is required to keep
24 and render its books, accounts, papers and records
25 accurately and faithfully in the manner and form pre-
26 scribed by the commission and to comply with all di-
27 rections of the commission relating to such books,
28 accounts, papers and records. The requirements of
29 this section shall not apply to a public utility hav-
30 ing no property located within this State other than
31 such as is employed therein while in transit, but ev-
32 ery such public utility shall appoint an agent resid-
33 ing in this State upon whom all notices, processes of
34 the commission or other papers relating to ~~chapters 1~~
35 ~~to 17~~ this Title may be served, and shall file a copy
36 of such appointment with the secretary of the commis-
37 sion.

38 Sec. 6. 35 MRSA §56 is amended to read:

1 §56. Blanks furnished

2 The commission shall cause suitable blanks to be
3 prepared for carrying out the purposes of ~~chapters 1~~
4 ~~to 17~~ this Title and shall, when necessary, furnish
5 such blanks to each public utility.

6 Sec. 7. 35 MRSA §57 is amended to read:

7 §57. Other systems prohibited

8 No public utility shall keep any other books, ac-
9 counts, papers or records of its business transacted
10 than those prescribed or approved by the commission.
11 Nothing contained in ~~chapters 1 to 17~~ this Title
12 shall require any public utility engaged in inter-
13 state commerce to do, or not to do, anything contrary
14 to the requirements of any federal law relating
15 thereto.

16 Sec. 8. 35 MRSA §66, as amended by PL 1981, c.
17 666, is further amended to read:

18 §66. Adherence to rate schedules; change in form of
19 schedules

20 It is unlawful for any public utility to charge,
21 demand, collect or receive a greater or less compen-
22 sation, except as otherwise provided in section 103,
23 for any service performed by it within the State or
24 for any service in connection therewith, than is
25 specified in such printed schedules as may at the
26 time be in force, or to demand, collect or receive
27 any rate, toll or charge not specified in the sched-
28 ules, except that when a public utility changes its
29 rates, tolls or charges pursuant to any provision of
30 this Title, the commission may, for billing purposes,
31 order that the change be applied to all service re-
32 flected in meter readings on or after the effective
33 date of the change, or to such other period as it
34 deems just and reasonable. The rates, tolls and
35 charges named therein shall be the lawful rates,
36 tolls and charges until they are changed as provided
37 in ~~chapters 1 to 17~~ this Title. The commission may
38 prescribe such changes in the form in which the

1 schedules are issued by any public utility as may be
2 found to be expedient.

3 Sec. 9. 35 MRSA §103, first ¶, as amended by PL
4 1977, c. 234, §1, is further amended to read:

5 It shall be unlawful for any person, firm or cor-
6 poration knowingly to solicit, accept or receive any
7 rebate, discount or discrimination in respect to any
8 service rendered, or to be rendered by any public
9 utility, or for any service in connection therewith
10 whereby any such service shall in any manner, or by
11 any device whatsoever, be rendered free or at a rate
12 less than named in the schedules in force or whereby
13 any service or advantage is received other than is
14 specified. ~~Chapters 1 to 17~~ This Title shall not
15 prohibit such free or reduced rates by public utili-
16 ties as is defined and provided for in the Acts of
17 Congress entitled, "An Act to Regulate Commerce" and
18 Acts amendatory thereof, nor free or reduced trans-
19 portation to the officers of leased lines or to po-
20 lice officers or firemen in uniform or of municipal
21 fire apparatus, call men of fire departments wearing
22 badges, while going to or returning from fires,
23 chiefs, captains, sergeants, lieutenants and inspec-
24 tors of police departments, in plain clothes and
25 wearing badges; nor shall it be construed to prohibit
26 any public utility from granting service at free or
27 reduced rates for charitable or benevolent purposes,
28 or for national or civilian defense purposes, nor to
29 prohibit any public utility from supplying water and
30 service free or at reduced or special rates to any
31 person, firm or corporation for fire protection pur-
32 poses through or by means of any apparatus or appli-
33 ances furnished, installed or maintained by such per-
34 son, firm or corporation, provided the same be ap-
35 proved by the commission; nor shall it be unlawful
36 for any public utility to make special rates to its
37 employees or in case of emergency service, nor shall
38 the furnishing by any public utility of any product
39 or service at the rates and upon terms and conditions
40 provided for in any contract in existence January 1,
41 1913 be construed as constituting a discrimination or
42 undue or unreasonable preference or advantage within
43 the meaning specified. When any such contract or

1 contracts are or become terminable by notice of such
2 utility, the commission shall have power in its dis-
3 cretion to direct by order that such contract or con-
4 tracts shall be terminated by such utility as and
5 when directed by such order. It shall be lawful for
6 any public utility to make a contract for a definite
7 term subject to the approval of the commission for
8 its product or service, but such published rates
9 shall not be changed during the term of the contract
10 without the consent of the commission.

11 Sec. 10. 35 MRSa §104, sub-§3, as amended by PL
12 1983, c. 604, is further amended to read:

13 3. Consent by commission. No public utility may
14 extend or receive credit or make or receive a loan to
15 or from an affiliated interest or make any contract
16 or arrangement for the furnishing of management, su-
17 pervision of construction, engineering, accounting,
18 legal, financial or similar services, or for the fur-
19 nishing of any service other than those enumerated
20 with any affiliated interest unless and until such
21 contract or arrangement shall have been found by the
22 commission not to be adverse to the public interest
23 and shall have received its written approval.

24 Any such contract or arrangement filed with the com-
25 mission hereunder shall be deemed approved unless the
26 commission disapproves such within 60 days of filing.
27 The commission may, however, suspend the effective
28 date of the contract or arrangement for an additional
29 60 days if necessary to enable the commission to com-
30 plete its review of the contract or arrangement.

31 The commission may approve a contract or arrangement
32 undertaken subsequent to the effective date of this
33 Act, subject to such terms and conditions as it deems
34 necessary to safeguard the public interest. If such
35 contracts or arrangements are not consented to or ap-
36 proved by the commission as provided in this section,
37 the commission may disallow, for rate-making pur-
38 poses, payments or such part of any such payments
39 thereunder as the commission finds not to be in the
40 public interest.

1 The commission shall, in the case of any utility or
2 groups of utilities, have the power to exempt
3 herefrom, from time to time, such classes of transac-
4 tions as it may specify by rule or regulation in ad-
5 vance and which in its judgment will not be adverse
6 to the public interest.

7 Commission approval of any such contract or arrange-
8 ment under this section shall not limit or restrict
9 the powers of the commission in determining and fix-
10 ing any rate, fare, toll, charge, classification,
11 schedule or joint rate as provided in ~~chapters 1 to~~
12 17 this Title.

13 Sec. 11. 35 MRSA §105, last ¶, as enacted by PL
14 1983, c. 233, §1, is amended to read:

15 No later than December 31, 1983, every public
16 utility shall file with the commission schedules con-
17 taining its terms and conditions for requiring a de-
18 posit from nonresidential customers, which terms and
19 conditions shall be subject to the commission's power
20 under ~~chapters 1 to 17~~ this Title. Every public
21 utility shall comply with its terms and conditions.
22 The commission shall adopt rules which provide a pro-
23 cedure for resolution by the commission or its dele-
24 gate of disputes as to whether a deposit being re-
25 quired by a public utility is in compliance with its
26 terms and conditions. If the rules authorize a dele-
27 gate to resolve disputes, the rules shall include a
28 procedure for appeal of the decision to the commis-
29 sion.

30 Sec. 12. 35 MRSA §171, sub-§1 is amended to
31 read:

32 1. Conditions precedent to issuance generally.
33 Any public utility, now organized and existing or
34 hereafter incorporated under and by virtue of the
35 laws of this State and doing business in the State,
36 may issue stocks, bonds which may be secured by mort-
37 gages on its property, franchises or otherwise, notes
38 or other evidences of indebtedness, payable at peri-
39 ods of more than 12 months after the date thereof,
40 when necessary for the acquisition of property to be

1 used for the purpose of carrying out its corporate
2 powers, the construction, completion, extension or
3 improvement of its facilities, or for the improvement
4 or maintenance of its service, or for the discharge
5 or lawful refunding of its obligations, including
6 capital stock, or to reimburse its treasury for moneys
7 used for the acquisition of property, the construction,
8 completion, extension or improvement of its facilities,
9 for the discharge or lawful refunding of its obligations,
10 and which actually were expended from income or from other
11 moneys in the treasury of the corporation not secured by or
12 obtained from the issue of stocks, bonds, notes or other
13 evidences of indebtedness of such corporation, or for any
14 other lawful purposes, provided and not otherwise, that
15 upon written application, setting forth such information
16 as the commission may require, there shall have been
17 secured from the commission an order authorizing such
18 issue and the amount thereof and stating that in the
19 opinion of the commission the sum of the capital to be
20 secured by the issue of said stocks, bonds, notes or other
21 evidences of indebtedness is required in good faith for
22 purposes enumerated in this section. Every such order
23 authorizing the issue of stock shall, if authorized to be
24 sold at less than its par value, specify a minimum price
25 at which the shares so authorized are to be sold, and any
26 and all shares of stock, issued in accordance with such
27 order, shall be fully paid stock and not liable to any
28 further call or payment thereon, notwithstanding it may
29 have been authorized for sale at less than its par value;
30 but ~~chapters 1 to 17~~ this Title shall not apply to any
31 stocks or bonds or other evidences of indebtedness
32 heretofore lawfully authorized and issued. The commission
33 may at the request of any public utility approve the
34 issue of any stocks or bonds heretofore authorized but
35 not issued. For the purpose of enabling the commission to
36 determine whether it shall issue such an order, the
37 commission shall make such inquiries for investigation,
38 hold such hearings and examine such witnesses, books,
39 papers, documents or contracts as it may deem of
40 importance in enabling it to reach a determination. No
41 order of the commission authorizing the issue of any
42 stocks, bonds, notes or other evidences of indebtedness
43 shall limit

1 or restrict the powers of the commission in determin-
2 ing and fixing any rate, fare, toll, charge, classi-
3 fication, schedule or joint rate as provided in ~~chap-~~
4 ~~ters 1 to 17~~ this Title. No public utility shall be
5 required to apply to the commission for authority to
6 issue stocks, bonds, notes or other evidences of in-
7 debtedness for the acquisition of property, for the
8 purposes of carrying out its corporate powers, the
9 construction, completion, extension or improvement of
10 its facilities, or the improvement or maintenance of
11 its service outside the State, and this proviso shall
12 apply to section 172.

13 Sec. 13. 35 MRSA §171, sub-§3, as amended by PL
14 1983, c. 163, is further amended to read:

15 3. Municipal or quasi-municipal corporations.
16 Without in any way restricting the general language
17 hereof, this section shall be construed to authorize
18 any municipal or quasi-municipal corporation referred
19 to in ~~chapters 1 to 17~~ this Title to issue, upon vote
20 of its trustees or similar governing board, bonds,
21 notes or other evidences of indebtedness for the pur-
22 poses specified and subject to the approval of the
23 commission. The trustees or similar governing boards
24 of any such corporations may issue notes or other ev-
25 idences of indebtedness payable at periods of less
26 than 12 months after the date thereof when necessary
27 to carry out the purposes of the corporations. Not-
28 withstanding the provisions of any legislative
29 charter, the trustees or similar governing board of
30 any such corporations may issue the notes or other
31 evidences of indebtedness payable at periods of less
32 than 12 months after the date thereof, without se-
33 curing authorization from the commission pursuant to
34 subsection 1.

35 Sec. 14. 35 MRSA §294, first ¶ is amended to
36 read:

37 If upon such formal public hearing the rates,
38 tolls, charges, schedules or joint rates shall be
39 found to be unjust, unreasonable, insufficient or un-
40 justly discriminatory or otherwise in violation of
41 ~~chapters 1 to 17~~ this Title, the commission shall

1 have power to fix and order substituted therefor such
2 rate or rates, tolls, charges or schedules as shall
3 be just or reasonable. If upon such public hearing it
4 shall be found that any regulation, measurement,
5 practice, act or service complained of is unjust, un-
6 reasonable, insufficient or unjustly discriminatory
7 or otherwise in violation of any of the provisions of
8 ~~chapters 1 to 17~~ this Title or if it is found that
9 any service is inadequate or that any reasonable ser-
10 vice cannot be obtained, the commission shall have
11 power to establish and substitute therefor such other
12 regulations, measurements, practice, service or acts,
13 and to make such order respecting and such changes in
14 such regulations, measurements, practice, service and
15 acts as shall be just and reasonable.

16 Sec. 15. 35 MRSA §299, first ¶, as amended by PL
17 1975, c. 392, §1, is further amended to read:

18 Each of the commissioners, for the purposes men-
19 tioned in ~~chapters 1 to 17~~ this Title, may hold hear-
20 ings and conduct investigations, administer oaths,
21 certify to official acts, issue subpoenas, compel the
22 attendance of witnesses and the production of books,
23 accounts, papers, documents and testimony, punish by
24 fine and imprisonment for contempt and issue all pro-
25 cesses necessary to the performance of the duties of
26 the commission. Said commission shall have power to
27 appoint, to serve during its pleasure, examiners,
28 who, being first duly sworn, shall have authority to
29 administer oaths, examine witnesses, issue subpoenas,
30 require the production of books, accounts, papers,
31 documents and testimony, and receive evidence in any
32 matter under the jurisdiction of the commission, and
33 shall perform such other duties as may be assigned to
34 them. Evidence so taken and received shall have the
35 same force and effect as though taken and received by
36 said commission and shall authorize action by said
37 commission as though by it taken and received. When
38 objection is made to admissibility of evidence, exam-
39 iners authorized to practice before the Supreme Judi-
40 cial Court shall rule on the admissibility of evi-
41 dence in accordance with the practice and rules of
42 evidence in civil actions in the Superior Court. The
43 commission shall fix the salary of said examiners.

1 Either the examiner or the commissioner, who is the
2 presiding officer at said hearing, shall at the
3 outset of said hearing inform the public as to the
4 steps necessary to preserve their right to appeal the
5 final order or decision of the commission to the Su-
6 preme Judicial Court under the provisions of sections
7 303 and 305.

8 Sec. 16. 35 MRSA §307 is amended to read:

9 §307. Burden of proof

10 In all trials, actions and proceedings arising
11 under ~~chapters 1 to 17~~ this Title or growing out of
12 the exercise of the authority and powers granted to
13 the commission, the burden of proof shall be upon the
14 party adverse to the commission or seeking to set
15 aside any determination, requirement, direction or
16 order of said commission complained of as unreason-
17 able, unjust or unlawful as the case may be. In all
18 original proceedings before said commission where an
19 increase in rates, tolls, charges or schedules, or
20 joint rate or rates is complained of, the burden of
21 proof shall be upon the public utility to show that
22 such increase is just and reasonable.

23 Sec. 17. 35 MRSA §308 is amended to read:

24 §308. Practice and rules of evidence; process ser-
25 vice

26 In all actions and proceedings arising under
27 ~~chapters 1 to 17~~ this Title, all processes shall be
28 served and the practice and rules of evidence shall
29 be the same as in civil actions in the Superior Court
30 except as otherwise provided. Every sheriff or other
31 officer empowered to execute civil processes may exe-
32 cute any process issued under ~~chapters 1 to 17~~ this
33 Title and shall receive such compensation therefor as
34 may be prescribed by law for similar service.

35 Sec. 18. 35 MRSA §313, as amended by PL 1979, c.
36 361, is further amended to read:

37 §313. Implied powers

1 The provisions of chapters 1 to 17 this Title
2 shall be interpreted and construed liberally in order
3 to accomplish the purposes therein. The commission
4 shall have all implied and inherent powers pursuant
5 to chapters 1 to 17 this Title which are necessary
6 and proper to faithfully execute its express powers
7 and functions specified in chapters 1 to 17 this
8 Title, including the power to order reparation or ad-
9 justment when it finds that an amount charged to or
10 collected from a customer was not in accordance with
11 the filed rate applicable to him or was based upon
12 error. The customer shall attempt to settle any dis-
13 pute concerning the alleged overcharge or billing er-
14 ror at an informal hearing with the utility company
15 prior to filing a complaint with the commission. If
16 the customer is dissatisfied with the utility company
17 decision, the customer may appeal the decision to the
18 commission. The commission shall not order a rebate
19 for a billing error or excessive charge that ante-
20 dates the order by more than 6 years. A substantial
21 compliance with the requirements of chapters 1 to 17
22 this Title shall be sufficient to give effect to all
23 the rules, orders, acts and regulations of the com-
24 mission, and they shall not be declared inoperative,
25 illegal or void for any omission of a technical and
26 immaterial nature in respect thereto. Each section of
27 chapters 1 to 17 this Title, and every part of each
28 section, are hereby declared to be independent sec-
29 tions and the holding of any section or sections or
30 part or parts thereof to be void, ineffective or un-
31 constitutional for any cause shall not be deemed to
32 affect any other section or part thereof.

33 Sec. 19. 35 MRSA §314, 2nd ¶, as enacted by PL
34 1983, c. 233, §2, is amended to read:

35 No later than December 31, 1983, every public
36 utility shall file with the commission schedules con-
37 taining its terms and conditions applicable to termi-
38 nation of utility services to any nonresidential cus-
39 tomer, which terms and conditions shall be subject to
40 the commission's power under chapters 1 to 17 this
41 Title. Every public utility shall comply with its
42 terms and conditions. The commission shall adopt
43 rules which provide a procedure for resolution by the

1 commission or its delegate of disputes as to whether
2 a proposed termination by a public utility is in com-
3 pliance with its terms and conditions. A public
4 utility may not terminate service to a nonresidential
5 customer if the commission or its delegate rules
6 within 7 days of receipt of the request for ruling
7 that the proposed termination is not in compliance
8 with the utility's terms and conditions. If the
9 rules authorize a delegate to resolve disputes, the
10 rule shall include a procedure for appeal of the de-
11 cision to the commission.

12 Sec. 20. 35 MRSA §351 is amended to read:

13 §351. Utility liable for civil damages

14 If any public utility shall do or cause to be
15 done or permit to be done any matter, act or thing in
16 ~~chapters 1 to 17~~ this Title prohibited or declared to
17 be unlawful, or shall omit to do any act, matter or
18 thing required to be done by it, such public utility
19 shall be liable in damages to the person, association
20 or corporation injured thereby. Any recovery as in
21 this section provided shall in no manner affect a re-
22 covery by the State of the penalty prescribed for
23 such violation.

24 Sec. 21. 35 MRSA §352 is amended to read:

25 §352. Contempt

26 Every public utility, corporation or person fail-
27 ing to observe, obey or comply with any order, deci-
28 sion, rule, regulation, direction, demand or require-
29 ment, or any part or portion thereof, of the commis-
30 sion or of any commissioner shall be in contempt of
31 the commission and shall be punished by the commis-
32 sion for contempt in the same manner and to the same
33 extent as contempt is punished by courts of record.
34 The remedy prescribed in this section shall not be a
35 bar to or affect any other remedy prescribed in ~~chap-~~
36 ~~ters 1 to 17~~ this Title, but shall be cumulative and
37 in addition to such other remedy or remedies.

38 Sec. 22. 35 MRSA §353 is amended to read:

1 §353. Refusal to obey or comply

2 Any officer, agent or employee of any public
3 utility who shall willfully fail or refuse to fill
4 out and return any blanks required by ~~chapters 1 to~~
5 17 this Title, or shall willfully fail or refuse to
6 answer any question therein propounded, or shall
7 knowingly or willfully give a false answer to any
8 such question, or shall willfully evade the answer to
9 any question where the fact inquired of is within his
10 knowledge, or who shall, upon proper demand,
11 willfully fail or refuse to exhibit to the commission
12 or to any commissioner or to any person authorized to
13 examine the same, any book, paper, account, record or
14 memorandum of such public utility which is in his
15 possession or under his control, or who shall
16 willfully fail properly to use and keep his system of
17 accounting or any part thereof as prescribed by the
18 commission or who shall willfully refuse to do any
19 act or thing in connection with such system of ac-
20 counting when and as directed by the commission,
21 shall upon conviction thereof be punished by a fine
22 of not more than \$1,000 for each offense. A penalty
23 of not more than \$1,000 shall be recovered from the
24 public utility for each such offense when such offi-
25 cer, agent or employee acted in obedience to the di-
26 rection, instruction or request of such public util-
27 ity or any owner or general officer thereof.

28 Sec. 23. 35 MRSA §354 is amended to read:

29 §354. Each day, distinct offense

30 Every day, during which any public utility or any
31 officer, agent or employee thereof shall willfully
32 fail to observe or comply with any order of the com-
33 mission or to perform any order of the commission or
34 to perform any duty enjoined by ~~chapters 1 to 17 this~~
35 Title, shall constitute a separate and distinct of-
36 fense.

37 Sec. 24. 35 MRSA §355 is amended to read:

38 §355. Illegal issue of stocks, bonds or notes; mis-
39 appropriation of proceeds

1 Any director or officer of any public utility who
2 shall directly or indirectly issue or cause to be is-
3 sued any stocks, bonds, notes or other evidences of
4 indebtedness contrary to ~~chapters 1 to 17~~ this Title,
5 or who shall apply the proceeds from the sale thereof
6 to any other purpose than that specified in the order
7 of the commission shall, upon conviction thereof, be
8 punished by imprisonment for not less than one year
9 nor more than 10 years.

10 Sec. 25. 35 MRSA §356 is amended to read:

11 §356. False statements as to issue of stocks, bonds
12 or notes

13 Any officer, owner or agent of any public utility
14 who shall knowingly or willfully make any false
15 statement to secure the issue of any stock, bond or
16 other evidence of indebtedness, or who shall, by
17 false statement knowingly or willfully made, procure
18 of the commission the making of the order or issue
19 with knowledge of such fraud, negotiate or cause to
20 be negotiated any such stock, bond, note or other ev-
21 idence of indebtedness in violation of ~~chapters 1 to~~
22 17 this Title shall, upon conviction thereof, be pun-
23 ished by a fine of not less than \$500 or by imprison-
24 ment for not less than one year nor more than 10
25 years, or by both.

26 Sec. 26. 35 MRSA §357, as amended by PL 1969, c.
27 40, §1, is further amended to read:

28 §357. Punishment where no penalty

29 If any public utility shall willfully violate any
30 provision of ~~chapters 1 to 17~~ this Title or shall do
31 any act therein prohibited or shall fail or refuse to
32 perform any duty enjoined upon it for which a penalty
33 has not been provided or shall fail or refuse to obey
34 any lawful requirement or order made by the commis-
35 sion, for any such violation, failure or refusal such
36 public utility shall forfeit and pay into the State
37 Treasury not more than \$1,000 for each offense, to be
38 recovered in a civil action in the name of the State.
39 In construing and enforcing this section, the act,

1 omission or failure of any officer, agent or other
2 person acting for or employed by any public utility
3 acting within the scope of his employment shall in
4 every case be deemed to be the act, omission or fail-
5 ure of such public utility.

6 Sec. 27. 35 MRS §359, first ¶, as enacted by PL
7 1969, c. 40, §2, is amended to read:

8 Any gas company or any natural gas pipeline com-
9 pany that violates any provision of ~~chapters 1 to 17~~
10 ~~or chapter 181~~ this Title, relating to safety of
11 pipeline facilities or transportation of gas or of
12 any regulation issued thereunder, shall be subject to
13 a civil penalty of not to exceed \$1,000 for each vio-
14 lation for each day that the violation persists. How-
15 ever, the maximum civil penalty shall not exceed
16 \$200,000 for any related series of violations.

17 Sec. 28. 35 MRS §2540 is amended to read:

18 §2540. Application of provisions

19 Any corporation as described in section 2532
20 shall be subject to all the provisions of ~~chapters 1~~
21 ~~to 17~~ this Title so far as applicable, and to such
22 orders, rules and regulations as shall be adopted and
23 promulgated by the commission under the authority of
24 said chapters.

25 Sec. 29. 35 MRS §2809, as repealed and replaced
26 by PL 1967, c. 382, §5, is amended to read:

27 §2809. Cooperatives are public utilities; jurisdic-
28 tion of Public Utilities Commission

29 Cooperatives shall be public utilities and sub-
30 ject to ~~chapters 1 to 17~~ this Title, notwithstanding
31 any public or private and special laws to the con-
32 trary. Any person who has been refused membership in
33 or service by a cooperative or who is receiving inad-
34 equate service may complain to the Public Utilities
35 Commission which may, after hearing, upon finding
36 that such service may reasonably be rendered, order
37 such person to be served with reasonably adequate

1 service. If said commission, after hearing, shall de-
2 termine that any requirement of membership in a coop-
3 erative is unreasonable or unjust, it shall order
4 such requirement repealed or not to be enforced.

5 Sec. 30. 35 MRSA §3322, 3rd ¶, as enacted by PL
6 1975, c. 541, is amended to read:

7 The Public Utilities Commission may enforce the
8 provisions of section 3321 and this section or any of
9 the rules and regulations promulgated thereunder in
10 the same manner and with the same effect as it is
11 permitted to enforce ~~chapters 1 to 17~~ this Title.

12 PART D

13 Adjustment to General Fund. In order to provide
14 for necessary adjustments to the General Fund to im-
15 plement the recommendations of the Joint Standing
16 Committee on Audit and Program Review, appropriations
17 are adjusted by the amounts designated in the follow-
18 ing tabulations.

19		<u>1985-86</u>	<u>1986-87</u>
20	<u>INLAND FISHERIES AND</u>		
21	<u>WILDLIFE, DEPARTMENT OF</u>		
22	Atlantic Sea Run Salm-		
23	on Commission		
24	Positions - Legisla-	(-2)	(-2)
25	tive Count		
26	Personal Services	(\$48,700)	(\$50,000)
27	Deappropriation pro-		
28	vides funding for		
29	commission reorgani-		
30	zation by eliminating		
31	a Biologist I, Biolo-		
32	gy Aide and 2 Laborer		
33	II seasonal positions		
34	which are reestab-		
35	lished as a Biologist		
36	II, Biologist I and a		
37	9-month Conservation		
38	Aide position.		

1	Atlantic Sea Run Salm-		
2	on Commission		
3	Positions - Legisla-	(2)	(2)
4	tive Count		
5	Personal Services	\$ 43,900	\$ 47,325
6	Appropriation pro-		
7	vides for commission		
8	reorganization by es-		
9	tablishing a Biolo-		
10	gist II and Biologist		
11	I.		
12	DEPARTMENT OF INLAND		
13	FISHERIES AND WILDLIFE		
14	TOTAL	(\$4,800)	(\$2,675)
15	<u>LEGISLATURE</u>		
16	Unallocated	\$ 1,500	\$ 2,000
17	Provides a General		
18	Fund appropriation		
19	for the recodifica-		
20	tion of the Public		
21	Utilities Commis-		
22	sion's statutes.		
23			
24	TOTAL PART D	<u>(\$ 3,300)</u>	<u>(\$ 675)</u>
25			
26	Adjustments to federal funds. In order to pro-		
27	vide for necessary adjustments of federal funds to		
28	implement the recommendations of the Joint Standing		
29	Committee on Audit and Program Review, allocations		
30	are adjusted by the amounts designated in the follow-		
31	ing tabulations.		
32		<u>1985-86</u>	<u>1986-87</u>
33	<u>ENVIRONMENTAL PROTECTION,</u>		
34	<u>DEPARTMENT OF</u>		
35	Land Quality Control		

1	Positions	(1)	(1)
2	Personal Services	\$24,607	\$24,607
3	Provides for the		
4	transfer of Coastal		
5	Zone Management funds		
6	for one position from		
7	the State Planning		
8	Office to the Depart-		
9	ment of Environmental		
10	Protection to corre-		
11	spond with the trans-		
12	fer of administration		
13	of the Mandatory Zon-		
14	ing and Subdivision		
15	Control Law.		
16	<u>EXECUTIVE, DEPARTMENT OF</u>		
17	Planning Office		
18	All Other	(\$24,607)	(\$24,607)
19	Provides for the		
20	transfer of Coastal		
21	Zone Management funds		
22	for one position from		
23	the State Planning		
24	Office to the Depart-		
25	ment of Environmental		
26	Protection to corre-		
27	spond with the trans-		
28	fer of administration		
29	for the Mandatory		
30	Zoning and Subdivi-		
31	sion Control Law.		
32	<u>INLAND FISHERIES AND</u>		
33	<u>WILDLIFE, DEPARTMENT OF</u>		
34	Atlantic Sea Run Salm-		
35	on Commission		
36	Federal Expenditure		
37	Fund		
38	Legislative Position	(1)	(1)
39	Count		
40	Personal Services	\$15,185	\$16,120
41	All Other	4,950	5,515

1 Provides allocation
 2 for new Technician I
 3 position to draw down
 4 on anticipated federal
 5 fund increase.
 6 Position is fully re-
 7 imburseable from Na-
 8 tional Marine Fisher-
 9 ies grant money.

10			
11	DEPARTMENT OF INLAND		
12	FISHERIES AND WILDLIFE		
13	TOTAL	\$20,135	\$21,635
14			
15	TOTAL PART E	\$20,135	\$21,635

16 PART F

17 Adjustments to special revenue. In order to pro-
 18 vide for necessary adjustments to other special reve-
 19 nue to implement the recommendations of the Joint
 20 Standing on Audit and Program Review, allocations are
 21 adjusted by the amounts designated in the following
 22 tabulation.

23		<u>1985-86</u>	<u>1986-87</u>
24	<u>BUSINESS, OCCUPATIONAL</u>		
25	<u>AND PROFESSIONAL REGULA-</u>		
26	<u>TION, DEPARTMENT OF</u>		

27	State Board of Examin-		
28	ers of Psychologists		
29	Personal Services	\$ 4,000	\$ 4,000
30	All Other	4,000	4,000
31	Provides funds to		
32	cover increased		
33	costs resulting from		
34	the implementation of		
35	the recommendations		
36	of the Joint Standing		
37	Committee on Audit		
38	and Program Review to		

1	include an increase		
2	in board membership		
3	from 6 members to 9.		
4	Increased allocations		
5	are to be offset by		
6	increased revenues		
7	resulting from a		
8	change in license		
9	fees.		
10			
11	DEPARTMENT OF BUSINESS,		
12	OCCUPATIONAL AND PROFES-		
13	SIONAL REGULATION		
14	TOTAL	\$ 8,000	\$ 8,000
15	<u>INLAND FISHERIES AND</u>		
16	<u>WILDLIFE, DEPARTMENT OF</u>		
17	Atlantic Sea Run Salm-		
18	on Commission		
19	All Other	(\$22,500)	(\$22,500)
20	Atlantic Sea Run Salm-		
21	on Commission		
22	Positions	(1)	(1)
23	Personal Services	\$16,420	\$17,000
24	All Other	16,080	16,000
25	Deallocations and		
26	reallocations provide		
27	for the establishment		
28	of a Conservation		
29	Aide position to re-		
30	place the 2 Laborer		
31	II seasonal positions		
32	deappropriated in		
33	Part D.		
34			
35	DEPARTMENT OF INLAND		
36	FISHERIES AND WILDLIFE		
37	TOTAL	\$32,500	\$33,000
38			

1 TOTAL PART F \$18,0000 \$18,500

2 Emergency clause. In view of the emergency cited
3 in the preamble, this Act shall take effect July 1,
4 1985.

5 STATEMENT OF FACT

6 PART A

7 Section 1 removes outdated legislation charging
8 the Public Utilities Commission with topographic map-
9 ping.

10 Section 2 reschedules the audit review of program
11 components within the Department of Educational and
12 Cultural Services.

13 Section 3 continues state agencies scheduled for
14 termination on June 30, 1985, under the Maine sunset
15 law.

16 Section 4 establishes a procedure in District
17 Court to handle payments for minor violations of ma-
18 rine resource laws.

19 Section 5 enables the court to charge a \$25 rein-
20 statement fee upon the court's order of a suspension
21 of a driver's license.

22 Section 6 enables the Department of Personnel to
23 promulgate rules for direct hire.

24 Sections 7, 8 and 9 provide for the declassifica-
25 tion of staff attorney, financial analyst and chief
26 utility accountant positions at the Public Utilities
27 Commission.

28 Section 10 eliminates the vacant position of as-
29 sistant to the Commissioner of Marine Resources.

30 Sections 11 and 12 provide for a review by the
31 Commissioner of Finance and Administration of records
32 relating to the disposition of drug-related seized
33 property.

1 Section 13 provides for written authorization
2 from the Commissioner of Finance and Administration
3 prior to the purchase of heavy equipment by state
4 agencies.

5 Section 14 establishes broader qualifications for
6 the Director of the Office of Energy Resources.

7 Section 15 repeals the statutory provisions re-
8 quiring submission of an annual report from the Of-
9 fice of Energy Resources to the Legislature.

10 Section 16 requires that the biennial energy re-
11 sources plan shall include a status report of the ac-
12 tivities and programs of the Office of Energy Re-
13 sources and allows the Office of Energy Resources to
14 function as the designated state agency for all ener-
15 gy concerns not specifically delegated to another
16 state agency.

17 Section 17 specifies the purpose and use of the
18 Energy Resources Development Fund and provides for an
19 updating of the status of the fund to be included in
20 the biennial comprehensive energy plan.

21 Section 18 lists the Joint Committee of Licensure
22 - Certification for School Psychological Services in
23 the Maine Revised Statutes, Title 5, section 12004.

24 Section 19 repeals the required filing fee for
25 obtaining a certificate of energy efficiency.

26 Section 20 requires the submission of an annual
27 report on the Soil and Water Conservation Commis-
28 sion's Challenge Grant Program.

29 Sections 21 and 22 transfer the administrative
30 responsibility for the minimum lot size law from the
31 Department of Environmental Protection to the Depart-
32 ment of Human Services.

33 Sections 23 to 33 transfer existing law governing
34 the primary responsibility for administering the man-
35 datory zoning and subdivision control law, shoreland
36 zoning law, from the Maine State Planning Office to

1 the Department of Environmental Protection and
2 reallocates the law to correspond with this change.

3 Section 34 provides that the Commissioner of Ma-
4 rine Resources serve at the pleasure of the Governor.

5 Section 35 limits membership on the Department of
6 Marine Resources' Advisory Council to 2 consecutive
7 terms at any one time.

8 Section 36 increases legislative oversight by re-
9 quiring the Department of Marine Resources to submit
10 an annual report to the Joint Standing Committee on
11 Marine Resources.

12 Section 37 establishes uniform citation forms to
13 be used by the Bureau of Marine Patrol.

14 Sections 38 to 42 repeal outdated statutory pro-
15 visions, establish and expand the purpose and dele-
16 gated duties of the Atlantic Sea Run Salmon Commis-
17 sion.

18 Section 43 maintains the authority of the Commis-
19 sioner of Marine Resources to make necessary inspec-
20 tions regarding quahogs.

21 Section 44 repeals the quahog tax and related
22 funds because they are no longer functional.

23 Sections 45 to 50 transfer the administration of
24 the alteration of rivers, streams and brooks law,
25 stream alteration law, from the Department of Inland
26 Fisheries and Wildlife to the Department of Environ-
27 mental Protection and reallocate the law to corre-
28 spond with this change.

29 Section 51 charges the Department of Public Safe-
30 ty with the responsibility of maintaining centralized
31 records concerning drug-related seized property and
32 with the quarterly submission of these records to the
33 Commissioner of Finance and Administration and the
34 Legislative Finance Office.

35 Sections 52 and 53 establish that a \$25 rein-

1 statement fee shall be charged immediately upon the
2 court's order of suspension of a driver's license and
3 ensure that the revenues collected are deposited
4 equally between the Highway Fund and the General
5 Fund.

6 Section 54 includes the Saco River Corridor Com-
7 mission as a river corridor commission defined in the
8 Maine rivers law.

9 Section 55 expands the services of a psychologi-
10 cal examiner beyond evaluation to include consulta-
11 tion under supervision and updates the definition of
12 psychologist.

13 Section 56 provides a definition of mental ill-
14 ness to clarify that psychologists cannot perform the
15 same functions as a medical practitioner.

16 Section 57 changes the membership term on the
17 State Board of Examiners of Psychologists to 3-year
18 terms and increases the membership on the board
19 through the addition of 2 professionals and one pub-
20 lic member.

21 Section 58 changes the number of members of the
22 State Board of Examiners of Psychologists necessary
23 to constitute a quorum.

24 Sections 59 and 60 place the responsibility for
25 the supervision of the State Board of Examiners of
26 Psychologists, ensure the granting of temporary li-
27 censure and authorize the board to develop continuing
28 education requirements.

29 Section 61 clarifies that the State Board of Ex-
30 aminers of Psychologists shall consider degrees in
31 fields which provide comprehensive training in psy-
32 chology.

33 Section 62 establishes the authority of the State
34 Board of Examiners of Psychologists to determine li-
35 censing fees to cover the administrative costs of op-
36 erations.

1 Section 63 requires a hearing to be held within
2 60 days of the State Board of Examiners of Psycholo-
3 gists receipt of a hearing request.

4 Section 64 establishes a Joint Committee of Li-
5 censure - Certification for School Psychological Ser-
6 vices to provide accessible psychological services to
7 meet the needs of the school system.

8 Section 65 establishes the administrative author-
9 ity of the chairman of the Public Utilities Commis-
10 sion, eliminates outdated legislation, eliminates the
11 requirements of the Director of Technical Analysis,
12 establishes the delegation authority of the commis-
13 sion and declassifies staff attorney, financial ana-
14 lyst and chief utility accountant positions.

15 Sections 66 and 67 provide for the intervention
16 of the Public Advocate for proceedings governing the
17 establishment of rates by consumer-owned electric
18 utilities

19 Section 68 repeals outdated law.

20 Section 69 establishes the number of commission-
21 ers necessary to constitute a quorum for any formal
22 proceedings of the Public Utilities Commission and
23 establishes a 5-year statutory review process.

24 Section 70 repeals the outdated authority of the
25 Public Utilities Commission to collect water re-
26 sources information, repeals the outdated laws which
27 provide for conferences between the Public Utilities
28 Commission and the United States Geological Survey,
29 repeals the outdated authority of the Public Utili-
30 ties Commission to review plans for proposed dams and
31 repeals the outdated statutory requirement that the
32 Public Utilities Commission include in its biennial
33 report information relating to water power and re-
34 sources and proposed dams.

35 Sections 71 and 72 clarify that the commission's
36 jurisdiction over water carriers does not extend to
37 safety.

1 Sections 73 and 74 enable consumer-owned electric
2 utilities to set rates subject to appeal and review
3 by the Public Utilities Commission and review and in-
4 tervention by the Public Advocate's Office. These
5 sections further exempt these utilities from the au-
6 tomatic rate-hearing process held under the Public
7 Utilities Commission but still retain the commis-
8 sion's jurisdiction safeguards for consumer protec-
9 tion and the utility's right to request the review.
10 This rate-setting authority is similar to that of mu-
11 nicipal and quasi-municipal water districts and is
12 established because these utilities are subject to
13 publicly elected governing bodies and are consumer
14 owned. These sections also establish the purposes
15 for which a governing body of a consumer-owned elec-
16 tric utility can set rates, enable the commission to
17 waive the requirements of the Maine Revised Statutes,
18 Title 35 for consumer-owned utilities upon request
19 and establish a sunset date of June 30, 1989 before
20 which time annual reports on implementation shall be
21 provided to the Legislature.

22 Section 75 repeals outdated law.

23 Section 76 eliminates the statutory provision
24 which excludes the Public Utilities Commission's ju-
25 risdiction in a bankruptcy, foreclosure or receiver-
26 ship proceeding.

27 Section 77 repeals statutory language established
28 in section 65 and corrects an outdated reference.

29 Section 78 broadens the definition of who may ap-
30 pear before the Public Utilities Commission in any
31 hearing, action or proceeding to include a
32 representative of a party.

33 Section 79 repeals confusing and conflicting Pub-
34 lic Utilities Commission law.

35 Section 80 clarifies the statutory sections gov-
36 erning municipal power districts.

37 Section 81 ensures the allocation of the gas tax
38 received by the Department of Marine Resources by the

1 Joint Standing Committee on Appropriations and Finan-
2 cial Affairs.

3 Section 82 defines "commissioner" as the Commis-
4 sioner of Environmental Protection.

5 Sections 83 to 88 transfer existing law governing
6 the administration of the alteration of rivers,
7 streams and brooks law, stream alteration law, from
8 the Department of Inland Fisheries and Wildlife to
9 the Department of Environmental Protection, authorize
10 the commissioner to grant permits, require the charg-
11 ing of a reasonable fee and require the department to
12 solicit comments from the Department of Inland Fish-
13 eries and Wildlife in each stream alteration permit
14 application.

15 Sections 89 to 95 transfer the existing law gov-
16 erning responsibility for administering the mandatory
17 zoning and subdivision control law, shoreland zoning
18 law, from the Maine State Planning Office to the De-
19 partment of Environmental Protection and reallocate
20 the laws to correspond with this change.

21 Section 96 repeals the provision requiring the
22 Saco River Corridor Commission to issue certificates
23 of compliance, but reemphasizes that permit require-
24 ments must be met and will be enforced by commission
25 staff.

26 Section 97 changes the commissioner's annual
27 deadline to report to the board on hazardous waste
28 from October 1st to May 1st and changes the reporting
29 to a calendar year.

30 Section 98 prohibits the discharge of hazardous
31 waste unless licensed or authorized.

32 Sections 99 and 100 transfer responsibility for
33 safety regulation of the Casco Bay Island Transit
34 District from the Public Utilities Commission to the
35 Department of Transportation to reflect the Depart-
36 ment of Transportation's area of expertise.

1 Section 101 changes the number of signatures re-
2 quired to petition the Public Utilities Commission
3 for a rate hearing for the Casco Bay Island Transit
4 District to be more representative of the number of
5 customers served.

6 Section 102 ensures the transition of the shore-
7 land zoning law from the Maine State Planning Office
8 to the Department of Environmental Protection.

9 Section 103 ensures the transition of the stream
10 alteration law from the Department of Inland Fisher-
11 ies and Wildlife to the Department of Environmental
12 Protection.

13 Section 104 enables the Public Utilities Commis-
14 sion to realign staff pending completion of a review
15 by the Joint Standing Committee on Audit and Program
16 Review.

17 Section 105 provides transition language for the
18 reorganization of the Atlantic Sea Run Salmon Commis-
19 sion.

20 Section 106 provides that the Department of Ma-
21 rine Resources shall not proceed with the conversion
22 of the Jubilee without prior review of the Joint
23 Standing Committees on Audit and Program Review and
24 Marine Resources.

25 PART B

26 Part B provides for the recodification of the
27 laws governing the Public Utilities Commission.

28 PART C

29 Part C corrects outdated references to the Maine
30 Revised Statutes, Title 35, chapters 1 to 17, the
31 public utilities' laws, by substituting the words
32 "this Title" to reflect the expansion of the Public
33 Utilities Commission's charge beyond the Maine Re-
34 vised Statutes, Title 35, chapter 17.

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PART D

Part D makes changes in the appropriations and revenues affecting the Public Utilities Commission and Atlantic Sea Run Salmon Commission. The net deappropriation to the General Fund in Part D is \$3,300 in fiscal year 1986 and \$675 in fiscal year 1987.

Increased revenues to the General Fund as a result of sections 52 and 53 should amount to \$141,250 in fiscal year 1986 and \$141,250 in fiscal year 1987.

The effect on the Highway Fund as a result of sections of the bill in Part A is a decrease of revenues in fiscal year 1986 by approximately \$41,250 and \$41,250 in fiscal year 1987.

PART E

Part E makes changes in federal allocations to correspond with the transfer of the shoreland zoning law from the State Planning Office to the Department of Environmental Protection Agency. In addition, increased allocations are provided for the Atlantic Sea Run Salmon Commission to reflect the availability of increased federal funds.

PART F

Part F makes changes in the other special revenue to reflect a reorganization of the Atlantic Sea Run Salmon Commission. In addition, Part F provides additional allocations to the Department of Business, Occupational and Professional Regulation to reflect an increase in membership on the State Board of Examiners of Psychologists pursuant to Part A, section 57. This increase is to be offset by an expected increase in revenues due to a change in the license fees.

Other sections of this new draft and the committee's report should result in future savings to the agencies under review. The net effect to the General Fund is increased revenues and savings of \$144,550 in

1 fiscal year 1986 and \$141, 925 in fiscal year 1987
2 for a 5-year total of \$282,475.

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