

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

SECOND REGULAR SESSION

January 2, 1980 to April 3, 1980

AND AT THE

THIRD SPECIAL SESSION

May 22, 1980

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
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PUBLIC LAWS
OF THE
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AS PASSED AT THE
SECOND REGULAR SESSION
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CHAPTER 642
H. P. 1653 — L. D. 1762

AN ACT Broadening the Elderly Tax and Rent Refund Act to Include Persons who are Currently Married as well as Unmarried under the Eligibility Standards.

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

Sec. 1. 36 MRSA § 6103, sub-§ 1, as amended by PL 1979, c. 541, Part B, § 56, is further amended by adding at the end a new sentence to read:

Ownership of a homestead under this chapter may be by fee, by life tenancy, by bond for deed, as mortgagee or any other possessory type interest in which the owner is personally responsible for the tax for which he claims a refund.

Sec. 2. 36 MRSA § 6111, as last amended by PL 1979, c. 561, § 1, is repealed and the following enacted in its place:

§ 6111. Age limitation

A claim which is otherwise allowable under this chapter shall only be granted when:

1. Age 62. At least one member of the household has attained the age of 62 during the year for which relief is requested;

2. Age 55; not married. The claimant is currently not married and has attained the age of 55 during the year for which relief is requested and is, due to disability, receiving federal disability payments, such as supplemental security income; or

3. Age 55; married. The claimant is currently married and has attained the age of 55 during the year for which relief is requested and both the claimant and the claimant's spouse are, due to disability, receiving federal disability payments, such as supplemental security income.

Effective July 3, 1980

CHAPTER 643
H. P. 1739 — L. D. 1857

AN ACT to Permit the Public Utilities Commission to Include in the Fuel Adjustment Clause Capacity Purchases from Small Power Producers and Cogenerators.

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

Whereas, the Public Utilities Commission is developing a new fuel adjustment clause for Central Maine Power Company which may be implemented by April 1, 1980; and

Whereas, this new clause is based upon a projection of estimated fuel costs for 12 months; and

Whereas, if this bill is enacted and becomes effective after the implementation of Central Maine Power's new fuel adjustment clause, capacity purchases from small power producers and cogenerators could not be recovered under Central Maine Power's fuel adjustment clause until 12 months after the new clause is implemented; and

Whereas, this delay will unnecessarily discourage utility purchases of energy from small power producers and cogenerators; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 35 MRSA § 131, sub-§ 2, 2nd sentence, as repealed and replaced by PL 1977, c. 689, § 1, is amended to read:

The cost of fuel shall include fuel consumed in the electric utility's generating stations and the cost of power purchased ~~excluding capacity charges~~ by the electric utility for use in Maine, pursuant to regulations promulgated by the commission under this section **and in accordance with the requirements of subsection 4.**

Sec. 2. 35 MRSA § 131, sub-§ 4, as enacted by PL 1977, c. 689, § 1, is amended to read:

4. Scope of adjustment. Changes in the cost of fuel consumed in the electric utility's generating stations and changes in the cost of power purchased ~~excluding capacity charges~~ by the electric utility for use in Maine shall constitute the only items subject to adjustment, pursuant to regulations promulgated by the commission under this section. **Those changes in the cost of purchased power which are subject to that adjustment shall exclude all capacity charges, except that, to the extent the commission deems just and reasonable, capacity charges for power purchased from small power producers or cogenerators, as defined in section 2323, may be included in the adjustment.** Credits received by the utility for fuel or the fuel component of either purchased power or power sold to other utilities, including credits associated with purchased energy received from the

savings fund of the New England Power Exchange, shall be considered changes in the cost of fuel for the purposes of the fuel cost adjustment, pursuant to regulations promulgated by the commission under this section.

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

Effective March 21, 1980

CHAPTER 644

H. P. 1891 — L. D. 1966

AN ACT to Provide Broad Public Representation on the Board of Pesticides Control and to Improve the Level of Information Available to it and the Public.

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

Sec. 1. 7 MRSA § 607, sub-§ 6, first sentence, as enacted by PL 1975, c. 382, § 3, is amended to read:

The applicant desiring to register a pesticide shall pay an annual registration fee of ~~\$10~~ \$50 to the commissioner for each pesticide registered for such applicant.

Sec. 2. 7 MRSA § 621, as enacted by PL 1975, c. 382, § 3, is amended to read:

§ 621. Disposition of funds

All moneys received by the commissioner under the provisions of this subchapter shall be deposited in the State Treasury to the credit of a special fund to be used ~~only~~ for carrying out the provisions of this subchapter **and Title 22, chapter 258-A, Board of Pesticides Control.**

Sec. 3. 22 MRSA § 1471-B, as last amended by PL 1977, c. 696, § 181, is repealed and the following enacted in its place:

§ 1471-B. Board of Pesticides Control

1. Board established. There is established within the Department of Agriculture a Board of Pesticides Control. The board shall be composed of 7 members, appointed by the Governor, subject to approval by the Joint Standing Committee of the Legislature having jurisdiction over the subject of agriculture and confirmation by the Legislature. To provide the knowledge and experience necessary for carrying out the duties of the board, one person shall be appointed who has practical experience and knowledge in chemical use in the field of agriculture, one who has practical experience and knowledge in chemical use in