

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

(2) Establish rezoned areas which are consistent with the existing and permitted uses within the original zones; and

(3) Only include conditions and restrictions which relate to the physical development or operation of the property.

The municipal reviewing authority, as defined in section 4956, subsection 2, shall conduct a public hearing prior to any property being rezoned under this paragraph. Notice of this hearing shall be posted in the municipal office at least 14 days prior to the public hearing and shall be published in a newspaper of general circulation within the municipality at least 2 times, the date of the first publication to be at least 7 days prior to the hearing. Notice shall also be sent to the owners of all property abutting the property to be rezoned at their last known address. This notice shall contain a copy of the proposed conditions and restrictions, with a map indicating the property to be rezoned.

Effective July 13, 1982.

CHAPTER 599

S.P. 785 - L.D. 1850

AN ACT to Raise the Annual Public Utilities
Commission Regulatory Fund Assessments to \$1,300,000.

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 requires additional funding to allow it to discharge its public responsibilities during the fiscal year ending June 30, 1983; and

Whereas, the assessment for that fiscal year must take place before May 1, 1982; and

Whereas, the current assessment allowance will not provide the Public Utilities Commission with sufficient funds; and

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

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

Sec. 1. 35 MRSA §17, sub-§1, first ¶, as last amended by PL 1981, c. 479, §3, is further amended to read:

Every electric, gas, telegraph, telephone and water utility subject to regulation by the commission and every water carrier subject to the jurisdiction of the commission pursuant to private and special Act of the Legislature shall be subject to an assessment of not more than ~~2%~~ .25% of the on its intrastate gross operating revenues of each utility to produce no more than \$600,000 \$1,000,000 in revenue annually. Notwithstanding any other provision of law, the amount of annual revenue to be raised by this section shall be increased by an additional \$300,000 to supplant an equal amount of General Fund revenues used previously to fund commission activities which shall instead be appropriated for the use of the Public Advocate. ~~The commission may bill and collect this additional amount for the fiscal year ending June 30, 1982 on the effective date of this Act establishing the Public Advocate.~~ The commission shall determine the assessments annually prior to May 1st and shall assess each utility for its pro rata share. Each utility shall pay the assessment charged to the utility on or before July 1st of each year except that the assessment charged to the utilities for the fiscal year ending June 30, 1980 shall be assessed no later than November 1, 1979 to produce no more than \$75,000 in revenues and shall be due on January 2, 1980.

Sec. 2. 35 MRSA §17, sub-§5, as enacted by PL 1979, c. 427, is amended to read:

5. Unexpended funds. Any Except as specified here, any amount of the funds that is not expended at the end of a fiscal year shall not lapse, but shall be carried forward to be expended for the purposes specified herein in succeeding fiscal years; but any unexpended funds in excess of 7% of the total annual assessment authorized in subsection 1 shall, at the option of the commission, either be presented to the Legislature in accordance with subsection 2 for reallocation and expenditure for commission purposes, or used to reduce the utility assessment in the following fiscal year.

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

Effective March 23, 1982.

CHAPTER 600

S.P. 817 - L.D. 1921

AN ACT Relating to Fuel Adjustment Clause of Natural Gas Utilities.

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

35 MRSA §132 is enacted to read:

§132. Fuel adjustment clause

1. Fuel cost. Subject to the approval of the commission, each gas company shall include as part of its base rates a reasonable cost for the gas which it supplies to its customers. The cost of gas shall include the cost of the gas purchased by the company for use in the State, pursuant to regulations promulgated by the commission under this section. The amount to be included in a utility's base rates shall be determined at the time of general rate adjustment under section 64 or section 296 and shall be based upon the utility's reasonable costs of gas during the test year used for the rate adjustment.

2. Fuel cost adjustment. Notwithstanding the requirements of section 69, and subject to the conditions of this section, a gas company shall adjust its gas charges to its customers to reflect increases and decreases in the price of gas that occur after a general rate proceeding under section 64 and section 296.

3. Scope of adjustment. Changes in the cost of gas purchased by the gas company for use in the State shall constitute the only items subject to adjustment, pursuant to regulations promulgated by the commission under this section.

4. Cost of gas adjustment rate applied uniformly to customers. The cost of gas adjustment established under this section shall be billed or credited at a single uniform