

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

Whenever the commission, after a hearing had upon its own motion or upon complaint of a public utility or cable television system affected, shall find that public convenience and necessity require the use by one public utility or cable television system of the conduits, subways, tracks, wires, poles, pipes or other equipment, or any part thereof, on, over or under any street or highway and belonging to another public utility or cable television system, and that such use will not result in irreparable injury to the owner or other users of such conduits, subways, tracks, wires, poles, pipes or other equipment or in any substantial detriment to the service, and that such public utilities or cable television system have failed to agree upon such use or the terms and conditions or compensation for the same, the commission may by order direct that such use be permitted and prescribe a reasonable compensation and reasonable terms and conditions for the joint use. If such use be directed, the public utility or cable television system to whom the use is permitted shall be liable to the owner or other users of such conduits, subways, tracks, wires, poles, pipes or other equipment for such damage as may result therefrom to the property of such owner or other users thereof. Any actions taken or orders issued by the commission under this section shall take into account the interests of the subscribers of the affected cable television system, as well as the customers of the affected public utilities.

Sec. 7. 35 MRSA §2362 is enacted to read:

§2362. Public Utilities Commission regulation

Cable television companies, to the extent they offer services like those of telephone companies subject to regulation by the Public Utilities Commission, shall be subject to the commission's jurisdiction over rates, charges and practices, as provided in this Title.

Effective July 25, 1984.

CHAPTER 803

S.P. 879 - L.D. 2383

AN ACT to Encourage the Use of Wood and
Solid Waste as a Source of Energy in
State-owned Buildings.

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

5 MRSA §1766 is enacted to read:

§1766. Use of biomass and solid waste fuels in state facilities

For the purposes of the installation, development or operation of any energy production improvement at or in connection with a state facility, and not withstanding any other provision of law, any department or agency of the State, subject to approval of the Bureau of Public Improvements, may enter into an agreement with a private party under which the private party may, for consideration, lease or otherwise acquire property interest, exclusive of ownership in fee, in land, buildings or other existing heating facilities and right of access thereto; provided that any improvement to the land, buildings or other existing heating facility installed, erected, owned, developed or operated by the private party utilizes biomass, solid waste or some combination of biomass and solid waste for at least 50% of its total energy input. The duration of the agreement shall not exceed 20 years.

The private party undertaking the installation, erection, ownership, development or operation of such an improvement may cogenerate thermal energy and electricity and may sell thermal energy to a state facility located at or near the site of the improvement. The private party may sell thermal energy in excess of the requirements of the state facility to any other customer and may sell cogenerated electricity to the state facility or to an electric public utility, subject to the provisions of Title 35, chapter 172.

A forest harvest operation to supply biomass fuel to the improvement shall be conducted in accordance with a landowner's forest management plan approved by a registered professional forester. The private party undertaking the improvement shall make available the services of a registered professional forester at no cost to a landowner whose land will be harvested to provide biomass fuel to the improvement.

Any department or agency of the State, subject to approval by the Bureau of Public Improvements, at the termination of the agreement with the private party pursuant to this section, may acquire, operate and maintain the improvement, may renew the agreement

with the private party or may make an agreement with another private party to operate and maintain the improvement.

All agreements made with private parties as contemplated in this section shall be subject to review by a subcommittee of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

The provisions of section 1587 shall not apply to an agreement with a private party as contemplated in this section except, in the event that the state department or agency chooses to exercise an option to purchase energy production improvements, the department or agency before or at the time of the exercise of the option shall submit the proposed purchase of the energy production improvements for approval by the Legislature through the usual budget procedure.

Effective July 25, 1984.

CHAPTER 804

S.P. 889 - L.D. 2404

AN ACT to Revise the Wood Measurement Law.

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

Sec. 1. 10 MRSA §2361, as repealed and replaced by PL 1977, c. 537, §1, is repealed.

Sec. 2. 10 MRSA §2361-A is enacted to read:

§2361-A. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Agreement of the parties. "Agreement of the parties" means the mutual agreement of the parties or their authorized representatives, and is distinguished from a unilateral condition imposed by any party to the agreement. A party is a company or individual buying wood, a contractor, an individual