

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

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

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

under this chapter shall pay to the Treasurer of State, for credit to the Athletic Commission Fund, a tax of 5% of the gross receipts from the contest or exhibition up to a maximum tax of \$2,500. This section shall apply to all boxing, kick-boxing and wrestling contests or exhibitions which are shown over closed circuit television.

Sec. 10. 8 MRSA §153, sub-§1, as enacted by PL 1983, c. 413, §2, is amended to read:

1. Boxing or kick-boxing. In all boxing or kick-boxing contests or exhibitions conducted under this chapter, there may be a decision as to the winner by 2 judges and the referee, or by 3 judges, licensed under this chapter.

Sec. 11. 8 MRSA §155, sub-§1, as enacted by PL 1983, c. 413, §2, is amended to read:

1. Penalties. Any person, club, association or corporation, or any member or officer of a club, association or corporation who promotes, competes or otherwise engages in a boxing or kick-boxing contest or exhibition or wrestling match, show or exhibition without first obtaining a license as required by this chapter, or after the license has expired or has been suspended, revoked or temporarily suspended or revoked, is guilty of a Class E crime.

Sec. 12. Allocation. There is allocated from the Athletic Commission Fund for fiscal year ending June 30, 1987, as follows:

1986-87

BUSINESS, OCCUPATIONAL AND
PROFESSIONAL REGULATION,
DEPARTMENT OF

Maine Athletic Commission	
All Other	\$7,500

Effective July 16, 1986.

CHAPTER 635

S.P. 717 - L.D. 1840

AN ACT to Clarify the Rate Design Stability
Responsibilities of the Public
Utilities Commission.

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

Whereas, the current definition of rate stability is vague and has created uncertainty and confusion in interpreting legislative intent; and

Whereas, the vagueness of the current definition may result in both protracted regulatory proceedings and in increased intervention in regulatory proceedings; and

Whereas, it is necessary that the vagueness of the law be resolved in order to prevent unnecessary regulatory proceedings and increased costs to rate payers; 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 §15, sub-§15-A, as enacted by PL 1985, c. 433, §2, is amended to read:

15-A. Rate design stability. "Rate design stability" ~~includes~~ means the implementation of interclass cost allocation or intraclass rate design changes to any existing customer class, of the magnitude or on such a schedule as to not be seriously adverse to the existing class of customers.

Sec. 2. 35 MRSA §69, first ¶, as amended by PL 1985, c. 433, §3, is further amended to read:

Whenever the commission receives notice of any change or changes proposed to be made in any schedule of rates filed with said commission under the provisions of law, it shall have power at any time before the effective date of such change or changes, either upon complaint or upon its own motion and after reasonable notice, to hold a public hearing and make investigation as to the propriety of such proposed change or changes. At any such hearing involving any change or changes as above specified, the burden of proof to show that such change is reasonable shall be upon the public utility. After such hearing and investigation, the commission may make such order with

reference to any new rate, joint rate, fare, rental, toll, classification, charge, rule, regulation or form of contract or agreement proposed as would be proper in a proceeding initiated upon complaint or upon motion of the commission in any rate investigation. In implementing the order, the commission shall assure rate design stability.

Sec. 3. 35 MRSA §94, sub-§1, as amended by PL 1985, c. 433, §4, is further amended to read:

1. Rate design and conservation improvements. The Public Utilities Commission shall mandate, after notice and hearing on the proposed schedule, a scheduled phasing-in of the improvements in electric utility rate design and related regulatory programs approved under section 93 and is authorized to order utilities to develop and implement electric utility rate design improvements approved by the commission on temporary, pilot and experimental basis, affecting either a portion or all of any class of consumers of any utility as the commission may determine is appropriate to carry out the purposes of this Act, and order other energy conservation techniques, programs and innovations relating to electric public utility service that, in the commission's judgment, are practicable, just and reasonably related to fulfilling the purposes of this chapter. In ordering any rate design improvements or any other programs for implementing energy conservation techniques and innovations referred to in section 93, the commission shall consider rate design stability and shall assure the revenue requirements of the utility.

Sec. 4. 35 MRSA §294, first ¶, as amended by PL 1985, c. 433, §5 and c. 481, Pt. C, §14, is repealed and the following enacted in their place:

If upon such formal public hearing the rates, tolls, charges, schedules or joint rates shall be found to be unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of this Title, the commission shall have power to fix and order substituted therefor such rate or rates, tolls, charges or schedules as shall be just or reasonable. If upon such public hearing it shall be found that any regulation, measurement, practice, act or service complained of is unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of any of the provisions of this Title or if it is found that any service is inadequate or that any reasonable service cannot be obtained, the commission shall have power to establish and substitute

therefor such other regulations, measurements, practice, service or acts, and to make such order respecting and such changes in such regulations, measurements, practice, service and acts as shall be just and reasonable. In determining the justness and reasonableness of the order, the commission shall assure rate design stability.

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

Effective April 3, 1986.

CHAPTER 636

S.P. 754 - L.D. 1918

AN ACT to Amend Financial Reporting Requirements of Insurers.

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

24-A MRSA §221-A, sub-§8 is enacted to read:

8. Required notice concerning adverse financial condition. Each insurer retaining an independent certified public accountant to represent it with respect to the report which the insurer is required to file pursuant to this section shall, as a condition of its written terms of engagement of the accountant, require that:

A. The accountant immediately notify in writing the chairman of the board of directors of the insurer and the superintendent upon any determination by the independent certified public accountant that the insurer has materially misstated its financial condition as reported in the annual statement required under section 423 for the year ending December 31st preceding; and

B. If the accountant, subsequent to the date of the audited financial report required by this section, becomes aware of material subsequent facts which would have affected his report, the accountant shall provide the pertinent informa-