

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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to be invalid, or any other voter, if these petitions are determined to be valid, may appeal the decision of the Secretary of State by commencing an action in the Superior Court. This action shall be conducted in accordance with the Maine Rules of Civil Procedure, Rule 80B 80C, except as modified by this section. In reviewing the decision of the Secretary of State, the court shall determine whether the description of the subject matter is understandable to a reasonable voter reading the question for the first time and will not mislead a reasonable voter who understands the proposed legislation into voting contrary to his wishes. This action must be commenced within 5 days of the date of the decision of the Secretary of State and shall be tried, without a jury, within 15 days of the date of that decision. Upon timely application, anyone may intervene in this action when the applicant claims an interest relating to the subject matter of the petitions, unless the applicant's interest is adequately represented by existing parties. The court shall issue its written decision containing its findings of fact and stating the reasons for its decision within 30 days of the commencement of the trial or within 45 days of the date of the decision of the Secretary of State, if there is no trial.

3. Supreme Judicial Court. Any aggrieved party may appeal the decision of the Superior Court, on questions of law, by filing a notice of appeal within 3 days of that decision. The appellant must file the required number of copies of the record with the clerk within 3 days after filing notice of appeal. After a notice of appeal is filed, the parties have 10 days to file briefs with the clerk of courts. As soon as the record and briefs have been filed, the court shall immediately consider the case. The standard of review shall be the same as for the Superior Court. The court shall issue its decision within 30 days of the date of the decision of the Superior Court.

Sec. 2. 21-A MRSA §906, sub-§6, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

6. Wording of ballots for people's veto and initiative referenda. Ballots for a statewide vote on people's veto and initiative questions shall set out the question to be voted on as set forth in this subsection.

A. With respect to people's veto referenda, the question shall be presented to the voters in substantially the following form:

"Do you favor repealing the change in Maine law concerning (the subject matter of the law enacted) enacted by the Legislature in (the year of enactment) as (type of law and chapter number)?"

B. With respect to initiative referenda, the question shall be presented to the voters in substantially the following form:

"Do you favor the changes in Maine law concerning (the subject matter of the law) proposed by citizen petition?"

C. In the event that the Legislature adopts a competing measure to initiated legislation, the Secretary of State shall pose the question in substantially the following form:

"Do you favor one of the 2 measures concerning (the subject matter of the law), 'A' proposed by citizen petition, or 'B' adopted by the Legislature, or should both be rejected as provided in 'C'?"

D. In each case, the Secretary of State shall select language to describe the subject matter of the law that would be affected by approval of the referendum and shall complete the question factually as may be necessary.

E. In the event that several initiative referenda relating to the same general subject matter are to be submitted to the voters, the Secretary of State shall distinguish each question from the others in describing the subject matter.

Sec. 3. **Application.** This Act does not apply to any petition concerning a people's veto or initiative referenda which is filed with the Secretary of State prior to February 1, 1987.

Effective September 29, 1987.

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## CHAPTER 120

S.P. 265 — L.D. 746

### AN ACT to Amend the Electric Rate Reform Act as it Applies to Cost Recovery for Utility Financing of Energy Conservation.

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

Sec. 1. 35 MRSA §93, sub-§5, as enacted by PL 1981, c. 697, §3, is amended to read:

5. Utility financing of energy conservation. Electric utility financing or subsidization of capital improvements undertaken by ratepayers to conserve the ratepayer's future use of electricity. The commission may approve and allow cost recovery for proposals that result in savings in fuel other than electricity. Nothing in this section may be construed to require an electric utility to invest in fuel and fuel use other than electricity.

Sec. 2. **Applicability.** This bill shall apply to prospective and current programs for utility financing of energy conservation or load management that the commission has already approved.

Effective September 29, 1987.

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