

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

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PUBLIC LAWS

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CHAPTER 121

S.P. 304 — L.D. 873

AN ACT Enabling the State to Join the
Regional Truck Permit Agreement.

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

29 MRSA §1705 is enacted to read:

§1705. Purpose and principles

1. Authorization. This section authorizes the Commissioner of Transportation to enter into a regional overdimensional truck permit agreement referred to in this section as the agreement.

2. Purpose. It is the purpose of this section to:

A. Promote and encourage the fullest and most efficient use of the highway system by making uniform, among member jurisdictions, the administration of overdimensional and overweight permits for nondivisible loads with respect to motor vehicles in interstate operation;

B. Enable participating jurisdictions to act cooperatively in the issuance of overdimensional and overweight permits and in the collection of appropriate fees; and

C. Establish and maintain the concept of one administering jurisdiction for each permittee based on the rules established under the agreement.

3. Principles. The Legislature, in authorizing this agreement, recognizes that the regional administration of overdimensional and overweight permits for nondivisible loads will promote the more efficient use of the highway system while protecting that system from abuse. The Legislature further recognizes that this agreement will reduce the administrative burdens for both the participating jurisdictions and the permittees by limiting the number of contacts necessary when a motor carrier moves an overdimensional or overweight load interstate.

4. Authorization. The Commissioner of Transportation may enter into any agreement, not in conflict with any other sections of this Title or of Title 23, that furthers the intent of this section. The commissioner may also collect and distribute fees for other participating jurisdictions and receive fees from those jurisdictions collected on behalf of this State. The commissioner shall submit a biennial report to the joint standing committee of the Legislature having jurisdiction over transportation in January of even numbered years. The report shall outline progress in the expansion and the operation of the agreement.

Effective September 29, 1987.

CHAPTER 122

S.P. 329 — L.D. 957

AN ACT to Clarify Election Procedures and the
Effects of Interconnected Water Lines
in Water Fluoridation Referenda.

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

Sec. 1. 22 MRSA §2651-A, sub-§7, as enacted by PL 1983, c. 463, §2, is amended to read:

7. Registered petitioners. "Registered petitioners" means those registered voters residing in a single community water district or, in the case of a multiple community water system district-wide election, those registered voters residing in the multiple community water district who have accepted the responsibility of receiving notice concerning the filing of petitions pursuant to section 2655, subsection 3, ~~paragraph B.~~

Sec. 2. 22 MRSA §2653, sub-§4 is enacted to read:

4. Authorization not required. The authorization required by subsection 1 shall not apply to any public water supply which receives or purchases less than 50% of its total annual water supply from another public water supply authorized to add fluoride to its water supply.

Sec. 3. 22 MRSA §2654, sub-§1, as enacted by PL 1983, c. 463, §4, is repealed and the following enacted in its place:

1. Single community water districts. In a single community water district, the vote on the issue of fluoridation shall be called by a majority vote of the municipal officers acting on their own initiative or pursuant to a petition meeting the requirements established for a referendum vote by the municipality's home rule charter or, if the municipality has no home rule charter, as provided by Title 30, section 2053.

Sec. 4. 22 MRSA §2654, sub-§2, ¶¶A and B, as enacted by PL 1983, c. 463, §4, are amended to read:

A. A valid request for an election shall have been made when a majority of municipal ~~officials~~ officers, in a majority of municipalities within a multiple community water system district, vote to call an election. All such votes must be taken at least 90 days before the general election. Each voting municipality shall certify within 5 days to all other municipalities within the public water system district the results of its vote.

A multiple community water system district-wide election shall take place in each municipality within the district if, on the basis of the certificates, a majority

of ~~public officials~~ municipal officers within a majority of the municipalities in the district have called for an election.

B. A valid request for election shall have been made when a number of registered voters within a multiple community water district equal to at least 10% of the total number of votes cast for Governor at the last gubernatorial election in all municipalities, wholly or partially within the multiple community water district, file a petition ~~or petitions with the appropriate municipality or municipalities which are wholly or partially within the multiple community water district~~ in accordance with section 2655.

Sec. 5. 22 MRSA §2655, sub-§2, as enacted by PL 1983, c. 463, §4, is amended to read:

2. Forms; instructions. On request of a voter, the Secretary of State shall furnish petition forms to that voter within 10 days of the request. The Secretary of State may charge a reasonable fee for the petitions.

If a voter, at his own expense, wishes to have the forms printed and furnished by himself rather than by the Secretary of State, he may do so provided that these petition blanks are first approved by the Secretary of State as to form and content. The Secretary of State shall have 10 days in which to approve the forms. If the forms are found to be unsatisfactory, the Secretary of State shall indicate the manner in which the forms are deficient. Corrected petition forms may be submitted in accordance with the terms in this paragraph.

The Secretary of State shall prepare complete instructions to advise the signers, circulators, registered petitioners, municipal clerks and election officials as to any statutory and constitutional requirements. The instructions must specify the conditions which have been held to invalidate either individual signatures or complete petitions. The instructions must be printed in bold type or capital letters on the petition.

Sec. 6. 22 MRSA §2655, sub-§3, as enacted by PL 1983, c. 463, §4, is repealed and the following enacted in its place:

3. Signing; filing. Petitions may be signed and filed as follows. In multiservice municipalities, petitions may be signed by any registered voter residing within the affected public water system zone of the municipality. All such petitions shall be filed with the appropriate municipality at least 120 days before the next general election. In each municipality in which petitions are filed, the petition or petitions shall be accompanied with the name and address of at least one, but not more than 5, registered voters who shall be the registered petitioners for the purpose of subsection 4. The registered petitioners must reside in the multiple community water district, but need not reside in the municipality in which a petition is filed.

Sec. 7. 22 MRSA §2656, sub-§1, as enacted by PL 1983, c. 463, §4, is amended to read:

1. Multiple community water system district-wide elections. In the case of public systems serving more than one municipality, in whole or in part, elections shall be held simultaneously in all municipalities served by the water system at the first general election following the certification of a request for an election on the issue of whether or not to fluoridate the water supply. Those eligible to vote shall be all registered voters within affected single-service municipalities and all registered voters within the affected public water system zone of multiservice municipalities. The following provisions apply to all multiple community water system district-wide elections.

A. Each municipality shall be responsible for posting a warrant according to the following requirements.

(1) It shall specify the voting place and the time of opening and closing of polls.

(2) It shall specify that the purpose of the election is to determine the following question: "Shall fluoride be added to the public water supply for the intended purpose of reducing tooth decay?"

(3) It shall specify that a public hearing will be held by the municipal officers of each municipality at least 10 days before the election date.

(4) It shall be signed by a majority of the municipal officers of the municipality and directed personally to a constable or any resident ordering him to announce the election.

(5) The person to whom the warrant is directed shall post an attested copy of it in a conspicuous public place in each voting district of the municipality at least 7 days immediately before the date of the public hearing. He shall make a return on the warrant stating the manner of announcement and the time it was given and return the warrant to the municipal officers.

(6) The municipal officers shall then deliver the warrant to the clerk who shall record it.

B. Elections shall be held by secret preprinted ballots.

C. Each municipality shall provide for absentee ballots in a manner which substantially complies with Title 21-A, chapter 9, subchapter IV.

Sec. 8. 22 MRSA §2656, sub-§1-A is enacted to read:

1-A. Elections in single community water districts. Elections in single community water districts shall be conducted in the same manner as other municipal elections.

Effective September 29, 1987.

CHAPTER 123

H.P. 131 — L.D. 160

**AN ACT to Clarify the Laws for
Transmission of Electric Power and to
Study Related Issues.**

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

Whereas, Central Maine Power Company has filed preliminary notice of a proposal to purchase power from Hydro-Quebec; and

Whereas, this legislation is intended to apply to that proposal if the company follows that preliminary notice by filing an application for approval by the Public Utilities Commission; 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 §13-B, sub-§5 is enacted to read:

5. Imported power. In its review of any petition filed on or after January 1, 1987, for approval of the purchase of generating capacity or energy from outside the State, the commission may consider the comparative economic impact on the State of production of additional power within the State, investments in energy conservation and the purchase of the power from outside the State.

Sec. 2. 35 MRSA §2323, sub-§4 is enacted to read:

4. Affiliate. "Affiliate" means any person who, as determined by the commission:

A. Directly controls, is controlled by or is under common control with an electric generation enterprise; or

B. Substantially owns, is substantially owned by or is substantially under common ownership with, an electric generation enterprise.

Sec. 3. 35 MRSA §2330, sub-§1, as enacted by PL 1985, c. 740, §1, is amended to read:

1. Affiliates. Upon the request of an industrial enterprise located in the State to transmit or wheel electric energy to another industrial facility an affiliate in

~~the State owned in whole or in part by or otherwise affiliated with the enterprise, the electric utility shall enter into an agreement of not more than 30 years' duration to provide transmission or wheeling services subject to reasonable conditions and subject to the conditions of subsection 2.~~

Sec. 4. 35 MRSA §2330, sub-§5 is enacted to read:

5. Reporting. Any electric utility which provides transmission or wheeling services for electricity generated outside its service area, or for electricity generated within its service area by any other generator of electricity for delivery outside of the utility's service area, shall inform the commission of the identity of the generator and the terms and conditions for the transmission or wheeling. The report shall be filed within 30 days after any contract or agreement is signed.

Sec. 5. Monitoring and report by the Public Utility Commission. The Public Utility Commission with the assistance of the Office of Energy Resources and the Public Advocate shall continue to monitor the various aspects of electric generation and transmission and report to the Governor and the Legislature, with any recommendations, by November 1, 1987. The report shall consider: Wheeling from utility to utility; wheeling from producer to an outside utility; wheeling from an in-state producer to an end-user; and wheeling from an out-of-state producer to an end-user.

The report shall also analyze the bottlenecks for transmission of power from Maine to southern New England, between northern Maine and the rest of the State and from Canada into Maine. Strategies for the State to alleviate those bottlenecks also shall be considered.

The report shall consider the effects of wheeling on consumers, utilities and electric generators as a result of the introduction of competition into the provision of electric service.

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

Effective May 15, 1987.

CHAPTER 124

S.P. 251 — L.D. 700

**AN ACT to Transfer the Maine Fire Training
and Education Program from the
Department of Educational and Cultural
Services to the Maine
Vocational-Technical Institute System.**

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