

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

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1987

PUBLIC LAWS

OF THE

STATE OF MAINE

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

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

Whereas, it is essential that the Executive Director of the Maine Vocational-Institute System immediately assume her responsibilities under this Act and undertake the management of the consolidated Maine Fire Training and Education Program; 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. 20-A MRSA c. 319, first 2 lines, are repealed and the following enacted in their place:

CHAPTER 319

MAINE FIRE TRAINING AND EDUCATION

Sec. 2. 20-A MRSA §9000 is enacted to read:

§9000. Definitions

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

1. Executive director. "Executive director" means the executive director of the system.

2. System. "System" means the Maine Vocational-Technical Institute System, established by chapter 431.

Sec. 3. 20-A MRSA §9001, as amended by PL 1983, c. 68, is repealed and the following enacted in its place:

§9001. Program

The executive director may conduct programs to provide fire training and education for members of municipal fire departments, incorporated volunteer fire departments, industrial fire brigades, institutional fire brigades and the general public, to be known as the Maine Fire Training and Education Program.

1. Voluntary participation. The executive director may not require participation in these programs by a member of a municipal fire department, incorporated volunteer fire department, industrial fire brigades, institutional fire brigades or the general public nor use participation in Maine fire training and education programs as a condition of eligibility to receive funds for training and education programs.

2. Fees. The executive director may charge a fee for the training and education of private industrial fire brigades. The amount of the fee shall reflect, but not be limited to, instructional, material and administrative costs.

Sec. 4. 20-A MRSA §9002, as amended by PL 1983, c. 812, §§106 and 107, is further amended to read:

§9002. Advisory committee

An advisory committee, established by Title 5, section 12004, subsection 10, shall advise the commissioner executive director in the administration of section 9001 the Maine Fire Training and Education Program.

1. Establishment. The commissioner executive director shall appoint a ~~13-member~~ 17-member advisory committee as follows:

A. One municipal chief, one call chief and one volunteer chief recommended by the Maine Fire Chiefs' Association, Inc.;

B. One municipal firefighter, one call firefighter and one volunteer firefighter recommended by the Maine Federation of Firefighters, Inc.;

C. One city or town manager and one selectman recommended by the Maine Municipal Association, Inc.;

D. One member of an industrial or institutional fire brigade recommended by the Maine Safety Council;

E. One representative from the field of insurance recommended by the Maine Insurance Association, Inc.;

F. Two members recommended by the Maine Council of Firefighters, Inc.; and

G. One member of the general public;

H. Two members recommended by the Southern Maine Vocational-Technical Institute Fire Science Craft Committee; and

I. Two members recommended by the Eastern Maine Vocational-Technical Institute Fire Science Craft Committee.

2. Term of office. Members shall be appointed for a term of 3 years.

3. Chairman. The committee shall elect a member as chairman.

4. Expenses. The members shall be compensated according to the provisions of Title 5, chapter 379.

5. Nonvoting representative. The department's consultant for the fire service training program system's State Fire Administrator for Maine fire training and education shall be a nonvoting representative of the department system at the committee meetings.

Sec. 5. 20-A MRSA §9003, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§9003. State agents for federal programs

The following provisions shall apply to federal fire programs in the State.

1. Executive director; state agent. ~~The commissioner~~ executive director shall be the state agent to be contacted by the United States Fire Administration about matters dealing with the Federal Fire Prevention and Control Act of 1974, Public Law 93-498.

2. System; testing; certification. ~~The department~~ system shall be the state testing agency for the National Professional Qualification Board of the Joint Council of Fire Services Organizations. ~~The commissioner executive director~~ may award certificates to personnel of municipal and incorporated volunteer fire departments using competency standards established by the Joint Council of Fire Services Organizations.

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue Funds to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF</u>		

Adult Education

Positions	(-2)	(-2)
Personal Services	\$(70,101)	\$(71,595)
All Other	(48,636)	(48,405)
Total	\$(118,737)	\$(120,000)

MAINE VOCATIONAL-TECHNICAL INSTITUTE SYSTEM

Maine Vocational-Technical Institutes — Board of Trustees

All Other	\$118,737	\$120,000
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This allocation of funds, which have been deallocated from the Department of Educational and Cultural Services, shall be used to fund the Maine Fire and Education Training Program pursuant to the Maine Revised Statutes, Title 20-A, chapter 319.

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

Effective May 15, 1987.

CHAPTER 125

H.P. 1060 — L.D. 1435

AN ACT to Assure Geographical Balance on the Board of Environmental Protection and to Implement Staggered Board Terms.

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

Whereas, 6 members of the Board of Environmental Protection will be replaced in 1987 due to resignations or the expiration of their terms; and

Whereas, the effect of such substantial change is detrimental to the continuity of environmental policy over the long term; and

Whereas, it is the intent of the Legislature to establish a system of staggered terms for the board similar to that employed on other policy-making boards in order to avoid this problem; 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. 38 MRSA §361, first ¶, as amended by PL 1985, c. 746, §17, is further amended to read:

The Board of Environmental Protection, as established by Title 5, section 12004, subsection 5, and in this subchapter called the "board," shall consist of 10 members appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over energy and natural resources and to confirmation by the Legislature. Members of the board shall be chosen to represent the broadest possible interest and experience which can be brought to bear in the implementation of this Title and all other laws which the board is charged with the duty of administering. At least 4 members shall be residents of the First Congressional District and at least 4 members shall be residents of the Second Congressional District. The boundaries of the congressional districts are defined in Title 21-A, chapter 15. The members shall be appointed for a term of 4 years staggered 4-year terms, except that a vacancy shall be filled for the unexpired portion of the term. No member may serve more than 2 consecutive 4-year terms. The Governor shall appoint one member to serve as chairman. Any member who has not been renominated by the Governor within 90 days of the expiration of his term shall not continue to serve on the board unless the Governor notifies the Legislature, in writing and within 90 days of the expiration of that member's term, of his finding that extension of that member's term is required to ensure fair consideration of specific major applications pending before the board. That member's term shall terminate upon final board decisions on the specific applications identified in the Governor's communication.

Sec. 2. Transition. In order to accomplish the Legislature's intent to establish staggered terms for the