

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES
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Twin City Printery
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1988

PUBLIC LAWS

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AS PASSED AT THE
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1987

ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power for public use. “Electric plant” includes, but is not limited to, fixtures and personal property on the premises of a utility’s customer, financed in whole or in part by that utility, and found by the commission to constitute a cost-effective investment in conservation or load management. In the case of these conservation or load management investments only, “electric plant” may include property actually owned by the customer or by a party other than the utility. The presence of property on the premises of a customer or other party, which property is included in the rate base of an electric utility as qualifying conservation or load management investment, shall not cause the customer or other party to be determined to be a public utility for any purpose.

Sec. 2. 35-A MRSA §303, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

§303. Valuation of property for fixing rates

In determining just and reasonable rates, tolls and charges, the commission shall fix a reasonable value upon all the property of a public utility and upon an electric plant to the extent paid for by the utility on the premises of any of its customers, which is used or required to be used in its service to the public within the State and a fair return on that property. In fixing a reasonable value, the commission shall give due consideration to evidence of the cost of the property when first devoted to public use and the prudent acquisition cost to the utility, less depreciation on each, and any other material and relevant factors or evidence, but the other factors shall not include current value. In making a valuation, the commission may consult reports, records or other information available to it in the office of any state office or board.

Sec. 3. 35-A MRSA §3154, sub-§6 is enacted to read:

6. Conservation investments in rate base. Upon petition by the public utility in any general rate change request pursuant to section 307, filed on or after January 1, 1988, the commission may in its discretion include in the utility’s rate base and permit a fair return on the utility’s rate base, any electric plant to the extent financed by the utility which constitutes a cost effective investment in conservation or load management and which was installed on the premises of a customer.

Sec. 4. 35-A MRSA §3304, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

§3304. Control and regulation of generating facilities

Notwithstanding the definition of a public utility or of an electric plant in section 102, a small power production facility and a cogeneration facility, as defined in section 3303, is not deemed a public utility and is not sub-

ject to control or regulation by the commission, except that the commission may treat all or a portion of the equity investment, whether direct or indirect, by an electric utility in a qualifying cogeneration facility or a qualifying small power production facility as public utility property for retail rate-making purposes. Commission determination and regulation of rates of electric utilities, which include purchases of power from a qualifying small power production facility or cogeneration facility, shall not be considered control or regulation of these facilities.

The presence of property on the premises of a qualifying facility, or upon the premises of a partner in or part owner of a qualifying facility, which property has been included in the rate base of an electric utility as qualifying conservation or load management investment, shall not cause the qualifying facility or any partner in or part owner of a qualifying facility to be determined to be a public utility for any purpose.

Effective August 4, 1988.

CHAPTER 614

H.P. 1456 — L.D. 1967

AN ACT to Clarify the Status of Meetings and Records of the Public Utilities Commission Under the Freedom of Access Law.

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

Sec. 1. 35-A MRSA §108, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

§108. Commission action; quorum; notice

A majority of the duly appointed commissioners shall constitute a quorum and the act or decision of a majority of commissioners present, if at least a quorum is present, shall be the act or decision of the commission in any formal proceeding before the commission.

Notwithstanding Title 1, section 406, the commission is required to give notice of public proceedings only if the commission will deal with the expenditure of public funds or taxation or will adopt policy at the meeting.

For purposes of this section, the adoption of policy is deemed to include, but is not limited to, a decision to adopt or modify a rule pursuant to Title 5, chapter 375, subchapter II; a decision making an advisory ruling pursuant to Title 5, chapter 375, subchapter III; or a final decision at the conclusion of an adjudicatory proceeding pursuant to Title 5, chapter 375, subchapter IV.

Sec. 2. 35-A MRSA §704, sub-§5 is enacted to read:

5. Confidentiality of customer information. The fol-

lowing provisions apply to the confidentiality of customer information.

A. Records containing the following information shall be confidential and are not public records for the purpose of Title 1, section 402, subsection 3:

(1) Information acquired by the Consumer Assistance Division regarding the payment and credit history and financial condition of a customer who has requested the assistance of the division; and

(2) Information acquired by the Consumer Assistance Division regarding the medical condition of a customer or member of a customer's family.

B. Notwithstanding paragraph A, any person, agency or public utility directly involved in the investigation of an individual customer matter shall be given access to the information which is pertinent to the complaint.

C. Compilations of information in which the customer's identity is not disclosed are not confidential.

D. The Consumer Assistance Division shall prepare its decisions or abstracts of decisions in a manner which protects the confidentiality of customer information as provided by this subsection. Those decisions or abstracts of decisions shall be available for public access.

Effective August 4, 1988.

CHAPTER 615

H.P. 1497 — L.D. 2047

AN ACT to Require Gasoline Stations which Provide Self-Service at a Lower Rate to Provide Services at the Same Rate for Handicapped Drivers.

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

10 MRSA §1661-A is enacted to read:

§1661-A. Gasoline stations to provide services for handicapped drivers

Every full-service gasoline station offering self-service pumping at a lesser cost shall require an attendant employed by the station to dispense gasoline to any motor vehicle properly displaying a handicapped placard or special designating plates issued under Title 29, section 252, when the person to whom the placard or plates have been issued is the operator of the vehicle, the service is requested, the operator has a drivers license designated with a code H, restricted to special equipment, and there is no nonhandicapped adult in the motor vehicle.

Effective August 4, 1988.

CHAPTER 616

H.P. 1457 — L.D. 1968

AN ACT to Provide for a Record of the Facility Designated for Confinement in Criminal Cases.

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

15 MRSA §1707, as repealed and replaced by PL 1977, c. 114, §28, is repealed and the following enacted in its place:

§1707. Record to designated facility

Whenever a person is convicted of a crime and sentenced to a term of imprisonment which is to be served in the custody of the Department of Corrections, the clerk of the court shall make and forward to the head of the correctional facility designated as the initial place of confinement by the Commissioner of Corrections pursuant to Title 17-A, section 1258, a record containing copies of the docket entries and charging instrument, together with a statement of any fact or facts which the presiding justice may deem important or necessary for a full comprehension of the case. This record shall be delivered to the head of the designated correctional facility within 10 days of the date the prisoner is received at that facility. At the time a person, so sentenced, is delivered to the designated correctional facility, a copy of the judgment and commitment shall be given to the receiving officer at that facility.

Effective August 4, 1988.

CHAPTER 617

H.P. 1753 — L.D. 2402

AN ACT to Provide a Method for Taxation of Real Property When Owner is Unknown.

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

36 MRSA §557-A is enacted to read:

§557-A. Assessment; unknown owner

In the case of real property for which no owner is known to the assessors for at least the preceding 20 tax years and for which the assessor has, with reasonable diligence, attempted to determine ownership, the following assessment procedure, in its entirety, may be used.

Property of an unknown owner is to be assessed as other property, except that the owner shall be indicated as "unknown." Additionally, the assessing shall be