

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
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

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

24-A MRSA §2325-A is enacted to read:

§2325-A. Market assistance plans

1. Establishment. Whenever a particular type of insurance is unavailable or unaffordable, the superintendent may establish a market assistance plan.

2. Definition. For purposes of this section a "market assistance plan" is a voluntary agreement between the Bureau of Insurance and insurers that the insurers will write insurance at an agreed upon rate for those persons or groups that are unable to obtain coverage.

3. Notification. Whenever the superintendent determines that a market assistance plan is needed, the superintendent shall notify all insurers authorized to write the type of insurance covered by the plan that a market assistance plan is being established and their participation in the plan is requested.

4. Participation. Each insurer receiving a notice referred to in subsection 3, shall respond within 30 days to the notice. Their response shall indicate the extent to which they are willing to participate and any reasons why they do not wish to participate or only wish to participate on a limited basis.

5. Report. The superintendent shall report to the joint standing committee of the Legislature having jurisdiction over insurance by January 30th of each year whether there is, or may be, within the year a lack of availability in any line of insurance.

Effective August 4, 1988.

CHAPTER 628

S.P. 745 — L.D. 2004

AN ACT to Make Changes to the Public Utilities Law.

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

Sec. 1. 35-A MRSA §102, sub-§4, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed and the following enacted in its place:

4. Customer. "Customer" includes any person, government or governmental division which has applied for, been accepted and is currently receiving service from a public utility.

Sec. 2. 35-A MRSA §6104, sub-§§2 and 3, as amended by PL 1987, c. 490, Pt. B, §12, are amended to read:

2. Utilities which elect to set rates under this section. Consumer-owned water utilities which elect to set rates under this section may not file with the commission or increase any rate, toll or charge without first holding a public hearing at which the Public Advocate and any customer may testify and may question the officials present regarding the proposed increase.

3. Notice of proposed rate increase and hearing. The consumer-owned water utility shall, at least 14 days prior to the hearing, publish a notice of the proposed rate increase and the hearing, including the date, time, place and purpose of the hearing, in a newspaper of general circulation in the area encompassed by the consumer-owned water utility and give one notice of the proposed rate increase and the date, time and place of the hearing to each of its customers. The published and individual notices shall include a statement describing the amount of the increase and the percentage increase for each customer class and copies, the customer's right to request information relating to the present and proposed rates, the right to an open and fair hearing and the right to further hearings before the commission, and the availability of assistance from the Public Advocate. Copies of the notice shall be sent to the commission and the Public Advocate at least 14 days prior to the hearings.

Sec. 3. 35-A MRSA §6104, sub-§4-A is enacted to read:

4-A. Supporting materials. The water utility shall file a copy of all materials supporting the proposed increase with the commission and the Public Advocate, at least 30 days prior to the hearing. A copy of all material supporting the proposed increase shall be made available to customers for examination at the offices of the utility for at least 30 days prior to the hearing. The utility shall promptly provide any readily available relevant additional material or information requested by a customer, the commission or the Public Advocate.

Sec. 4. 35-A MRSA §6104, sub-§9, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

9. Water utility may challenge petitions. The water utility has 10 days from receipt of notice to notify the commission whether it intends to contest any aspect of the validity of the petitions, after which it shall lose that right. If the water utility notifies the commission in a timely fashion that it wishes to contest the validity of the petitions, the commission shall schedule a hearing. It shall hold the hearing and issue its decision on the validity of the petitions within 30 days of notification by the water utility that it intends to contest the validity of the petitions. If the commission finds the petitions to be invalid, it shall lift its order of suspension. For the purposes of this section, "customer" means, in the case of residential accounts, any one adult residing in a household where the utility's service is provided, and, in the case of all other accounts where the utility's service is provided, a corporate officer, a partner or a proprietor. No one person may sign on behalf of more than one account unless receiving service at the residence of the account.

Sec. 5. 35-A MRSA §7503, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed and the following enacted in its place:

1. Placement of public telephones. Any person placing public telephones in any building after December 31, 1983, shall provide that at least one public telephone is wheelchair accessible if the building has an entrance which is wheelchair accessible.

If a building in which one or more public telephones are located becomes wheelchair accessible after December 31, 1983, the subscriber shall notify the person placing the public telephones and that person shall replace at least one public telephone with a telephone which is wheelchair accessible.

Any public telephone placed before January 1, 1984, shall be deemed to be in compliance with this section.

Sec. 6. 35-A MRSA §7503, sub-§3 is enacted to read:

3. Definitions. For purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Public telephone" means a telephone located in a public place or in an area to which the public is invited and which is intended for use by the public.

B. "Wheelchair accessible" means meeting the most recent applicable standards of the American National Standards Institute for accessibility by the physically handicapped at the time of placement.

Effective August 4, 1988.

CHAPTER 629

S.P. 819 — L.D. 2139

AN ACT Relating to the Weighing of Trucks.

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

29 MRSA §1805, as amended by PL 1979, c. 588, §5, is further amended to read:

§1805. Penalty for violations

The operator or owner of any vehicle entering or leaving the State, or operating within the State, who refuses to permit the weighing of such vehicle is guilty of a Class E crime, except that a fine of not more than ~~\$1,000~~ \$1,500 and a sentence of imprisonment of not more than 30 days may be imposed. All fines and forfeitures collected shall accrue to the General Highway Fund.

Effective August 4, 1988.

CHAPTER 630

S.P. 837 — L.D. 2174

AN ACT to Make Allocations from the Maine Nuclear Emergency Planning Fund for Fiscal Year Ending June 30, 1989.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the department will become due and payable on or immediately after July 1, 1988; 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. 37-B MRSA §956, sub-§1, as amended by PL 1987, c. 139, §1, is further amended to read:

1. Fee. The license holder for any nuclear power reactor operating in this State shall be assessed a fee of ~~\$75,000 for the 1982 fiscal year and \$100,000~~ \$200,000 for each year thereafter. License fees shall be paid to the committee and, upon receipt by it, credited to the fund. The committee may waive all or part of this fee if a reactor is shut down for extended periods of time.

Sec. 2. 37-B MRSA §957, as amended by PL 1987, c. 139, §2, is further amended to read:

§957. Disbursements from fund

~~Moneys~~ Money in the fund shall be disbursed only for the preparation and implementation of emergency planning related to nuclear power plants and their fuel-cycle activities. Expenditures shall be limited to support of state agency activities, grants to counties, municipalities, interjurisdictional or regional civil emergency preparedness agencies and contractual services necessary to carry out the purposes of this chapter. Except as provided in section 959, disbursements from the fund may not exceed ~~\$100,000~~ \$200,000 each year.

Sec. 3. Allocation of Maine Nuclear Emergency Planning Fund. Income to the Maine Nuclear Emergency Planning Fund for the next fiscal year, from July 1, 1988, to June 30, 1989, shall be segregated, apportioned and disbursed as designated in the following schedule: