

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

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 A, §6, is repealed and the following enacted in its place: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:

	1988-89
<u>DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF</u>	
Radiological Emergency Preparedness Committee	
All Other	\$ 33,000
Capital Expenditures	67,000
TOTAL	<u>\$100,000</u>

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

Effective March 23, 1988.

CHAPTER 631

H.P. 1630 — L.D. 2225

AN ACT to Increase the Effectiveness of the Public Utilities Commission through Computerization and to Provide Certain Exceptions from the Annual Regulatory Fund Assessment and from Filing Annual Reports and Certain Other Changes.

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

Sec. 1. 2 MRSA §6-A, sub-§3-A, as enacted by PL 1985, c. 618, §2, is amended to read:

3-A. Other employees; range 80. The salaries of the following employees shall be within salary range 80:

- A. Assistant administrative director; ~~and~~
- B. Assistant to the director of consumer assistance; and
- C. Administrative assistant to the administrative director.

Sec. 2. 5 MRSA §931, sub-§1, ¶J, as repealed and replaced by PL 1987, c. 402, Pt. A, §27, is repealed and the following enacted in its place:

J. Staff attorney, financial analyst, chief utility accountant, utility accountant III, assistant administrative director, administrative assistant to the administrative director and assistant to the director of consumer assistance positions at the Public Utilities Commission;

Sec. 3. 35-A MRSA §107, sub-§2, ¶¶A and C, as enacted by PL 1987, c. 141, Pt. A, §6, are amended to read:

A. The general counsel, the administrative director, the assistant administrative director, the administra-

tive assistant to the administrative director, the director of finance, the director of technical analysis, the director of consumer assistance and the assistant to the director of consumer assistance shall serve at the pleasure of the commission and their salaries shall be set by the commission within the ranges established by Title 2, section 6-A.

C. The salaries of the other subordinate officials and employees of the commission, other than those of the general counsel, the administrative director, the assistant administrative director, the administrative assistant to the administrative director, the director of finance, the director of technical analysis, the director of consumer assistance, the assistant to the director of consumer assistance and the staff attorney, financial analyst, chief utility accountant and utility accountant III positions, shall be subject to the Civil Service Law, except as provided in paragraph D.

Sec. 4. 35-A MRSA §116, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

1. Utilities subject to assessments. Every electric, gas, telegraph, telephone and water utility and ferry subject to regulation by the commission shall be subject to an assessment of not more than .25% on its intrastate gross operating revenues to produce no more than ~~\$2,210,000 in revenues annually beginning in the 1987-88 fiscal year and not more than \$2,300,000~~ \$2,386,000 in revenues annually beginning in the 1988-89 fiscal year. The commission shall determine the assessments annually prior to May 1st and shall assess each utility for its pro rata share. Each utility shall pay the assessment charged to the utility on or before July 1st of each year. Any increase in the assessment that becomes effective subsequent to May 1st may be billed on the effective date of the act authorizing the increase.

A. The assessments charged to utilities under this section are just and reasonable operating costs for rate-making purposes.

B. For the purposes of this section, "intrastate gross operating revenues" means intrastate revenues derived from filed rates, except revenues derived from sales for resale.

C. Gas utilities subject to the jurisdiction of the commission solely with respect to safety shall not be subject to any assessment ~~until the commission has reviewed the scope and cost of that jurisdiction and an assessment or fee structure is authorized by the Legislature.~~

D. The commission may correct any errors in the assessments by means of a credit or debit to the following year's assessment rather than reassessing all utilities in the current year.

E. The commission may exempt utilities with annual intrastate gross operating revenues under \$50,000 from assessments under this section.