

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. 3. Allocation to the Finance Authority of Maine. The \$25,000,000 in state ceiling for calendar year 1988 previously allocated to the Finance Authority of Maine, plus an additional \$83,000,000 of the state ceiling for calendar year 1988, is allocated to the Finance Authority of Maine to be used in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 6. Twenty-five million dollars of the state ceiling for calendar year 1989 is allocated to the Finance Authority of Maine to be used in accordance with Title 10, section 363, subsection 6.

Sec. 4. Allocation to the Maine Municipal Bond Bank. The \$12,000,000 of the state ceiling for calendar year 1988 previously allocated to the Maine Municipal Bond Bank shall remain allocated to the Maine Municipal Bond Bank. Twelve million dollars of the state ceiling for calendar year 1989 is allocated to the Maine Municipal Bond Bank to be used in accordance with Title 10, section 363, subsection 7.

Sec. 5. Allocation to the Maine Educational Loan Marketing Corporation. No portion of the calendar year 1988 or 1989 state ceiling is allocated to the Maine Educational Loan Marketing Corporation.

Sec. 6. Allocation to the Maine State Housing Authority. Ten million dollars of the state ceiling for calendar year 1988 is allocated to the Maine State Housing Authority to be used in accordance with Title 10, section 363, subsection 4. Ten million dollars of the state ceiling for calendar year 1989 is allocated to the Maine State Housing Authority for the same uses.

Sec. 7. Unallocated state ceiling. Eighty-three million dollars of the state ceiling for calendar year 1989 is unallocated and shall be reserved for future allocation in accordance with applicable law.

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

Effective April 1, 1988.

CHAPTER 669

H.P. 1740 — L.D. 2386

AN ACT to Create a Uniform School Unit Budgeting Process.

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

20-A MRS A §15618-A is enacted to read:

§15618-A. Annual report on educational budgets

1. Annual report. Beginning in 1989, the commissioner shall prepare an annual report by December 1st showing approved school administrative unit educational

budgets on a unit-by-unit basis. The report shall show budgetary items approved by public schools and schools approved for tuition purposes in the following categories:

A. General administration:

- (1) Salaries;
- (2) Benefits; and
- (3) Other; and

B. School administration:

- (1) Salaries;
- (2) Benefits; and
- (3) Other; and

C. Instruction:

- (1) Professional salaries;
- (2) Other salaries;
- (3) Benefits;
- (4) Teaching supplies;
- (5) Books and periodicals; and
- (6) Other; and

D. Tuition to nonpublic schools;

E. Vocational education operating assessments to regions;

F. Nutrition;

G. Operational maintenance:

- (1) Salaries;
- (2) Benefits;
- (3) Purchased services;
- (4) Insurance;
- (5) Energy; and
- (6) Other; and

H. Transportation operating costs:

- (1) Salaries;
- (2) Benefits;
- (3) Purchased services; and

(4) Other; and

I. Buses;

(1) Purchases; and

(2) Principal and interest payments on notes; and

J. Major capital outlay;

K. Leases;

L. Insured value; and

M. Debt service.

Effective August 4, 1988.

CHAPTER 670

S.P. 926 — L.D. 2437

AN ACT to Provide a Special Exemption to Bangor Pre-Release Center Employees for Service Retirement Benefits.

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

5 MRSA §17851, sub-§11, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

11. Maine State Prison employees. The warden or deputy warden of the Maine State Prison, any officer or employee of the Maine State Prison employed as a guard or in the management of prisoners or any person employed as the supervising officer of those officers or employees qualifies for a service retirement benefit if he:

A. Was employed in one of those capacities before September 1, 1984, and:

(1) Completes 20 years of creditable service in one or more of those capacities; and

(2) Retires upon or after reaching the age of 50 years; or

B. Was employed in one of those capacities after August 31, 1984, and completed 25 years of creditable service in one or more of those capacities.

Notwithstanding any other provision in this section, no person in the employ of the Bangor Pre-Release Center on the effective date of this subsection who would have qualified for a service retirement benefit if the Bangor Pre-Release Center had remained the administrative responsibility of the Maine State Prison may be denied such a benefit by virtue of the transfer of that responsibility to the Charleston Correctional Facility.

Effective August 4, 1988.

CHAPTER 671

S.P. 962 — L.D. 2553

AN ACT Establishing Maine Energy Policy.

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

Sec. 1. 35-A MRSA §3101, sub-§4, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

4. Scope of adjustment. Changes in the cost of fuel consumed in the electric utility's generating stations and changes in the cost of power purchased by the electric utility for use in this State constitute the only items subject to adjustment, pursuant to rules promulgated by the commission under this section. Those changes in the cost of purchased power which are subject to that adjustment shall exclude all capacity charges, except that, to the extent the commission determines just and reasonable, capacity charges for power purchased from small power producers or cogenerators, as defined in chapter 33, and capacity charges for Canadian power purchase contracts which receive a certificate under section 3133 on or after January 1, 1988, may be included in the adjustment, provided that capacity charges for small power producers or cogenerators and from Canadian power purchase contracts shall be accorded the same ratemaking treatment in proceedings under this section. Credits received by the utility for fuel or the fuel component of either purchased power or power sold to other utilities, including, but not limited to, credits associated with purchased energy or energy sold which are received from the savings fund of the New England Power Exchange shall be considered changes in the cost of fuel for the purposes of the fuel cost adjustment, pursuant to rules promulgated by the commission under this section.

Sec. 2. 35-A MRSA c. 31, sub-c. VI is enacted to read:

SUBCHAPTER VI

THE MAINE ENERGY POLICY ACT OF 1988

§3191. Energy policy

The Legislature finds that it is in the best interests of the State to ensure that Maine and its electric utilities pursue a least-cost energy plan. The Legislature further finds that a least-cost energy plan takes into account many factors including cost, risk, diversity of supply and all available alternatives, including purchases of power from Canadian sources. When the available alternatives are otherwise equivalent, the commission shall give preference first to conservation and demand management and then to power purchased from qualifying facilities. Nothing in this section is intended to modify the commission's authority under section 3133, subsection 9.