

# 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.

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Twin City Printery  
Lewiston, Maine  
1988

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**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

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(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.

**Sec. 3. Transition.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, section 1 of this Act shall apply to proceedings pending before the commission on or after January 1, 1988.

Effective August 4, 1988.

## CHAPTER 672

S.P. 728 — L.D. 1987

### AN ACT Relating to Sentences with Intensive Supervision.

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

Whereas, reducing the sentencing requirement for the program provides the opportunity for more offenders to be eligible for the program, which acts as an alternative to prison sentencing; and

Whereas, unless this legislation is enacted, the program can not reach its full potential and begin to alleviate, to some extent, the chronic overcrowding which currently exists in the State's correctional facilities; 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:

17-A MRSA §1262, sub-§1, as enacted by PL 1985, c. 821, §15, is amended to read:

1. The court may sentence a person to a term of imprisonment, not to exceed the maximum term authorized for the crime, an initial portion of which shall be for ~~one year~~ 6 months or more, to be served with intensive supervision, and the remainder, which shall not be less than ~~2 years~~ one year, suspended with probation, as authorized by chapter 49. As to both the initial unsuspended portion and the suspended portion, the court shall commit the person to the Department of Corrections. If the initial unsuspended portion is for more than ~~one year~~ 6 months, intensive supervision shall apply only to the ~~final year~~ portion of the initial unsuspended ~~portion~~ term, with the intensive supervision portion ranging from 6 to 18 months. That portion of the initial unsuspended term not to be served on intensive supervision shall be served in institutional confinement.

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

Effective April 6, 1988.

## CHAPTER 673

S.P. 972 — L.D. 2581

### AN ACT to Make Certain Personnel Records Maintained by the Bureau of Human Resources Available to the Bureau of Employee Relations.

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

**Sec. 1.** 5 MRSA §7070, sub-§4 is enacted to read:

4. Disclosure of certain information for grievance and other proceedings. The Director of Human Resources may release to the Director of Employee Relations specific information designated confidential by this section which has been requested by the Director of Employee Relations to be used in negotiations, mediation, fact-finding, arbitration, grievance proceedings and other proceedings in which the Director of Employee Relations represents the State as defined in this subsection. For the purpose of this subsection, "other proceedings" means unemployment compensation proceedings, workers' compensation proceedings, human rights proceedings and labor relations proceedings.

Confidential information provided under this subsection to the Bureau of Employee Relations shall be governed by the following.

A. The information to be released shall be information only as necessary and directly related to the proceeding as determined by the Director of Human Resources.

B. The Director of Employee Relations shall specify in writing the confidential information required in the proceedings and the reasons explaining the need for the information, and shall provide a copy of the written request to the employee or employees.

C. The proceeding for which the confidential information is provided shall be private and not open to the public; or, if the proceeding is open to the public, the confidential information shall not be disclosed except exclusively in the presence of the fact finder, the parties and counsel of record, and the employee who is the subject of the proceeding and provisions are made to ensure that there is no public access to the confidential information.

The Director of Employee Relations may use this information in grievance proceedings and provide copies to the employee organization that is a party to the proceedings, provided the information is directly related to those proceedings as defined by the applicable collective bargaining agreement. Confidential personnel records in the possession of the Bureau of Employee Relations shall not be open to public inspection and shall not be "public records," as defined in Title 1, section 402, subsection 3.