

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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1989

cooperate in implementing any fish fishery product or shellfish inspection programs.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

| | 1989-90 | 1990-91 |
|---------------------------------------------------------------------------------------------------------------|---------|---------|
| MARINE RESOURCES, DEPARTMENT OF | | |
| Seafood Market Development | | |
| All Other | \$1,500 | \$5,000 |
| Provides funds for anticipated advertising and promotional expenses of the Marine Products Marketing Program. | | |

See title page for effective date.

CHAPTER 58

S.P. 143 - L.D. 263

An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment, Establish a Consumer Assistance Specialist Position and Make Certain Other Changes

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, the Public Utilities Commission requires additional funds in fiscal years 1989-90 and 1990-91 for ongoing services to ensure reliable service at just and reasonable rates for state ratepayers; and

Whereas, these funds must be assessed by May 1, 1989 to be available in fiscal year 1989-90; 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. 35-A MRSA §116, sub-§1, as amended by PL 1987, c. 631, §4, is further 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 assess-

ment of not more than .25% on its intrastate gross operating revenues to produce no more than ~~\$2,386,000~~ \$2,696,000 in revenues annually beginning in the ~~1988-89~~ 1989-90 fiscal year and not more than \$2,910,000 in revenues annually beginning in the 1990-91 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.

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.

Sec. 2. 35-A MRSA §116, sub-§4, as amended by PL 1987, c. 631, §5, is further amended to read:

4. Use of funds. The Public Utilities Commission may use the revenues provided in accordance with this section to fund ~~45~~ 47 employees and 2 seasonal legal researchers and to defray the costs incurred by the commission pursuant to this Title, including administrative expenses, general regulatory expenses, consulting fees and all other reasonable costs incurred to administer this Title.

Sec. 3. Allocation of Public Utilities Commission Regulatory Fund. Income not otherwise allocated from the Public Utilities Commission Regulatory Fund is allocated for the fiscal years ending June 30, 1990 and June 30, 1991 and shall be segregated, apportioned and disbursed as designated in the following schedule:

| | 1989-90 | 1990-91 |
|------------------------------------------------------|----------|----------|
| PUBLIC UTILITIES COMMISSION | | |
| Regulatory Fund - Public Utilities Commission | | |
| Positions | | (2) |
| Personal Services | \$31,000 | \$34,000 |
| All Other | 277,000 | 490,000 |
| Capital Expenditures | | 2,000 |

Funds to be used for 2 new positions, a consumer assistant specialist and a part-time position in the administrative division; and for increases in personnel and general operating expenses.

under this paragraph shall not be subject to section 6104.

See title page for effective date.

PUBLIC UTILITIES COMMISSION
TOTAL \$310,000 \$524,000

CHAPTER 60

H.P. 216 - L.D. 296

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

An Act to Clarify the Jurisdiction of the Public Utilities Commission over the Construction of Transmission Lines by Electric Utilities

Effective April 21, 1989.

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

CHAPTER 59

H.P. 199 - L.D. 279

Whereas, the 90-day period may not terminate until after the anticipated filing of a petition for approval of the construction of a transmission line by Bangor Hydro-Electric Company; and

An Act to Provide for Rate Adjustments of Consumer-Owned Water Utilities to Reflect Anticipated Construction Costs

Whereas, the public interest would be better served by the application of the provisions of this legislation to that petition; and

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

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,

Sec. 1. 35-A MRSA §6105, sub-§4, ¶D, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

D. To provide for annual principal payments on serial indebtedness created or assumed by the utility; **and**

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

Sec. 2. 35-A MRSA §6105, sub-§4, ¶E, as amended by PL 1987, c. 490, Pt. B, §14, is further amended to read:

E. To provide for a contingency reserve fund allowance by providing rates to reflect up to a 5% addition to yearly revenues over what is required to operate the water utility.

Sec. 1. 35-A MRSA §3132, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

1. Construction of generating facility and resulting line. Whenever any electric utility or utilities proposes to erect within this State a permanently installed generating facility of more than 1,000 kilowatts or any transmission line capable of operating at 100 kilovolts or more, the construction of which is required ~~as a result of~~ to carry the capacity or energy produced by the generating facility, the following provisions apply.

If this allowance results in an excessive surplus, rates may be set which use the excess to offset future revenue requirements. The commission shall adopt rules which define excessive surplus resulting from the allowance, set forth uses of funds in that portion of the surplus which is not excessive, including the retirement of debt ~~where~~ when economic, and provide that funds in the surplus which are excessive be returned to customers in the form of temporary rate adjustments, credits or reduction in rates; **and**

A. The utility or utilities shall file with the commission, no less than 3 months in advance of submitting its petition for approval of the proposed facility or lines, a notice of its intent to file the petition.

Sec. 3. 35-A MRSA §6105, sub-§4, ¶F is enacted to read:

The notice of intent to file shall inform the commission of the location, size, type of facility, estimated cost and proposed construction schedule of the generating facility or lines, together with such other facts and details concerning the proposed facility or lines as the commission by rule prescribes.

F. To provide for rate adjustments to reflect the cost of anticipated construction of plants or facilities required by the 1986 amendments to the United States Safe Drinking Water Act, Public Law 93-523, or related projects, provided that rates established