

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
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

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

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

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

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

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

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

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,

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:

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

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

B. The petition for approval of the proposed generating facility or lines shall contain such information as the commission by rule prescribes.

C. The petition for approval shall be set down for public hearing.

D. The commission shall issue its order within 15 months after the petition is filed with the commission unless the period is either extended by agreement of all the parties or by the commission upon its determination that the party seeking the extension would, because of circumstances beyond that party's control for which it has no reasonable substitute, and be unreasonably disadvantaged unless the extension were granted, provided that the party to that time had prosecuted its case in good faith and with due diligence.

Sec. 2. 35-A MRSA §3132, sub-§1-A is enacted to read:

1-A. Purchase of capacity or energy and resulting line. Whenever any electric utility or utilities propose to purchase any generating capacity, transmission capacity or energy as defined in section 3131 and erect any transmission line capable of operating at 100 kilovolts or more, the construction of which is required to carry the capacity or energy purchased, the following provisions shall apply.

A. The purchase of the generating capacity, transmission capacity or energy shall be subject to section 3133.

B. The construction of the resulting transmission line shall be subject to this section, except that the notice of intent must be filed no less than 2 months in advance of submitting the petition for approval and the commission shall issue its order within 12 months after the petition is filed.

Sec. 3. 35-A MRSA §3132, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

2. Line not resulting from construction or purchase. Except as otherwise provided in subsection 3-A, whenever any electric utility or utilities propose to erect within this State a transmission line capable of carrying operating at 100 kilovolts, or more, and the transmission line does not result from the construction of a generating facility pursuant to this section or the purchase of generating capacity, transmission capacity or energy, the utility or utilities shall file a petition for the approval of the proposed line. The petition is subject to the requirements of subsection 1, paragraphs B and C. The commission shall issue its order within 6 months after the petition is filed unless this period is extended as provided in subsection 1, paragraph D.

Sec. 4. 35-A MRSA §3132, sub-§3-A is enacted to read:

3-A. Minor transmission line construction projects. Each domestic electric utility shall file annually with

the commission a schedule of minor transmission line construction projects which it intends to carry out during the next 5 years concerning transmission lines that will be capable of operating at 100 kilovolts or more. A minor transmission line construction project shall be a transmission line construction project, the cost of which does not exceed 25% of the utility's current annual transmission property depreciation charge. The schedule shall describe each project, showing the length, location and estimated cost.

If the commission determines that an investigation of any minor transmission line construction project is warranted, it shall notify the electric utility within 60 days of the annual filing and the electric utility shall then be required to comply with the provisions of this section with respect to that project. The absence of commission notification requiring the utility to file a petition does not preclude such notification in subsequent years.

Sec. 5. 35-A MRSA §3132, sub-§9, as amended by PL 1987, c. 490, Pt. A, §5, is further amended to read:

9. Filing fee; waiver of fee. When a petition is filed under this section, the electric utility or utilities involved shall pay to the commission an amount equal to 2/100 of 1% of the estimated cost to erect, rebuild or relocate the facility provided that in the case of a petition filed under subsection 2, the fee shall be 4/100 of 1%. The utility may, at the time of the filing of notice of its intent to file the petition, or, in the case of lines subject to subsection 2, at the time of the filing of the petition, request the commission to waive all or a portion of the filing fee. The commission shall rule on the request for waiver within 30 days.

Filing fees paid as required under this subsection shall be segregated, apportioned and expended by the commission for the purposes of this section. Any portion of the filing fee that is received from any utility and is not expended by the commission to process the petition for a certificate of public convenience and necessity shall be returned to the utility.

Sec. 6. 35-A MRSA §3132, sub-§12 is enacted to read:

12. Waiver of notice. The commission may waive any of the notice requirements in this section in advance of filing.

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

Effective April 21, 1989.

CHAPTER 61

H.P. 220 - L.D. 300

An Act to Clarify the Maine Used Car Information Laws