

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

Sec. 6. 28-A MRSA §1005, sub-§3, ¶B, as repealed by PL 1987, c. 45, Pt. A, §4, is reenacted to read:

B. Auditoriums;

Sec. 7. 28-A MRSA §1007, sub-§2, ¶B, as amended by PL 1987, c. 342, §67, is further amended to read:

B. Part-time (6 months).....\$ ~~62.50~~ 67.50; and

Sec. 8. 28-A MRSA §1007-A, as enacted by PL 1987, c. 632, is repealed.

Sec. 9. 28-A MRSA §1069-A is enacted to read:

§1069-A. Auditoriums

1. Issuance of licenses. The commission may issue licenses under this section for the sale of spirits, wine and malt liquor to be consumed on the premises to auditoriums, as defined in section 2, subsection 15, paragraph B.

2. No sales at events for children. No liquor may be sold at an auditorium at any event primarily involving primary or secondary school children.

3. Conditions on sales. No liquor may be sold or consumed in any audience seating area at an auditorium licensed under this section.

Emergency clause. In view of the emergency cited in the preamble, sections 1 to 6, 8 and 9 shall take effect when approved.

Effective May 19, 1989, unless otherwise indicated.

CHAPTER 159

S.P. 161 - L.D. 309

An Act to Make Changes to the Public Utilities Commission Laws

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

Sec. 1. 35-A MRSA §117, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

1. Filing fees expense; reimbursements and payment for services. All money collected by the commission in the form of filing fees, expense reimbursements ordered by the commission or payment for services, ~~such as reproduction and distribution of copies of commission decisions and photocopying or for the use of facilities;~~ shall be deposited with the Treasurer of State in an account to be known as the Public Utilities Commission Reimbursement Fund. Services for which the commission receives payment include the reproduction and distribution of copies of commission decisions, agenda and dockets, photocopying and the use of facilities. This account is a continuous carrying account, with appropriate subaccounts, for reimbursement of commission

expenses incurred in processing the associated matters or providing the associated services or facilities which generated the filing fee, ~~payment or expense reimbursement and so or payment.~~ So much of the filing fee, payment or expense reimbursement or payment as may be required by the commission is allocated for these purposes and for the refund of the unexpended portion of the filing fee.

Sec. 2. 35-A MRSA §707, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

3. Consent by commission. No public utility may extend or receive credit, including the guarantee of debt, or make or receive a loan to or from an affiliated interest or make any contract or arrangement for the furnishing of management, supervision of construction, engineering, accounting, legal, financial or similar services, or for the furnishing of any service or real or personal property other than those enumerated with any affiliated interest until the commission finds that the contract or arrangement is not adverse to the public interest and gives the contract or arrangement its written approval.

A. Unless the commission disapproves it within 60 days of filing, a contract or arrangement filed with the commission under this section is deemed approved. The commission may, however, suspend the effective date of the contract or arrangement for an additional 60 days if necessary to enable the commission to complete its review of the contract or arrangement.

B. The commission may approve a contract or arrangement with an affiliated interest undertaken after October 24, 1977, subject to such terms, conditions and requirements as it determines necessary to safeguard the public interest. If the contract or arrangement is not consented to or approved by the commission as provided in this section, the commission may disallow, for rate-making purposes, payments or part of any such payments as the commission finds not to be in the public interest, and the commission may, after notice to the affected parties and opportunity for hearing, declare that contract or arrangement prospectively void as it applies to utility operations within the State. Unless otherwise invalid, that contract or arrangement shall remain in effect until declared prospectively void as it applies to utility operations within the State by an effective final order of the commission issued under this section no later than 90 days from the date of service of the notice.

C. The commission may, in the case of a utility or group of utilities, exempt from this section from time to time classes of transactions as it may specify by rule or order in advance and which in its judgment will not be adverse to the public interest.

D. Commission approval of a contract or arrangement under this section may not limit or restrict the powers of the commission in determining and fixing any rate, fare, toll, charge, classification, schedule or joint rate as provided in this Title.

E. By rule or by order, after notice and hearing, the commission may make this section applicable to contracts or arrangements between affiliated interests of a public utility, even though the public utility is not a party to the contracts or arrangements, in cases where the purpose of the contracts or arrangements is to furnish the services or goods to be used by the public utility in the course of its operations in the State, as described in this subsection.

F. In addition to the exemptions permitted by paragraph C and subsection 4, the commission for good cause may, by rule or by order, exempt classes of contracts or arrangements or a utility or group of utilities from filing or obtaining commission approval of a contract or arrangement with an affiliated interest or between affiliated interests prior to the entry into the contract or arrangement by the utility, provided that no such exemption may exceed 60 days and that the commission shall thereafter approve or disapprove the contract pursuant to this subsection.

Sec. 3. 35-A MRSA §708, sub-§2-A is enacted to read:

2-A. Approval does not affect rate-making powers. Commission approval of a reorganization under this section may not limit or restrict the powers of the commission in determining and fixing any rate, fare, tolls, charge, classification, schedule or joint rate as provided in this Title.

Sec. 4. 35-A MRSA §3502, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

2. Notification. The consumer-owned electric utility shall, at least 30 days prior to the hearing, publish a notice of the amount of the proposed rate increase, the percent of increase for each customer class and the hearing, including the date, time, place and purpose of the hearing ~~at least twice~~ in a newspaper of general circulation in the area encompassed by the consumer-owned electric utility. In addition, 60 days prior to the hearing, the consumer-owned electric utility shall notify the commission and the Public Advocate of its intent to increase rates, tolls or charges.

Sec. 5. 35-A MRSA §3502, sub-§3, ¶F, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

F. The date, time and place and purpose of the hearing.

Sec. 6. 35-A MRSA §3502, sub-§10, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

10. Electric utility may challenge petitions. The electric utility shall have 10 days from the receipt of notice to notify the commission whether it intends to contest any aspect of the validity of the petition, after which it shall lose that right. If the electric utility notifies the commission in a timely fashion that it wishes to contest the validity of the petitions, the commission shall set the matter down for hearing. It shall hold the hearing and issue its decision on the validity of the petitions within 30 days of notification by the

electric utility that it intends to contest the validity of the petitions. If the commission finds the petitions to be invalid, it shall lift its order of suspension. For the purposes of this section, "customer" means, in the case of residential accounts, any one adult residing in a household where the utility's electric service is provided, and in the case of all other accounts where the utility's electric service is provided, a corporate officer, a partner or a proprietor. No more than one person may sign on behalf of an account. ~~No one person may sign on behalf of more than one account unless receiving service at the person is a customer at each account.~~

Sec. 7. 35-A MRSA §6104, sub-§3, as amended by PL 1987, c. 628, §2, is further amended to read:

3. Notice of proposed rate increase and hearing. The consumer-owned water utility shall, at least 14 days prior to the hearing, publish a notice of the proposed rate increase and the hearing, including the date, time, place and purpose of the hearing, in a newspaper of general circulation in the area encompassed by the consumer-owned water utility and give one notice of the proposed rate increase and the date, time ~~and~~ place and purpose of the hearing to each of its customers. The published and individual notices shall include a statement describing the amount of the increase and the percentage increase for each customer class, the customer's right to request information relating to the present and proposed rates, the right to an open and fair hearing and the right to further hearings before the commission, and the availability of assistance from the Public Advocate. Copies of the notice shall be sent to the commission and the Public Advocate at least 14 days prior to the hearings.

Sec. 8. 35-A MRSA §6104, sub-§9, as amended by PL 1987, c. 628, §4, is further amended to read:

9. Water utility may challenge petitions. The water utility has 10 days from receipt of notice to notify the commission whether it intends to contest any aspect of the validity of the petitions, after which it shall lose that right. If the water utility notifies the commission in a timely fashion that it wishes to contest the validity of the petitions, the commission shall schedule a hearing. It shall hold the hearing and issue its decision on the validity of the petitions within 30 days of notification by the water utility that it intends to contest the validity of the petitions. If the commission finds the petitions to be invalid, it shall lift its order of suspension. For the purposes of this section, "customer" means, in the case of residential accounts, any one adult residing in a household where the utility's service is provided, and, in the case of all other accounts where the utility's service is provided, a corporate officer, a partner or a proprietor. No more than one person may sign on behalf of an account. ~~No one person may sign on behalf of more than one account unless receiving service at the residence of the person is a customer at each account.~~

Sec. 9. 35-A MRSA §6106, sub-§4 is enacted to read:

4. Notice to commission. A consumer-owned water utility that chooses to make no investment in water main extensions or service lines under subsection 1 shall notify the

commission in writing of the effective date of the decision and shall include the minutes or other record of the decision, including any endorsement required by subsection 3.

Sec. 10. 35-A MRSA §6505, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

1. **Accommodation of the owner and taker.** The county commissioners in awarding damages for property taken by eminent domain, upon the application of the owner or the taker, may prescribe terms and conditions, for the use of the property taken, that will best accommodate the owner and the taker.

Sec. 11. 35-A MRSA §7503, sub-§1, as repealed and replaced by PL 1987, c. 628, §5, is amended to read:

1. **Placement of public telephones.** Any person placing public telephones in any building public place after December 31, 1983, shall provide that at least one public telephone is wheelchair accessible if the building has an entrance which public place is otherwise wheelchair accessible.

If a building public place 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. This section shall not apply to public telephones for the use of persons while in motor vehicles.

Sec. 12. 35-A MRSA §7503, sub-§3, ¶A, as enacted by PL 1987, c. 628, §6, is amended to read:

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.

Sec. 13. 35-A MRSA §7503, sub-§3, ¶C is enacted to read:

C. "Public place" means any location to which members of the public are invited or have general access, including, but not limited to, sidewalks, plazas, lobbies, stores, schools, governmental buildings, transportation terminals and shopping centers.

See title page for effective date.

CHAPTER 160

S.P. 476 - L.D. 1274

An Act to Clarify Terminology Used in Laws Related to Historic Sites under the Jurisdiction of the Bureau of Parks and Recreation

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

Sec. 1. 12 MRSA §601, sub-§1, as amended by PL 1979, c. 541, Pt. A, §118, is further amended to read:

1. **Historic site.** ~~"Memorial" shall mean: Any "Historic site" means any area of land, with or without buildings, improvements or other structures established for public use wholly or primarily because of its historical, archeological or scientific interest or value.~~

Sec. 2. 12 MRSA §602, 2nd ¶, as amended by PL 1973, c. 460, §19, is further amended to read:

The bureau shall have jurisdiction, custody and control in, over and upon all state parks and ~~memorials~~ historic sites and national parks which are under control and management of the State, excepting Baxter State Park. Wilderness or natural areas, or both, shall be established and managed primarily to preserve the natural character and features of such areas, and any use or development which threatens such character and features shall be prohibited. It is not the intention of the Legislature to include under this chapter any national parks now existing or which may be hereafter created under national management or control. Said bureau shall have and exercise the following powers and authority:

Sec. 3. 12 MRSA §602, sub-§3, as amended by PL 1977, c. 694, §218, is further amended to read:

3. **Parks and historic sites; rules and regulations.** With the consent of the Governor, to set apart and publicly proclaim areas of land in this State including improvements, or other structures thereon, title to which has been acquired under this chapter as parks or ~~memorials~~ historic sites within the meaning of said chapter, and the bureau may from time to time establish such rules and regulations as it deems necessary:

A. For the protection and preservation of state parks and parks under state control; ;

B. For the protection and safety of the public; and

C. For observances of the conditions and restrictions expressed in deeds of trust, or otherwise, of the parks of the State and of monuments thereon.

All rules and regulations of the bureau shall be promulgated in accordance with the procedures set forth in Title 5, chapter 375, subchapter II: ;

Sec. 4. 12 MRSA §602, sub-§5, as amended by PL 1973, c. 460, §19, is further amended to read:

5. **Police supervision.** To exercise police supervision over all state parks and ~~memorials~~ historic sites. The agents or representatives of the Bureau of Parks and Recreation designated for that purpose by said bureau are authorized and empowered to arrest with or without warrant any person within the State who is committing, or to detain until a