

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

SECOND REGULAR SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

CHAPTER 106

H.P. 1474 - L.D. 2059

An Act to Initiate a Review of the Fuel Cost Adjustment for Electric Rates

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

Whereas, this Act initiates a review by the Public Utilities Commission of the fuel cost adjustment for electric rates; and

Whereas, it is essential that the review begin as soon as possible in order to meet the reporting deadline of October 1, 1990; 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. Review of fuel cost adjustment. The Public Utilities Commission, in consultation with the State Planning Office and the Public Advocate, shall review the fuel cost adjustment authorized by the Maine Revised Statutes, Title 35-A, section 3101. This review and analysis must include, but is not limited to:

1. The extent to which the existing fuel cost adjustment for electric rates impedes the objectives of least-cost planning and demand management as set forth in Title 35-A, chapter 31, subchapters III and VI;
2. The extent to which a better targeting of incentives for electric utility management of sales growth and off-system sales to other utilities may be accomplished by revising the existing fuel cost adjustment;
3. The extent to which economic development in the State may be assisted by means of more meaningful incentives; and
4. The status of the commission's pending rule-making on regulatory reform and incentives and its relation to the fuel cost adjustment issues in subsection 1.

Sec. 2. Proceedings. As part of the deliberations for this review, at least one public hearing must be held, after notice to all electric utilities and the general public, to solicit comments concerning fuel cost adjustment.

Sec. 3. Report; reporting date. The Public Utilities Commission shall submit a written report, including its findings, recommendations and any proposed legislation, to the Joint Standing Committee on Utilities

no later than October 1, 1990. A copy of that report must be submitted to the Executive Director of the Legislative Council.

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

Effective March 15, 1990.

CHAPTER 107

H.P. 1325 - L.D. 1827

An Act Regarding Excepted Employees of the Judicial Department

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

Whereas, the Supreme Judicial Court desires to provide similar and equitable benefits to its employees who are not subject to collective bargaining as are provided to executive and legislative branch employees who are not subject to collective bargaining; and

Whereas, it is important that the benefits become available to these employees as soon as possible; 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. P&SL 1989, c. 88, Pt. B, §1 is amended to read as follows:

Sec. 1. Definitions of excepted employees. For the purposes of this Part, "excepted employees" means those employees within the judicial branch who are in positions excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5, paragraphs B, C, D and E, other than those referred to in Part A, section 5 of this Act.

Sec. 2. P&SL 1989, c. 88, Pt. B, §5 is enacted to read:

Sec. 5. Excepted employees; similar and equitable treatment. The Supreme Judicial Court may grant similar and equitable benefits to excepted employees of the judicial branch as are provided to executive branch and legislative branch employees not subject to collective bargaining by the provisions of Public Law 1981, chapter 453, section 12, subsection 2 and the provisions of Private and Special Law 1989, chapter 86, Part C, section 5.

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

Effective March 23, 1990.

CHAPTER 108

H.P. 1457 - L.D. 2031

An Act to Establish the Wells National Estuarine Research Reserve Management Authority

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

Sec. 1. Definitions. As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. Authority. "Authority" means the Wells National Estuarine Research Reserve Management Authority.

2. Reserve. "Reserve" means the Wells National Estuarine Reserve, created in 1984 as part of the federal National Estuarine Research Reserve System authorized by the federal Coastal Zone Management Act.

3. Reserve Management Plan. "Reserve Management Plan" means the approved plan for managing the reserve authorized by 15 Code of Federal Regulations, Part 921.

Sec. 2. Authority created. The Wells National Estuarine Research Reserve Management Authority is established as an instrumentality of the State to support and promote the interests of the reserve.

The authority shall manage and sustain the coastal lands and other resources within the reserve, further coordination and cooperation among state agencies, the Town of Wells and the United States Fish and Wildlife Service, and the Laudholm Trust, develop and implement programs for estuarine research and education and provide public access and opportunities for public enjoyment compatible with the protection of the reserve's natural resources.

Sec. 3. Duties of the authority. The authority shall:

1. Ensure a natural environment for research through long-term protection and management of estuarine areas and resources;

2. Identify coastal management issues that can be addressed through coordinated estuarine research within the national system of which the reserve is a part;

3. Enhance public awareness and understanding of the estuarine environment and provide suitable opportunities for public education, interpretation and enjoyment of these resources;

4. Conduct and coordinate estuarine research within the reserve, gathering and making available information necessary for improved understanding and management of estuarine areas;

5. Establish, coordinate and implement research, education and resource management projects;

6. Facilitate public recreational use of Laudholm Beach and adjacent lands within the reserve; and

7. Establish and implement the Reserve Management Plan, and update that plan every 5 years. The plan must be adopted in accordance with the Maine Revised Statutes, the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 4. Location of the reserve. The reserve contains approximately 1,600 acres in the Town of Wells and includes lands between the Little River to the north and the Eldridge River to the south. The boundary to the east parallels the shoreline, excluding the shoreline development and to the west is bordered by the coastal wetland margin. Specifically, the reserve contains:

1. Lands in the Rachel Carson National Wildlife Refuge managed by the United States Fish and Wildlife Service;

2. Land purchased or acquired for a state park managed by the Bureau of Parks and Recreation;

3. Submerged tidal lands managed by the Bureau of Public Lands;

4. Land purchased by the Town of Wells or the State; and

5. Land donated by the Town of Wells to the Department of Conservation as a conservation easement.

Sec. 5. Powers of the authority. The authority, in compliance with the Reserve Management Plan, is responsible for management of the reserve lands for which the authority holds a license, lease or other interest or lands that are under agreement with a cooperating agency. The authority has overall jurisdiction over the establishment and coordination of research education and resource management policies for the reserve.

The authority may exercise the following powers to manage the reserve, in accordance with its purposes, including, but not limited to:

1. Receiving and expending money, including money from any private or governmental source, for reserve operations, authority acquisitions, management,