

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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 109

H.P. 1734 - L.D. 2393

**An Act to Amend the Charter of the Van Buren Water District**

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

**Whereas,** this Act makes changes in the charter of the Van Buren Water District which must be made prior to April 1990 so that the Van Buren Water District will be able to proceed with financing and construction of a well system for the Town of Van Buren; and

**Whereas,** the present charter does not provide authorization for the Van Buren Water District to provide water by means of a well system; 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:**

P&SL 1905, c. 316, §§2 and 3 are amended to read:

**Section 2.** Said water district is hereby authorized for the purposes aforesaid to take and hold sufficient water of the Violette brook stream and its tributaries and wells installed in the district, and may take and hold by purchase or otherwise any land or real estate necessary for erecting dams, power, reservoirs, wells, or for preserving the purity of the water and watershed and wells, and for laying and maintaining aqueducts for taking, discharging and disposing of water.

**Section 3.** Said water district shall be liable for all damages that shall be sustained by any person or corporation in their property by the taking of any land whatsoever, or water, or by flowage, or by excavating through any land for the purpose of laying pipes, building dams or constructing reservoirs or installing wells and water treatment facilities. If any person sustaining damage as aforesaid and said corporation shall not mutually agree upon the sum to be paid therefor, such person may cause his damages to be ascertained in the same manner and under the same conditions, restrictions and limitations as are or may be prescribed in the case of damages by the laying out of highways.

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

Effective April 3, 1990.

## CHAPTER 110

H.P. 1455 - L.D. 2029

**An Act to Require the Public Utilities Commission to Conduct an Analysis of the Comparative Environmental and Economic Impacts of Alternate Energy Resource Plans in Utility Proceedings**

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

**Whereas,** the Legislature finds that the Public Utilities Commission should immediately study the merits of alternative methods for including in the regulatory process consideration of comparative environmental and economic impacts of alternative energy resource plans; and

**Whereas,** in order to complete the study outlined in this Act and submit a report by April 1, 1991, the Public Utilities Commission must start 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. Statement of legislative findings.** The Legislature finds that a reasonable state energy policy takes into account the environmental costs and benefits of alternative energy resource plans, as well as the economic costs and benefits. The Legislature also finds that the development of an appropriate method to implement such a policy requires careful consideration of a number of substantive and procedural issues and that the failure to design an appropriate method may preclude or delay the development of reasonable alternatives and increase rates to electric ratepayers without a commensurate environmental benefit. Because the implementation of the policy may substantially alter the current regulatory process established by the Legislature, the proposed method should be subject to legislative review before it becomes effective.

**Sec. 2. Public Utilities Commission analysis.** The Public Utilities Commission shall undertake an analysis of the extent to which the environmental and economic impacts of alternative energy resource plans should be included in the electric energy planning process subject to the commission's jurisdiction. The analysis by the commission must:

1. Identify and describe any deficiencies in the ability of the State's current environmental and utility regulatory process to consider and reflect the environ-

mental and economic costs and benefits of alternative energy resource plans;

2. Investigate and describe various regulatory methods to incorporate environmental and economic impacts in the consideration of alternative energy resource plans, including a review of the methods used in other states. The analysis must address the following with respect to each method:

- A. The statutory and regulatory structure into which the method was introduced;
- B. The administrative procedures used, including a description of the process, the participants and the nature of their participation, the burden of the process on the regulatory authority and the participants, the time and resources consumed in the process and the effectiveness of the process;
- C. The effects of implementation of each method on electric rates; and
- D. The resulting environmental and economic benefits to ratepayers and the State; and

3. Develop and describe the specific elements of a proposed method to incorporate environmental and economic impacts in the State's energy planning process and a plan for implementation of the method, including:

- A. The administrative procedures and process;
- B. An assessment of the burdens and costs on participants in the process;
- C. The effects on ratepayers; and
- D. The environmental and economic benefits to ratepayers and the State.

**Sec. 3. Consultation and cooperation with other agencies.** In conducting this analysis, the Public Utilities Commission shall consult with the State Planning Office, the Department of Environmental Protection, the Public Advocate, electric utilities, customers of electric utilities, environmental organizations and developers of alternative energy resources.

**Sec. 4. Report.** The Public Utilities Commission shall report its findings to the Joint Standing Committee on Utilities by April 1, 1991. A copy of that report must be submitted to the Office of the Executive Director of the Legislative Council. If the commission concludes that it should have the authority to add environmental and economic impacts to the elements the commission currently considers in its regulation of electric energy planning, the commission shall submit a plan that describes the manner in which the commission proposes to implement the policy. The report must also be accompanied by legislation to implement the plan.

**Sec. 5. Assistance.** The Public Utilities Commission may contract for services to complete this analysis.

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

Effective April 6, 1990.

---



---

## CHAPTER 111

H.P. 1665 - L.D. 2305

### An Act Allowing the Yarmouth Water District to Acquire the Assets and Liabilities of the North Yarmouth Water District

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

**Whereas,** the North Yarmouth Water District presently provides water service to the North Yarmouth area residents; and

**Whereas,** because of its size the North Yarmouth Water District is unable to afford the services of a full-time manager or to hire full-time maintenance personnel; and

**Whereas,** this problem would be solved by combining the functions and assets of the North Yarmouth Water District with the Yarmouth Water District; 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 1923, c. 72, §1,** as amended by P&SL 1957, c. 205, §1, is further amended to read:

**Sec. 1. Territorial limits, corporate name and purposes.** The territory and the people constituting the ~~Town~~ Towns of Yarmouth and North Yarmouth in the County of Cumberland and State of Maine are hereby constituted a body politic and corporate under the name of the Yarmouth Water District, subject to adoption by the people of ~~said~~ the territory as hereinafter provided. The purpose of ~~said~~ the district is ~~the~~ supplying of the inhabitants ~~thereof~~ with pure water for domestic, agricultural, commercial, industrial, sanitary and municipal purposes.

**Sec. 2. P&SL 1923, c. 72, §7** is amended to read:

**Sec. 7. Board of trustees provided for.** All the affairs of ~~said~~ the Yarmouth Water District shall be man-