

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
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the superintendent, except as to group subscriber and membership contracts; other than group Medicare supplement contracts as defined in Title 24-A, chapter 67 and group nursing home or long-term care contracts as defined in Title 24-A, chapter 68, every rate, rating formula and every modification of any of the foregoing ~~which~~ that it proposes to use. Every ~~such~~ filing ~~shall~~ under this subsection must state the effective date ~~thereof~~ of the filing. Every ~~such~~ filing ~~shall~~ under this subsection must be made not less than ~~60~~ 90 days in advance of the stated effective date unless ~~such~~ ~~60-day~~ the 90-day requirement is waived by the superintendent and the effective date may be suspended by the superintendent for a period of time not to exceed 30 days. In the case of nursing home and long-term contracts, rates filed prior to August 1, 1986, ~~shall be~~ are effective until no later than August 1, 1989. Rates filed on or after August 1, 1986, for these types of contracts ~~shall be~~ are effective for no more than 3 years, except that rates for contracts with guaranteed level premiums ~~shall be~~ are effective for the duration of the contract.

**Sec. 2. 24 MRSA §2321, sub-§3** is enacted to read:

3. Three-year review. Every organization must submit the rate filings for contracts set forth in subsection 1 at least every 3 years.

**Sec. 3. 24-A MRSA §5002, sub-§3** is enacted to read:

3. Open enrollment. All nonprofit hospital and medical service organizations that offer supplemental coverage to Medicare shall provide open enrollment for subscribers to Medicare supplemental coverage during the month of the subscriber's 65th birthday, for the 3 months preceding and the 3 months after the month of the birthday and during a one-month open enrollment period each calendar year, the month to be set by the nonprofit hospital and medical service organization. Nothing in this subsection precludes additional periods of open enrollment for subscribers to Medicare supplemental coverage.

See title page for effective date.

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**CHAPTER 49**

**H.P. 273 - L.D. 393**

**An Act to Prohibit Tie-in Sales in Insurance**

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

**24-A MRSA §2168-A** is enacted to read:

§2168-A. Tie-in sales of insurance

1. Definition. As used in this section, "tie-in sales" means the practice of tying the sale of one product to another.

2. Prohibited tie-in sales. In the purchase of insurance, tie-in sales are an unfair trade practice when:

A. The consumer is required to place additional coverage with an insurer not of the consumer's choice in order to obtain a desired coverage; and

B. The consumer's alternative opportunities to purchase the desired coverage are severely limited or nonexistent.

3. Penalties. An insurance contract sold in violation of the provisions of this section is voidable at the option of the consumer. Violations of this section are enforceable through section 12-A.

See title page for effective date.

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**CHAPTER 50**

**H.P. 281 - L.D. 401**

**An Act to Increase the Availability of Funding for Health Care**

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

**Sec. 1. 22 MRSA §2052**, as amended by PL 1979, c. 680, §2, is further amended to read:

**§2052. Declaration of necessity**

It is declared that for the benefit of the people of the State, the increase of their commerce, welfare and prosperity and the improvement of their health and living conditions, it is essential that hospitals, community mental health facilities and nursing homes within the State be provided with appropriate additional means to expand, enlarge and establish health care, hospital, community mental health, nursing home and other related facilities; that this and future generations of students be given the fullest opportunity to learn and to develop their intellectual capacities; and that it is the purpose of this chapter to provide a measure of assistance and an alternative method to enable hospitals, community mental health facilities, nursing homes and institutions for higher education in the State to provide the facilities and structures which are sorely needed to accomplish the purposes of this chapter, all to the public benefit and good, and the exercise of the powers, to the extent and manner provided in this chapter, is declared the exercise of an essential governmental function.

**Sec. 2. 22 MRSA §2053, sub-§2**, as amended by PL 1979, c. 680, §3, is further amended to read:

**2. Bonds and notes.** "Bonds" and "notes" mean bonds and notes of the authority issued under this chapter, including refunding bonds, notwithstanding that the same may be secured by mortgage or the full faith and credit of the authority or the full faith and credit of a participating hospital, of a participating community mental health facility or of a participating institution for higher education, or any other lawfully pledged security of a participating hospital, of a participating community mental health facility or of a participating institution for higher education.

**Sec. 3. 22 MRSA §2053, sub-§§2-A and 4-C** are enacted to read:

**2-A. Community mental health facility.** "Community mental health facility" means a community-based facility that renders mental health services to members of the general public and is licensed by the Department of Mental Health and Mental Retardation under Title 34, section 1203-A.

**4-C. Participating community mental health facility.** "Participating community mental health facility" means a community mental health facility that is exempt from taxation under Section 501 of the United States Internal Revenue Code and that, pursuant to this subchapter, undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of existing indebtedness as provided in and permitted by this chapter.

**Sec. 4. 22 MRSA §2053, sub-§6, ¶A,** as amended by PL 1983, c. 199, §2, is further amended to read:

A. In the case of a participating hospital or participating community mental health facility, the acquisition, construction, improvement, reconstruction or equipping of, or construction of an addition or additions to, any structure designed for use as a hospital, community mental health facility, clinic, nursing home or other health care or nursing care facility, congregate housing facility, laboratory, laundry, nurses or interns residence or other multi-unit housing facility for staff, employees, patients or relatives of patients admitted for treatment in the hospital, community mental health facility or nursing home, doctors office building, administration building, research facility, maintenance, storage or utility facility or other structures or facilities related to any of the foregoing or required or useful for the operation of the project, or the refinancing of existing indebtedness in connection with any of the foregoing, including parking and other facilities or structures essential or convenient for the orderly conduct of the hospital, community mental health facility or nursing home. "Project" also includes all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, rights-of-way, utilities, easements and other interests in land, parking lots, machinery and equipment, and all other appurtenances and

facilities either on, above or under the ground which are used or usable in connection with the structures mentioned in this paragraph, and includes landscaping, site preparation, furniture, machinery and equipment and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended, but does not include such items as food, fuel, supplies or other items which are customarily considered as a current operating charge. In the case of a hospital, as defined in subsection 4, paragraph B, or in the case of a community mental health facility as defined in subsection 2-A, "project" does not include any facilities, structures or appurtenances, the use of which is not directly related to the provision of patient care by its members; and

**Sec. 5. 22 MRSA §2053, sub-§7,** as amended by PL 1979, c. 680, §7, is further amended to read:

**7. Refinancing of existing indebtedness.** "Refinancing of existing indebtedness" means liquidation, with the proceeds of bonds or notes issued by the authority, of any indebtedness of a hospital, community mental health facility, nursing home or institution for higher education incurred to finance or aid in financing a lawful purpose of such hospital, community mental health facility, nursing home or institution for higher education not financed pursuant to this chapter which would constitute a project had it been undertaken and financed by the authority, or consolidation of such indebtedness with indebtedness of the authority incurred for a project related to the purpose for which the indebtedness of the hospital, community mental health facility, nursing home or institution for higher education was incurred.

**Sec. 6. 22 MRSA §2054, sub-§1,** as amended by PL 1989, c. 700, Pt. A, §76, is further amended to read:

**1. Authority.** The "Maine Health and Higher Educational Facilities Authority," established by Title 5, chapter 379, is constituted a public body corporate and politic and an instrumentality of the State, and the exercise by the authority of the powers conferred by this chapter ~~shall be~~ is deemed and held to be the performance of an essential public function. The authority ~~shall consist~~ consists of 12 members, one of whom ~~shall~~ must be the Bank Superintendent, ex officio, one of whom ~~shall~~ must be the Commissioner of Human Services, ex officio, one of whom ~~shall~~ must be the Commissioner of Education, ex officio, one of whom ~~shall~~ must be the Treasurer of State, ex officio, and 8 of whom ~~shall~~ must be residents of the State appointed by the Governor, ~~not~~. Not more than 4 of ~~sueh~~ the appointed members ~~to~~ may be members of the same political party. Three of the appointed members ~~shall~~ must be trustees, directors, officers or employees of hospitals or community mental health facilities and one of such appointed members ~~shall~~ must be a person having a favorable reputation for skill, knowledge and experience in state and municipal finance, either as a partner, officer or employee of an investment banking firm which origi-

nates and purchases state and municipal securities, or as an officer or employee of an insurance company or bank whose duties relate to the purchase of state and municipal securities as an investment and to the management and control of a state and municipal securities portfolio. Of the 3 members first appointed who are trustees, directors, officers or employees of hospitals, one shall serve for 2 years, one for 3 years and one for 4 years. Of the 5 remaining members initially appointed, one shall serve for one year, one for 2 years, one for 3 years, one for 4 years and one for 5 years. For the 2 members whose terms expire in 1980 and 1981, the Governor shall appoint as successors, for terms of 5 years each, persons who are trustees, members of a corporation or board of governors, officers or employees of institutions for higher education. Annually, the Governor shall appoint, for a term of 5 years, a successor to the member whose term expires. Members shall continue in office until their successors have been appointed and qualified. The Governor shall fill any vacancy for the unexpired terms. A member of the authority ~~shall be~~ is eligible for reappointment. Any non-ex officio member of the authority may be removed by the Governor, after hearing, for misfeasance, malfeasance or willful neglect of duty. Each member of the authority before entering upon ~~his~~ the member's duties ~~shall must~~ take and subscribe the oath or affirmation required by the Constitution of Maine, Article IX. A record of each such oath ~~shall must~~ be filed in the office of the Secretary of State. The Bank Superintendent, the Treasurer of State, the Commissioner of Human Services and the Commissioner of Education may designate their deputies to represent them with full authority and power to act and vote in their behalf or, in the case of the Bank Superintendent, the Commissioner of Human Services and the Commissioner of Education, any member of their staffs to represent them as members at meetings of the authority with full power to act and, in the case of the Bank Superintendent, the Commissioner of Human Services and the Commissioner of Education, to vote in their behalf.

**Sec. 7. 22 MRSA §2054, sub-§7**, as amended by PL 1979, c. 680, §9, is further amended to read:

**7. Conflict of interest.** Notwithstanding any other law to the contrary, it ~~shall does~~ not ~~be or~~ constitute a conflict of interest for a trustee, director, officer or employee of a hospital, community mental health facility or nursing home or for a trustee, member of a corporation or board of governors, officer or employee of an institution for higher education to serve as a member of the authority, provided if such trustee, director, member of a corporation or board of governors, officer or employee ~~shall abstain~~ abstains from deliberation, action and vote by the authority under this chapter in specific respect to the hospital, community mental health facility, nursing home or institution for higher education of which such member is a trustee, director, member of a corporation or board of governors, officer or employee.

**Sec. 8. 22 MRSA §2055, first ¶**, as amended by PL 1979, c. 680, §10, is further amended to read:

The purpose of the authority ~~shall be~~ is to assist participating hospitals, participating community mental health facilities and participating institutions for higher education in the undertaking of projects and the refinancing of existing indebtedness which are declared to be public purposes and for the purposes of this chapter the authority is authorized and empowered:

**Sec. 9. 22 MRSA §2055, sub-§5**, as amended by PL 1979, c. 680, §11, is further amended to read:

**5. Projects.** To determine the location and character of any project to be financed under this chapter, and to acquire, construct, reconstruct, renovate, improve, replace, maintain, repair, extend, enlarge, operate, lease, as lessee or lessor, and regulate the same, to enter into contracts for any or all of such purposes, to enter into contracts for the management and operation of a project, and to designate a participating hospital, a participating community mental health facility or a participating institution for higher education as its agent to determine the location and character of a project undertaken by ~~such the~~ participating hospital, participating community mental health facility or ~~such~~ participating institution for higher education under this chapter and as the agent of the authority, to acquire, construct, reconstruct, renovate, improve, replace, maintain, repair, extend, enlarge, operate, lease, as lessee or lessor, and regulate the same, and, as the agent of the authority, to enter into contracts for any or all of such purposes, including contracts for the management and operation of such project;

**Sec. 10. 22 MRSA §2055, sub-§8**, as amended by PL 1979, c. 680, §12, is further amended to read:

**8. Rules.** To establish rules ~~and regulations~~ for the use of a project or any portion thereof and to designate a participating hospital, a participating community mental health facility or a participating institution for higher education as its agent to establish rules ~~and regulations~~ for the use of a project undertaken by ~~such the~~ participating hospital, participating community mental health facility or ~~such~~ participating institution for higher education;

**Sec. 11. 22 MRSA §2055, sub-§§12 and 13**, as amended by PL 1979, c. 680, §13, are further amended to read:

**12. Loans.** To make loans to any participating hospital, participating community mental health facility or participating institution for higher education for the cost of a project in accordance with an agreement between the authority and such participating hospital, participating community mental health facility or participating institution for higher education, provided that no such loan ~~shall~~ may exceed the total cost of the project as determined by the participating hospital, participating community mental health facility or participating institution for higher education, and approved by the authority;

**13. Refund.** To make loans to a participating hospital, participating community mental health facility or a participating institution for higher education to refund outstanding obligations, mortgages or advances issued, made or given by such participating hospital, participating community mental health facility or participating institution for higher education for the cost of the project;

**Sec. 12. 22 MRSA §2055, sub-§14**, as amended by PL 1981, c. 470, Pt. A, §82, is further amended to read:

**14. Apportionment.** To charge to and equitably apportion among participating hospitals, participating community mental health facilities and participating institutions for higher education its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter; and

**Sec. 13. 22 MRSA §2055, sub-§15**, as amended by PL 1979, c. 680, §13, is further amended to read:

**15. Other acts.** To do all things necessary or convenient to carry out the purposes of this chapter. In carrying out the purposes of this chapter, the authority may undertake a project for 2 or more participating hospitals jointly, 2 or more participating community mental health facilities jointly or 2 or more participating institutions for higher education jointly, and, thereupon, all other provisions of this chapter ~~shall~~ apply to and for the benefit of the authority and such joint participants.

**Sec. 14. 22 MRSA §2057**, as amended by PL 1979, c. 680, §14, is further amended to read:

**§2057. Acquisition of property by authority**

The authority is authorized and empowered, directly or by and through a participating hospital, a participating community mental health facility or a participating institution for higher education, as its agent, to acquire by purchase or by gift or devise such lands, structures, property, real or personal, rights and air rights, rights-of-way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, and air rights, which are located within or without the State, as it may deem necessary or convenient for the construction or operation of a project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the authority or in the name of a participating hospital, a participating community mental health facility or a participating institution for higher education as its agent.

**Sec. 15. 22 MRSA §2058**, as amended by PL 1979, c. 680, §15, is further amended to read:

**§2058. Conveyance of title to participating institutions**

When the principal of and interest on bonds of the authority issued to finance the cost of a particular project

or projects for a participating hospital, a participating community mental health facility or a participating institution for higher education, including any refunding bonds issued to refund and refinance such bonds, have been fully paid and retired or when adequate provision has been made to fully pay and retire the same, and all other conditions of the resolution or trust agreement authorizing and securing the same have been satisfied and the lien of such resolution or trust agreement has been released in accordance with the provisions thereof, the authority shall promptly do such things and execute such deeds and conveyances as are necessary and required to convey title to such project or projects to such participating hospital, participating community mental health facility or participating institution for higher education, free and clear of all liens and encumbrances, all to the extent that title to such project or projects ~~shall is~~ not, at the time, ~~then be~~ vested in such participating hospital, participating community mental health facility or participating institution for higher education.

**Sec. 16. 22 MRSA §2060, sub-§2**, as amended by PL 1979, c. 680, §16, is further amended to read:

**2. General obligations.** Except as may otherwise be expressly provided by the authority, every issue of its bonds, notes or other obligations ~~shall be~~ are general obligations of the authority payable from any revenues or moneys of the authority available therefor and not otherwise pledged, subject only to any agreements with the holders of particular bonds, notes or other obligations pledging any particular revenues or moneys and subject to any agreements with any participating hospital, participating community mental health facility or participating institution for higher education. Notwithstanding that such bonds, notes or other obligations may be payable from a special fund, they ~~shall be~~ are and must be deemed to be for all purposes negotiable instruments within the meaning of and for all the purposes of the Uniform Commercial Code, Article 8, subject only to the provisions of such bonds, notes or other obligations for registration.

**Sec. 17. 22 MRSA §2060, sub-§4, ¶A**, as amended by PL 1979, c. 680, §17, is further amended to read:

A. Pledging the full faith and credit of the authority, the full faith and credit of a participating hospital, a participating community mental health facility or a participating institution of higher education, all or any part of the revenues of a project or any revenue-producing contract or contracts made by the authority with any individual, partnership, corporation or association or other body, public or private, to secure the payment of the bonds or of any particular issue of bonds, subject to such agreements with bondholders as may then exist;

**Sec. 18. 22 MRSA §2061, sub-§1**, as amended by PL 1979, c. 680, §18, is further amended to read:

**1. Assistance.** Such project will enable or assist a hospital, community mental health facility or nursing home

to fulfill its obligation to provide health care or nursing care facilities or an institution for higher education to provide educational facilities within the State;

**Sec. 19. 22 MRSA §2061, sub-§2**, as amended by PL 1983, c. 579, §11, is further amended to read:

**2. Review.** Each project for a hospital, community mental health facility or nursing home has been reviewed and approved to the extent required by the agency of the State which serves as the Designated Planning Agency of the State in accordance with the provisions of ~~section~~ Section 1122 of the United States Social Security Act, as amended, or by the Department of Human Services in accordance with the provisions of the Maine Certificate of Need Act of 1978, as amended, or, in the case of a project for a hospital, has been reviewed and approved by the Maine Health Care Finance Commission to the extent required by chapter 107;

**Sec. 20. 22 MRSA §2061, sub-§3**, as amended by PL 1979, c. 680, §18, is further amended to read:

**3. Lease.** Such project will be leased to, or owned by, a hospital, community mental health facility, nursing home or institution for higher education within the State; and

**Sec. 21. 22 MRSA §2063**, as amended by PL 1979, c. 680, §19, is further amended to read:

**§2063. Credit of State not pledged**

Bonds and notes issued under this chapter ~~shall do~~ not constitute or create any debt or debts, liability or liabilities on behalf of the State or of any political subdivision thereof other than the authority or a loan of the credit of the State or a pledge of the faith and credit of the State or of any such political subdivision other than the authority, but ~~shall be~~ are payable solely from the funds provided therefor. All such bonds and notes ~~shall must~~ contain on the face thereof a statement to the effect that neither the State ~~of Maine~~ nor any political subdivision thereof ~~shall be~~ is obligated to pay the same or the interest thereon, except from revenues of the project or the portion thereof for which they are issued and that neither the faith and credit nor the taxing power of the State ~~of Maine~~ or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds or notes. The issuance of bonds or notes under this chapter ~~shall may~~ not directly or indirectly or contingently obligate the State or any political subdivision thereof to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment. Nothing in this section contained ~~shall may~~ prevent nor be construed to prevent the authority from pledging its full faith and credit or the full faith and credit of a participating hospital, a participating community mental health facility or participating institution for higher education to the payment of bonds or notes or issue of notes or bonds authorized pursuant to this chapter.

**Sec. 22. 22 MRSA §2064**, as amended by PL 1979, c. 680, §20, is further amended to read:

**§2064. Rents and charges**

The authority is authorized to fix, revise, charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by each project and to contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof. Such rates, rents, fees and charges ~~shall must~~ be fixed and adjusted in respect of the aggregate of rates, rents, fees and charges from such project so as to provide funds sufficient with other revenues or moneys available therefor, if any, to pay the cost of maintaining, repairing and operating the project and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for, to pay the principal of and the interest on outstanding bonds or notes of the authority issued in respect of such project as the same ~~shall~~ become due and payable, and to create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such bonds or notes of the authority. Such rates, rents, fees and charges ~~shall~~ are not be subject to supervision or regulation by any department, commission, board, body, bureau or agency of this State other than the authority. A sufficient amount of the revenues derived in respect of a project, except such part of such revenues as may be necessary to pay the cost of maintenance, repair and operation and to provide reserves and for renewals, replacements, extensions, enlargements and improvements as may be provided for in the resolution authorizing the issuance of any bonds or notes of the authority or in the trust agreement securing the same, ~~shall must~~ be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds or notes as the same ~~shall~~ become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge ~~shall be~~ is valid and binding from the time when the pledge is made; the rates, rents, fees and charges and other revenues or other moneys so pledged and thereafter received by the authority ~~shall are~~ immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge ~~shall be~~ is valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement nor any other agreement nor any lease by which a pledge is created need be filed or recorded except in the records of the authority. The use and disposition of moneys to the credit of such sinking or other similar fund ~~shall be~~ are subject to the resolution authorizing the issuance of such bonds or notes or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking or other similar fund may be a fund for all such bonds or notes



issued to finance projects at a particular participating hospital, participating community mental health facility or participating institution for higher education without distinction or priority of one over another, provided the authority in any such resolution or trust agreement may provide that such sinking or other similar fund ~~shall be~~ is the fund for a particular project at a participating hospital, participating community mental health facility or participating institution for higher education and for the bonds issued to finance a particular project and may, additionally, permit and provide for the issuance of bonds having a subordinate lien in respect of the security herein authorized to other bonds of the authority, and, in such case, the authority may create separate sinking or other similar funds in respect of such subordinate lien bonds.

See title page for effective date.

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## CHAPTER 51

H.P. 32 - L.D. 42

### An Act to Strengthen the Operating-under-the-influence Laws

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

**Whereas,** the safety of persons using Maine roadways is a vital concern to the State; and

**Whereas,** the safety of these persons is jeopardized by drivers under the influence of lawfully used prescription drugs; 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:**

**29 MRSA §1312-B, sub-§1-B,** as enacted by PL 1989, c. 784, §4, is repealed.

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

Effective April 29, 1991.

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## CHAPTER 52

S.P. 19 - L.D. 8

### An Act to Regulate Water Utilities

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

**Whereas,** certain amendments to federal law may result in local water districts making costly additions or alterations to their existing water systems and thus requesting large rate increases; and

**Whereas,** proposals for extraordinary increases in water district rates will pose an extreme financial hardship on the citizens of the State; and

**Whereas,** the involvement of, and review by, the Public Utilities Commission will serve to minimize these rate increases; 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 §6102,** as enacted by PL 1987, c. 141, Pt. A, §6, is repealed and the following enacted in its place:

**§6102. Filing with the commission plans for construction or improvements of water systems**

**1. General requirements.** Any water utility, before commencing construction of a new water system or a major addition to or alteration of an existing water system, shall file with the commission, in accordance with the commission's rules, plans and specifications for the construction, addition or alteration in order to obtain the advice of the commission as to cost, method of financing and adherence to proper engineering standards.

**2. Certain construction or improvements; additional requirements.** Any water utility that, in whole or in part in consequence of the requirements of the federal Safe Drinking Water Act, 42 United States Code, Sections 300f to 300j-11, will incur expenses in the construction of any new water system or major addition to or alteration of an existing system that is likely to result in increases in rates, tolls or charges of more than 50% of the utility's annual operating revenues and that acquires preliminary engineering estimates after July 1, 1991 shall:

**A. Provide the commission with documentation of the preliminary engineering estimates of the costs of siting,**