

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
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PUBLIC LAWS
OF THE
STATE OF MAINE

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1991

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.

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29 MRSA §1312-B, sub-§1-B, as enacted by PL 1989, c. 784, §4, is repealed.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

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,

engineering and operating the utility's proposed facility or water treatment system, or modification or alteration of any existing system, including identification of the costs of all modifications to existing waterworks, justification of the water utility's proposal and such further information as may be requested by the commission;

B. For the purposes of comparison with the proposal submitted pursuant to paragraph A, provide the commission with documentation of the preliminary engineering estimates of the costs of siting, engineering and operating the next best alternative facility or water treatment system, or modification or alteration of any existing system, including identification of the costs of all modifications to existing waterworks and such other information as may be requested by the commission;

C. Make available for public review upon request at a location and in a manner convenient to the water utility's ratepayers all information provided to the commission pursuant to paragraphs A and B;

D. Publish in a newspaper of general circulation in the service territory of the consumer-owned water utility a notice to customers that the information required in paragraphs A and B is available for public review at the location established pursuant to paragraph C and provide to each of the water utility's customers a direct written notice of the availability of that information; and

E. Provide to the Department of Human Services the information provided to the commission pursuant to paragraphs A and B.

Sec. 2. 35-A MRSA §6104, sub-§7, as amended by PL 1987, c. 490, Pt. B, §12, is further amended to read:

7. Authority to investigate rate changes. If, within 30 days of the public hearing, 15% of the customers of the consumer-owned water utility or 1,000 customers, whichever is less, file with the treasurer of the utility and with the commission petitions demanding a review of the rate changes by the commission, the rate change may be suspended, investigated, reviewed and changed in accordance with section 310, except that no if a rate increase is more than 50% of the utility's annual operating revenues, the required number of petitions is 15% of the customers of the consumer-owned water utility or 500 customers, whichever is less. No suspension order issued by the commission pursuant to section 310 ~~may be~~ is effective for a period greater than 9 months from the date the rate changes were filed.

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

Effective April 29, 1991.

CHAPTER 53

S.P. 64 - L.D. 116

An Act to Amend the Real Estate Brokerage Laws

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

Sec. 1. 32 MRSA §13002, as amended by PL 1989, c. 471, §1, is further amended to read:

§13002. Exceptions to brokerage

Real estate brokerage ~~shall~~ does not include the following:

1. Transactions by owner or lessor. Transactions conducted by any person who is the owner or lessor of the real estate, or to their regular employees with regard to the employer's real estate, provided that:

A. The real estate transaction services rendered by the employee are performed as an incident to the usual duties performed for the employer; or

B. The real estate transaction services are subject to the provisions of the Maine Condominium Act, Title 33, chapter 31.

2. Transactions by attorneys-at-law. Transactions conducted by an attorney-at-law in the performance of duties as an attorney-at-law. This exception does not apply to attorneys who are regularly engaged in real estate brokerage; and

3. Auctioneers hired to call bids. Any person licensed as an auctioneer under chapter 5, hired to call bids at an auction, if the person employed does not prepare contracts or otherwise control the actual sale or take custody of any part of the purchase price.

Sec. 2. 32 MRSA §13062, sub-§2, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

2. Qualifications. Each industry member of the commission ~~shall~~ must have been a real estate broker or associate broker by vocation in this State for at least 5 years prior to appointment. The public ~~member~~ shall ~~members, the members' spouses, parents and children~~ must have ~~had~~ no professional or financial connection with the real estate business.

Sec. 3. 32 MRSA §13067, sub-§1, ¶II, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

I. Violation of this chapter by a licensed or unlicensed ~~employee or independent contractor shall be~~ person acting on the agency's behalf is cause for disciplinary action against the agency and designated broker if: