

# 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  
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES  
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TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
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**CHAPTER 252**

H.P. 972 - L.D. 1413

**An Act to Restrict Unsolicited Computer-generated or Automated Telephone Calls****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 10 MRSA §1499** is enacted to read:**§1499. Consumer notification**

Notwithstanding section 1498, a person may not use an automated telephone calling device to dial the telephone number of any telephone utility customer in this State who has notified the telephone utility pursuant to Title 35-A, section 7112 of the customer's request not to receive automated telephone calls. Violation of this section is an unfair trade practice under Title 5, section 207.

**Sec. 2. 35-A MRSA §7103** is enacted to read:**§7103. Automated calling procedures**

**1. Rulemaking.** The commission shall adopt rules to establish the following:

A. A notification procedure for any customer of a telephone utility who does not want to receive automated telephone calls pursuant to Title 10, section 1498; and

B. A procedure to prevent users of automated telephone calling devices from dialing the telephone numbers of customers who do not want to be called.

**2. Fees by telephone utilities.** A telephone utility may not charge a customer any fee for any action taken by the utility in response to the customer's request not to receive automated telephone calls.

See title page for effective date.

**CHAPTER 253**

H.P. 983 - L.D. 1428

**An Act to Require Electric Utilities to Develop Proposals for Affordable Pricing for Low-income Residential Customers and for Financing Conversions from Electric Space Heat****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 35-A MRSA §3152, sub-§1, ¶A,** as amended by PL 1987, c. 769, Pt. A, §140, is further amended to read:

A. Require the commission to relate electric rates more closely to the costs of providing electric service; ~~and~~

**Sec. 2. 35-A MRSA §3152, sub-§1, ¶B,** as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

B. Encourage the commission to set electric rates to promote the maximum efficient utilization of natural energy resources existing in the State in order to promote the use of indigenous energy resources to the extent that this will reduce overall electric costs; and

**Sec. 3. 35-A MRSA §3152, sub-§1, ¶C** is enacted to read:

C. Require the commission to consider the ability of low-income residential customers to pay in full for electric services as electric rates are redesigned consistent with these policies.

**Sec. 4. 35-A MRSA §3153-A, sub-§1,** as amended by PL 1987, c. 769, Pt. A, §142, is further amended to read:

**1. Proposals and programs developed.** The commission, as it determines appropriate, shall order electric utilities to develop and submit specific rate design proposals and related programs for implementing energy conservation techniques and innovations, either in conjunction with or independent of any rate-making proceeding pending before the commission. The proposals, as the commission determines, ~~shall~~ **must** be designed to encourage energy conservation, minimize the need for new electrical generating capacity ~~and~~, minimize costs of electricity to consumers and take into account the needs of low-income customers, and ~~shall~~ **must** include, but ~~are not~~ **be** limited to, proposals which that provide for the development and implementation of:

A. Load management techniques;

B. Rates which that reflect marginal costs of services at different voltages, times of day or seasons of the year, including long-run marginal costs associated with the construction of new electric generating facilities;

C. Policies which that encourage economic use of fuel and the maximum efficient utilization of natural energy resources indigenous to the State;

D. Rates or other regulatory policies which that encourage electric utility system reliability; ~~and~~

E. Electric utility financing or subsidization of capital improvements undertaken by ratepayers to conserve electricity used by the ratepayers in the future. The commission may approve and allow cost recovery for proposals that result in savings in fuel other than electricity. This paragraph ~~shall apply~~ applies to future

programs for utility financing of energy conservation or load management and to such programs that the commission has already approved prior to September 29, 1987;

F. As defined by the commission by rule, cost-effective conversions of electric space heat systems to systems relying on other fuels and other techniques for enabling homeowners and tenants to replace on-peak, winter period electric usage with less expensive sources of heat; and

G. Rates or bill payment assistance programs for residential customers who have been certified eligible for state or federal fuel assistance that take into account the difficulty these customers have paying in full for electric service or that target assistance to these customers in the most efficient manner, taking into account the necessity of maintaining electric service.

See title page for effective date.

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## CHAPTER 254

S.P. 487 - L.D. 1325

### An Act to Extend the Period of Time to Allow Certain School Secretaries to Elect Not to Be Members of the Maine State Retirement System

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

**Whereas,** unless this legislation is enacted as an emergency measure, some school secretaries could suffer serious financial hardship at retirement; 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.** PL 1989, c. 550, §3, last ¶, as enacted by PL 1989, c. 821, is amended to read:

Notwithstanding other provisions of this section, employees of public schools on June 30, 1989, who were employed as school secretaries and who, due to error or oversight, were not members of the Maine State Retirement System or for whom no contributions were being made to the Maine State Retirement System on June 30, 1989, or for any period of time prior to that date, may elect not to be members by giving written notice to the Executive Director of the Maine State Retirement System on or before ~~January 1, 1991~~ July 1, 1991 to be effective July 1, 1991. This election is irrevocable.

**Sec. 2. Retroactivity.** This Act applies retroactively to January 1, 1991.

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

Effective June 4, 1991.

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## CHAPTER 255

H.P. 658 - L.D. 937

### An Act to Encourage Recycling of Waste Oil

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

**Sec. 1.** 10 MRSA §1099-A, sub-§3, as enacted by PL 1989, c. 774, §4, is repealed and the following enacted in its place:

**3. Eligible entity.** "Eligible entity" means any person, business, corporation, association, firm, partnership, municipality or other organization located in the State but does not include any agency of the State.

**Sec. 2.** 10 MRSA §1099-B, sub-§§1 and 4, as enacted by PL 1989, c. 774, §4, are amended to read:

**1. Program established.** There is established the Waste Oil Furnace Loan Program to be administered by the authority through approved lenders. The program subsidizes interest costs of loans made to eligible ~~businesses~~ entities purchasing and properly installing qualified waste oil boilers and furnaces. The program subsidizes loan interest rates made by approved lenders to achieve an effective interest rate to borrowers of 3%. Loan amounts are limited to the purchase price of the boiler or furnace but may not exceed \$5,000 for any boiler or furnace. The term of loans made under this subchapter may not exceed 5 years.

**4. Entities.** ~~Businesses~~ Entities participating in the program are responsible for repayment of the principal borrowed plus 3% interest, subject to conditions established by the authority and the lenders. As a condition of the loan, ~~businesses~~ entities must:

A. Properly install the boiler or furnace and consent to post-installation inspection procedures established by the authority; and

B. Agree to burn only self-generated waste oil or waste oil that has the characteristics of specification waste oil as defined by rule of the Department of Environmental Protection.

See title page for effective date.