

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
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 343

H.P. 1092 - L.D. 1592

An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment and Make Certain Other Changes

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

Whereas, the next fiscal year may begin before the expiration of the 90-day period; and

Whereas, the Public Utilities Commission requires additional funds in fiscal years 1991-92 and 1992-93 for ongoing services to ensure reliable service at just and reasonable rates for state ratepayers; and

Whereas, these funds must be assessed by May 1, 1991 to be available in fiscal year 1991-92; 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 §116, sub-§1, as amended by PL 1991, c. 9, Pt. E, §19, is further amended to read:

1. Utilities subject to assessments. Every electric, gas, telegraph, telephone and water utility and ferry subject to regulation by the commission is subject to an assessment of not more than .35% on its intrastate gross operating revenues to produce no more than ~~\$3,378,000~~ \$4,473,000 in revenues annually beginning in the ~~1990-91~~ 1991-92 fiscal year and not more than \$4,918,000 in revenues annually beginning in the 1992-93 fiscal year. The commission shall determine the assessments annually prior to May 1st and assess each utility for its pro rata share for expenditure during the fiscal year beginning July 1st. Each utility shall pay the assessment charged to the utility on or before July 1st of each year. Any increase in the assessment that becomes effective subsequent to May 1st may be billed on the effective date of the act authorizing the increase.

A. The assessments charged to utilities under this section are just and reasonable operating costs for rate-making purposes.

B. For the purposes of this section, "intrastate gross operating revenues" means intrastate revenues derived from filed rates, except revenues derived from sales for resale.

C. Gas utilities subject to the jurisdiction of the commission solely with respect to safety ~~shall~~ are not be subject to any assessment.

D. The commission may correct any errors in the assessments by means of a credit or debit to the following year's assessment rather than reassessing all utilities in the current year.

E. The commission may exempt utilities with annual intrastate gross operating revenues under \$50,000 from assessments under this section.

Sec. 2. 35-A MRSA §116, sub-§2, as amended by PL 1991, c. 9, Pt. E, §20, is further amended to read:

2. Committee recommendations; legislative approval of budget. The joint standing committee of the Legislature having jurisdiction over public utilities ~~may~~ shall make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding all expenditures from the fund established pursuant to this section. Except as otherwise provided, the assessments and expenditures provided in this section are subject to legislative approval in the same manner as the budget of the Public Utilities Commission is approved. The commission shall make an annual report in accordance with section 120 of its planned expenditures for the year and on its use of funds in the previous year. The commission ~~shall~~ may also receive other funds as appropriated by the Legislature.

Sec. 3. 35-A MRSA §116, sub-§5, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

5. Unexpended funds. Except as specified in this subsection, any amount of the funds that is not expended at the end of a fiscal year ~~shall~~ does not lapse, but ~~shall~~ be is carried forward to be expended for the purposes specified in this section in succeeding fiscal years; but any unexpended funds in excess of ~~7%~~ 5% of the total annual assessment authorized in subsection 1 ~~shall~~ must be, at the option of the commission, either ~~be~~ presented to the Legislature in accordance with subsection 2 for reallocation and expenditure for commission purposes, or used to reduce the utility assessment in the following fiscal year.

Sec. 4. 35-A MRSA §116, sub-§7, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed.

Sec. 5. Allocation; Public Utilities Commission Regulatory Fund. Income not otherwise allocated from the Public Utilities Commission Regulatory Fund is allocated for the fiscal years ending June 30, 1992 and June 30, 1993 and must be segregated, apportioned and disbursed as designated in the following schedule.

1991-92 1992-93

Article 1-F

PUBLIC UTILITIES COMMISSION

Public Utilities Commission
Regulatory Fund

Personal Services	\$683,166	\$793,604
All Other	411,834	746,396

Funds to be used for increases in personnel and general operating expenses and to fund 22 positions previously transferred from the General Fund.

PUBLIC UTILITIES COMMISSION TOTAL	<u>\$1,095,000</u>	<u>\$1,540,000</u>
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 18, 1991.

CHAPTER 344

S.P. 679 - L.D. 1801

An Act to Clarify the Termination of Intensive Supervision

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

17-A MRSA §1262, sub-§4-A is enacted to read:

4-A. If, while on the Intensive Supervision Program, a prisoner is convicted of another crime, that person is no longer suitable for participation in the Intensive Supervision Program and the Department of Corrections shall petition the court to require the prisoner to serve in institutional confinement the remaining portion of the unsuspended term that was to have been served in the Intensive Supervision Program.

See title page for effective date.

CHAPTER 345

H.P. 987 - L.D. 1432

An Act to Establish and Implement the Maine Nonpoint Source Pollution Control Program

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

38 MRSA c. 3, sub-c. I, art. 1-F is enacted to read:

NONPOINT SOURCE POLLUTION PROGRAM

§410-H. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

1. **Best management practice guidelines.** "Best management practice guidelines" means recommended techniques or procedures or a combination of techniques or procedures that are determined by the appropriate agency identified in section 410-J to be the most effective practicable means of preventing or reducing pollution generated by nonpoint sources.

2. **Nonpoint source.** "Nonpoint source" means any source, excluding any source defined as a direct discharge in section 466, that discharges pollutants into the surface or ground waters of the State, including, but not limited to, sources related to agriculture, construction and maintenance of bridges, railways and roads, forest management and commercial, industrial or residential development.

§410-I. Cooperation with agencies

1. **Agency cooperation.** The commissioner shall cooperate and coordinate with the Commissioner of Agriculture, Food and Rural Resources; the Commissioner of Conservation; the Commissioner of Transportation; the Commissioner of Economic and Community Development; the Commissioner of Human Services; the Commissioner of Marine Resources; and the Director of the State Planning Office to ensure a coordinated approach to nonpoint source pollution control for agriculture, forestry, transportation and development.

2. **Ranking of watersheds.** In cooperation with the commissioner, the agencies identified in subsection 1 shall identify those watersheds that should receive highest priority for corrective action for nonpoint source pollution.

§410-J. Program implementation

1. **Agriculture.** The Department of Agriculture, Food and Rural Resources shall develop best management practice guidelines to reduce and prevent nonpoint source pollution from agricultural activities. The Department of Agriculture, Food and Rural Resources may recommend to farmers the use of best management practice guidelines.

2. **Forestry.** The Department of Conservation, Bureau of Forestry in cooperation with the commissioner shall develop best management practice guidelines to reduce and prevent nonpoint source pollution from wood harvesting and forest management activities. The Bureau of Forestry may publish best management practice guidelines for use by landowners and wood harvesters. Landowners and wood