

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

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

United States Highway Act of 1956, in excess of 80,000 pounds;

(7) A general commodity permit authorizing the operation has been obtained. The permit ~~shall~~ must be carried in the vehicle at all times. The fee for an annual permit is \$252 plus any surcharge required under subparagraph (9). The fee for a 3-month permit is \$75 plus any surcharge required under subparagraph (9). A permit may be issued for a registration period of 4 months or more for a fee of \$21 per month plus any surcharge required under subparagraph (9).

Permits may be transferred to another vehicle for an additional fee of \$2. The permit may be obtained upon furnishing proof of certification and payment of the required fee from any branch office of the Secretary of State, Division of Motor Vehicles, or from any agent of the Secretary of State who has been appointed by the Secretary of State. Municipal agents may charge the applicant for a permit \$1 over the required permit fee and may retain that \$1 for performing this function.

All revenue generated by the permit fee authorized under this subparagraph ~~shall~~ must be expended towards for the enforcement of truck weight regulations;

(8) The vehicle is registered for at least 90,000 pounds or the maximum allowable registered weight in its home jurisdiction;

(9) ~~Any~~ The owner of any vehicle registered in a jurisdiction where the maximum allowable registered weight is less than 90,000 pounds ~~shall pay~~ pays an annual surcharge on the general commodity permit of \$105. The surcharge may be paid for a period of 3 months or more on a monthly prorated basis; and

(10) A vehicle with a general commodity permit under this paragraph ~~may carry~~ carries those special commodities specified in section 1655 under the conditions of that section, except that no additional permit is required.

See title page for effective date.

CHAPTER 412

H.P. 1058 - L.D. 1547

An Act to Ensure Preservation of Burial Grounds

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

Sec. 1. 13 MRSA §1142 is amended to read:

§1142. Family burying grounds

When a person appropriates for a family burying ground a piece of land containing not more than 1/4 of an acre, causes a description of it to be recorded in the registry of deeds of the same county or by the clerk of the town where it is situated and substantially marks the bounds ~~thereof of the burying ground~~ or encloses it with a fence, it ~~shall be~~ is exempt from attachment and execution. No subsequent conveyance of it ~~shall be~~ is valid while any person is interred ~~therein in the burying ground~~; but it ~~shall~~ must remain to ~~him~~ the person who appropriated, recorded and marked that burying ground and his to that person's heirs as a burial place forever. If property surrounding a burying ground appropriated pursuant to this section is conveyed, the property is conveyed by the person who appropriated the property or by an heir of that person and the conveyance causes the burying ground to be inaccessible from any public way, the conveyance is made subject to an easement for the benefit of the spouse, ancestors and descendants of any person interred in the burying ground. The easement may be used only by persons to walk in a direct route from the public way nearest the burying ground to the burying ground at reasonable hours.

Sec. 2. 13 MRSA §1371-A is enacted to read:

§1371-A. Limitations on construction and excavation near burial sites

1. Known burial sites. Construction or excavation in the area of a known burial site or within the boundaries of an established graveyard must comply with any applicable land use ordinance concerning burial sites or graveyards, whether or not the burial site or graveyard is properly recorded in the deed to the property. In the absence of local ordinances, construction or excavation may not be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established graveyard, whether or not the burial site or graveyard is properly recorded in the deed to the property, except when the construction or excavation is performed pursuant to a lawful order or permit allowing the relocation of bodies or when necessary for the construction of a public improvement, as approved by the governing body of a city or town or, in the case of a state highway, by the Commissioner of Transportation.

2. Undocumented burial site. The following procedures apply to construction or excavation that threatens an undocumented or unmarked burial site.

A. Whenever any person has knowledge that excavation or other construction activity may disturb or is disturbing a burial site, that person shall notify the local code enforcement officer by providing an affidavit and any other evidence of the location of the burial site.

B. Upon receipt of proper notification, the code enforcement officer shall issue a stop-work order to the person or entity responsible for the activity that threatens to disturb the burial site.

C. Before the construction activity may continue, the excavator or person who owns the land shall notify the Director of the Maine Historic Preservation Commission and the president of any local historical society of the probable location of the burial site. The excavator or the person who owns the land shall also arrange, at that person's own expense, for appropriate investigation to determine the existence and location of graves.

D. When the investigation is complete, if no human remains are discovered, the person responsible for the investigation shall notify the code enforcement officer of the results and the code enforcement officer shall revoke the stop-work order if satisfied that the investigation is complete and accurate.

E. If a burial site is discovered, excavation or construction may not continue except in accordance with subsection 1 and other applicable provisions of state law.

3. Application. This section applies only to burial sites and graveyards containing the bodies of humans.

See title page for effective date.

CHAPTER 413

S.P. 196 - L.D. 505

An Act to Encourage Electric Utility Efficiency and Economical Electric Rates

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

Sec. 1. 35-A MRSA c. 31, sub-c. VII is enacted to read:

SUBCHAPTER VII

INCENTIVE RATEMAKING

§3195. Commission authority to promote electric utility efficiency

1. Rate-adjustment mechanisms. This Title may not be construed to prohibit the commission from or to restrict the commission in establishing or authorizing any reasonable rate-adjustment mechanisms to promote effi-

ciency in electric utility operations and least-cost planning. Rate-adjustment mechanisms may include, but are not limited to:

A. Decoupling of utility profits from utility sales through revenue reconciliation;

B. Reconciliation of actual revenues or costs with projected revenues or costs, either on a total or per customer basis;

C. Adjustment of revenues based on reconciled, indexed or forecasted costs; and

D. Positive or negative financial incentives for efficient operations.

2. Just and reasonable rates. In determining the reasonableness of any rate-adjustment mechanism established under this subchapter, the commission shall apply the standards of section 301 to assure that the rates resulting from the implementation of the mechanism are just and reasonable.

3. Value of utility property. Notwithstanding section 303, rate-adjustment mechanisms established under this section may be used to establish the value of the electric utility's property.

4. Ratepayer protection. In determining the reasonableness of any rate-adjustment mechanisms, the commission shall consider the transfer of risks associated with the effect of the economy and the weather on the utility's sales. To the extent these risks are transferred from the utility to its customers, the commission shall consider in a rate proceeding the effect of the transfer of risk in determining a utility's allowed rate of return.

5. Annual report. The commission shall submit to the joint standing committee of the Legislature having jurisdiction over utilities matters an annual report detailing any actions taken or proposed to be taken by the commission under this section, including actions or proposed actions on mechanisms for protecting ratepayers from the transfer of risks associated with rate-adjustment mechanisms. The report must be submitted by December 31st of each year.

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

Sec. 3. Public Utilities Commission Docket 90-085. The Public Utilities Commission shall consider and adopt a mechanism that limits the rate impact of the per customer electric rate-adjustment mechanism approved for Central Maine Power Company in Commission Docket No. 90-085.

See title page for effective date.