

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 4. 33 MRSA §501-A, as amended by PL 1991, c. 134, §3, is further amended by adding after the first paragraph a new paragraph to read:

The following "power" is known as "The Statutory Power of Sale" and may be included in any mortgage or incorporated by reference in any mortgage that secures a loan primarily for business, commercial or agricultural purposes extended to a corporation, partnership or trust, provided that the power of sale is not used to foreclose on the primary residence of any mortgagor who is a natural person. This paragraph takes effect October 1, 1993.

See title page for effective date.

CHAPTER 769

S.P. 936 - L.D. 2395

An Act Regarding Industrial Electrical Rates

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

Whereas, interruptible resources can and should constitute an important component of energy conservation and planning efforts in this State; and

Whereas, it is important for the State immediately to establish a clear mandate that interruptible resources be viewed as a viable and valuable conservation and planning tool in order to ensure that the maximum benefits achievable with this tool are realized; 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 §3154, sub-§7 is enacted to read:

7. Interruptible rates. In any general rate design case pending on or initiated after April 1, 1992, the commission shall determine interruptible rates consistent with and by reference to its determination of utility capacity costs. Interruptible rates must be designed so as to encourage the long-term availability of interruptible resources, including interruptible options for all customer classes.

Sec. 2. 35-A MRSA §3191, as enacted by PL 1987, c. 671, §2, is amended to read:

§3191. Energy policy

The Legislature finds that it is in the best interests of the State to ensure that Maine and its electric utilities pursue a least-cost energy plan. The Legislature further finds that a least-cost energy plan takes into account many factors, including cost, risk, diversity of supply and all available alternatives, including purchases of power from Canadian sources. When the available alternatives are otherwise equivalent, the commission shall give preference first to conservation and demand management, including interruptible capacity resources, and then to power purchased from qualifying facilities. Nothing in this section is intended to modify the commission's authority under section 3133, subsection 9.

Sec. 3. Application. The Maine Revised Statutes, Title 35-A, section 3154, subsection 7 does not apply to the Public Utilities Commission rate design case, Docket #89-68, involving Central Maine Power Company.

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

Effective March 30, 1992.

CHAPTER 770

S.P. 898 - L.D. 2317

An Act to Govern Residential Propane Gas Suppliers

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

Sec. 1. 10 MRSA §1658-A is enacted to read:

§1658-A. Marking and filling containers owned by others

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Liquefied petroleum gas" means any material that is composed predominantly of any of the following hydrocarbons or mixtures of those hydrocarbons: propane, propylene, normal butane, isobutane and butylenes.

B. "Owner" means any person who holds title to a liquefied petroleum gas container.

2. Unlawful use of containers. No person except the owner, or a person authorized in writing by the owner to do so, may fill or refill a liquefied petroleum gas con-

tainer with a liquefied petroleum gas or any other gas or substance.

Sec. 2. 10 MRSA §1661-C is enacted to read:

§1661-C. Notice of propane unit price

1. Notice. A retail seller of propane gas shall notify a customer or potential customer of the unit price of propane gas upon request, when an oral order for a single delivery is received and at the time of billing.

2. Unit. "Unit," for the purposes of this chapter, may include gallon, pound or cubic foot; but upon customer request a retail seller of propane gas shall convert prices quoted by the pound or cubic foot into per gallon prices.

Sec. 3. 10 MRSA §1662 is amended to read:

§1662. Penalties

~~Any A person, firm or corporation or any officer, agent, servant or employee thereof, who shall violate~~ violates any of the provisions of this chapter ~~shall be,~~ except section 1658-A, is punished by a fine of not more than \$100 for the first offense and by a fine of not more than \$200 for each subsequent offense, or by imprisonment for 90 days, or by both. A person who violates section 1658-A commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged. Each separate sale or attempt to sell in violation of this chapter ~~shall be deemed is~~ a separate offense.

See title page for effective date.

CHAPTER 771

H.P. 1537 - L.D. 2170

An Act to Clarify and Improve the Procedures of the Maine Health Care Finance Commission

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

Sec. 1. 22 MRSA §396-K, sub-§3, ¶B-1, as enacted by PL 1989, c. 588, Pt. A, §35, is amended to read:

B-1. On the basis of additional information received after an annual credit is established pursuant to paragraph A, including information provided by the department concerning the State Health Plan or projects then under review, the commission may ~~by rule~~ increase or decrease the amount of the annual credit by the adoption of a rule change proposed during the course of the payment year cycle to which it applies. The commission may not act

under this paragraph to decrease the credit below the amount that would, in combination with any amounts carried over from prior years, equal the total of any debits associated with projects approved on or before the date that the commission notifies the department of a proposed rule that would decrease the credit. For any payment year cycle in which the annual credit is apportioned to "statewide" and "individual hospital" components, the increase or decrease authorized by this paragraph ~~shall apply~~ applies solely to the "statewide" component of the credit.

Sec. 2. 22 MRSA §397, sub-§3, as enacted by PL 1983, c. 579, §10, is amended to read:

3. Burden of proof. In all trials, actions and proceedings arising under this chapter, the burden of proof ~~shall be~~ is upon the party seeking to set aside any determination, requirement, direction or order of the commission complained of as unreasonable, unjust or unlawful, as the case may be. In all original proceedings before the commission ~~where when~~ approval of the commission is sought or a proposed revenue limit is contested, the burden of proof ~~shall be~~ is on the person seeking the approval or contesting the revenue limit if, in the case of a proposed revenue limit, the executive director has furnished, reasonably in advance of the deadline established for notices of contest, a written explanation of the differences between the information timely filed with the commission by the hospital for the purpose of computing a revenue limit and the information relied upon in computing the proposed revenue limit.

Sec. 3. 22 MRSA §398, sub-§2, as amended by PL 1989, c. 386, §2, is further amended to read:

2. Interim adjustments. Upon application by a hospital, affiliated interest, payor or group of purchasers; for an interim adjustment to financial requirements permitted under section 396-D; or upon application by a payor or group of purchasers for a modification of its approved differential or of the apportionment of the gross patient service revenue, and after opportunity for hearing, a final order ~~shall~~ must be promulgated issued within 120 days from the date a completed application was filed, except that the commission may extend the 120-day period by an additional ~~60~~ 90 days with respect to an application for an adjustment under section 396-D, subsection 9-A or 9-B when the commission determines, after allowing an initial period for informal negotiation among the parties to the proceeding, that an opportunity for formal proceedings including a hearing should be provided before a decision is made. The parties may further extend the time by agreement. Any proposed change ~~shall take~~ takes effect upon the date specified in the order. At any time during the period between the filing date and the commission's final decision on the request, the commission may extend provisional approval to any part of the request. This provisional approval ~~shall be~~ is