

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

complaint in accordance with the Maine Rules of Civil Procedure, Rule 80C, provided that the complaint must be filed within 15 days of the date of issuance of the decision. The complaint must be served upon the board and all parties to the board proceeding by certified mail, return receipt requested. Upon the filing of the complaint, the court shall set the complaint down for hearing at the earliest possible time and shall cause all interested parties and the board to be notified. Pending review and upon application of any party in interest, the court may grant such temporary relief or restraining order and may impose such terms and conditions as it ~~deems~~ determines just and proper; provided except that the board's decision or order is not stayed; except when it is clearly shown to the satisfaction of the court that substantial and irreparable injury will be sustained or that there is a substantial risk of danger to the public health, safety or welfare or interference with the exercise of the judicial power. The executive director shall forthwith file in the court the record in the proceeding certified by the executive director or a member of the board. The record must include all documents filed in the proceeding and the transcript, if any. After hearing, ~~that~~ which must be held not less than 7 days after notice thereof, the court may enforce, modify, enforce as so modified or set aside in whole or in part the decision of the board, except that the finding of the board on questions of fact ~~must be~~ is final unless shown to be clearly erroneous. Any appeal to the Law Court must be expedited in the same manner as an appeal from an interlocutory order under section 6.

Sec. 10. 26 MRSA §1292, sub-§1, as amended by PL 1991, c. 143, §10, is further amended to read:

1. Review by Superior Court. Either party may seek a review by the Superior Court of a binding determination by an arbitration panel. For interest arbitrations, the review must be sought in accordance with the Maine Rules of Civil Procedure, Rule ~~80C~~ 80B.

See title page for effective date.

CHAPTER 91

H.P. 575 - L.D. 780

An Act to Clarify Certain Statutes Relating to the Public Utilities Commission

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

Sec. 1. 35-A MRSA §2305, first ¶, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

Every electric utility may construct and maintain its lines in, upon, along, over, across and under the roads and streets in any municipality in which it is authorized

to supply electricity ~~or both~~, subject to the conditions and restrictions provided in this chapter and chapter 25.

Sec. 2. 35-A MRSA §3132, sub-§11, as enacted by PL 1987, c. 387, §2, is repealed.

Sec. 3. 35-A MRSA §3132, sub-§§11-A and 11-B are enacted to read:

11-A. Amendments, extensions and renewals of contracts originally subject to commission approval. This section applies to any amendment, extension or renewal of any contract between the utility and other parties with an ownership interest, governing the terms of their participation in the construction of a generation or transmission facility subject to this section, if the original contract was subject to approval by the commission. The commission may waive the approval requirements of this section with respect to a particular amendment, extension or renewal or a group of amendments, extensions or renewals upon request under subsection 1. If the commission does not respond to a request for waiver within 30 days, the request is deemed to have been granted. The commission shall prescribe by rule the content of a request for waiver and procedures for the expeditious processing of requests in certain circumstances.

11-B. Amendments, extensions and renewals of contracts not originally subject to commission approval. For any amendment, extension or renewal of any contract otherwise subject to this section, but when the original contract was not subject to approval by the commission, the utility shall file a copy of the proposed amendment, extension or renewal with the commission within 7 days of the day when the utility receives notice of the proposal, but approval under this section is not required.

Sec. 4. 35-A MRSA §3133, sub-§10, as amended by PL 1987, c. 769, Pt. A, §§138 and 139, is repealed.

Sec. 5. 35-A MRSA §3133, sub-§§10-A and 10-B are enacted to read:

10-A. Renewal of contracts for purchase or conversion originally subject to commission approval. This section applies to any amendment, extension or renewal of any contract between the utility and other parties governing the terms of their participation in a purchase or conversion subject to this section, if the original contract was subject to approval by the commission. The commission may waive the approval requirements of this section with respect to a particular amendment, extension or renewal or a group of amendments, extensions or renewals upon request by the utility. The commission may also waive the 2-month notice required in subsection 2. If the commission does not respond to a request for waiver within 30 days, the request is deemed to have been granted. The commission shall prescribe by rule

the content of a request for waiver and procedures for the expeditious processing of the request in certain circumstances.

10-B. Renewal of contracts not originally subject to commission approval. For any amendment, extension or renewal of any contract otherwise subject to this section for which the original contract was not subject to approval by the commission, the utility shall file a copy of the proposed amendment, extension or renewal with the commission within 7 days of the day when the utility receives notice of the proposal, but approval under this section is not required.

Sec. 6. 35-A MRSA §3133-A, sub-§5, as enacted by PL 1987, c. 387, §4, is repealed.

Sec. 7. 35-A MRSA §3133-A, sub-§§5-A and 5-B are enacted to read:

5-A. Amendments, extensions and renewals. This section applies to any amendment, extension or renewal of any significant agreement or contract subject to this section, if the original contract was subject to approval by the commission. The commission may waive the approval requirements of this section with respect to a particular agreement or group of agreements upon request by the utility. The commission may also waive the 2-month notice requirement in subsection 1. If the commission does not respond to a request for waiver within 30 days, the request is deemed to have been granted. The commission shall prescribe by rule the content of a request for waiver in certain circumstances.

5-B. Amendments, extensions and renewals of contracts not originally subject to commission approval. For any amendment, extension or renewal of any contract otherwise subject to this section when the original contract was not subject to approval by the commission, the utility shall file a copy of the proposed amendment, extension or renewal with the commission within 7 days of the day when the utility receives notice of the proposal, but approval is not required under this section.

Sec. 8. 35-A MRSA §3154, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

1. Rate design and conservation improvements. The commission shall mandate, after notice and hearing on the proposed schedule, a scheduled phasing-in of the improvements in electric utility rate design and related regulatory programs submitted and approved under section ~~3153~~ 3153-A and is authorized to order utilities to implement electric utility rate design improvements approved by the commission on a temporary, pilot and experimental basis, affecting either a portion or all of any class of consumers of any utility as the commission may determine is appropriate to carry out the purposes of this subchapter, and order other energy conservation techniques, programs and innovations relating to electric util-

ity service that, in the commission's judgment, are practicable, just and reasonably related to fulfilling the purposes of this chapter. In ordering any rate design improvements or any other programs for implementing energy conservation techniques and innovations referred to in section ~~3153~~ 3153-A, the commission shall consider rate design stability and shall assure the revenue requirements of the utility.

Sec. 9. 35-A MRSA §6102, sub-§2, ¶D, as repealed and replaced by PL 1991, c. 52, §1, is amended to read:

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

See title page for effective date.

CHAPTER 92

S.P. 320 - L.D. 973

An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act

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

Whereas, certain obligations and expenses incident to the operation of departments and agencies will become due and payable on or immediately after July 1, 1993; and

Whereas, these provisions are intended to improve management, performance, organization, program delivery and fiscal accountability of agencies and independent agencies reviewed; and

Whereas, certain independent agencies will terminate unless continued by act of the Legislature prior to June 30, 1993; 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: