

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

3. Debit card. “Debit card” means a card, code or other device, other than a check, draft or similar paper instrument, by the use of which a person may institute an electronic fund transfer.

§1272. Prohibition

A business operating in this State may not display a social security number on a credit card, customer service card or debit card issued or distributed by that business on or after January 1, 1994.

§1273. Administrative enforcement

The Superintendent of the Bureau of Consumer Credit Protection may take appropriate action to ensure compliance with this chapter, including without limitation: to receive and act on complaints; negotiate an assurance in writing that a violator will not engage in the same or similar conduct in the future; conduct hearings in accordance with the Maine Administrative Procedure Act and issue a cease and desist order for violation of this chapter; refer cases to the Attorney General, who may bring a civil action against a person for knowingly violating a written assurance of discontinuance. If a court finds a violation of this chapter it may assess a civil forfeiture of not more than \$1,000.

See title page for effective date.

CHAPTER 116

H.P. 582 - L.D. 786

An Act to Authorize Modifications to Tolls on the Maine Turnpike

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

Sec. 1. 23 MRSA §1961, sub-§1, as enacted by PL 1987, c. 793, Pt. A, §6, is amended to read:

1. Legislative findings. The Legislature makes the following findings of fact. The economic and social well-being of the citizens of the State ~~require~~ requires that the transportation system be developed in a comprehensive manner and ~~depend~~ depends upon the safety, efficiency and modern functional state of the turnpike. The turnpike should be maintained as a ~~closed~~ toll facility whether or not there are turnpike bonds outstanding. Toll revenues should be utilized to pay for retirement of any outstanding debt, including interest thereon; to pay for operation and maintenance of the turnpike; to pay for reconstruction of the turnpike; and to repay the Federal Government for grants or loans, the proceeds of which were used for the construction or reconstruction of the turnpike or portions of the turnpike, interchanges and certain interconnecting access roads, but only to the

extent that the repayment is required as a result of maintaining tolls on the turnpike.

Sec. 2. Transportation policy. In order to further the transportation policy created by the Sensible Transportation Policy Act, the Legislature intends by this Act to authorize open barrier toll collection systems on the turnpike to the extent the authority believes that the installation of toll collection systems would be financially feasible and consistent with the requirements of the Maine Revised Statutes, Title 23, chapter 24. This measure may not impair the rights of present or future bondholders under any existing indenture or resolution for the issuance of turnpike authority bonds or other obligations.

See title page for effective date.

CHAPTER 117

H.P. 627 - L.D. 847

An Act to Authorize the Offset of Insurance Premiums

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

Sec. 1. 24-A MRSA §13 is enacted to read:

§13. Retention of unpaid premium

Any insurance company, broker or agent may retain an amount equal to any undisputed unpaid premium due on the policy under which a claim is being presented, in connection with claims by and settled with an insured, as long as the unpaid premium remains unpaid 60 days after the effective date of that policy or the date of the original billing for the unpaid premium, whichever occurs later. The unpaid premium may not be retained as against any loss payee or mortgagee named in the policy up to the amount of the unpaid balance owed to that loss payee or mortgagee on the date the loss that gave rise to the claim occurred. This section does not apply to a health insurance policy.

See title page for effective date.

CHAPTER 118

H.P. 670 - L.D. 908

An Act to Eliminate the Seasonal Legal Researcher Position at the Public Utilities Commission and to Make Certain Other Changes

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

Sec. 1. 35-A MRSA §107, sub-§2, ¶B, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

B. The compensation of the staff attorney, ~~seasonal legal researcher, financial and utility analyst; chief utility accountant and utility accountant~~ ~~III~~ positions shall be are fixed by the commission with the approval of the Governor, but the compensation shall ~~may~~ not in the aggregate exceed the total amount appropriated or allocated in the commission's budget.

Sec. 2. 35-A MRSA §107, sub-§2, ¶C, as amended by PL 1987, c. 631, §3, is further amended to read:

C. The salaries of the other subordinate officials and employees of the commission, other than those of the general counsel, the administrative director, the assistant administrative director, the administrative assistant to the administrative director, the director of finance, the director of technical analysis, the director of consumer assistance, the assistant to the director of consumer assistance and the staff attorney, ~~financial and utility analyst; chief utility accountant and utility accountant~~ ~~III~~ positions, shall be are subject to the Civil Service Law; ~~except as provided in paragraph D.~~

Sec. 3. 35-A MRSA §107, sub-§2, ¶D, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed.

Sec. 4. 35-A MRSA §116, sub-§4, as amended by PL 1991, c. 9, Pt. E, §21, is further amended to read:

4. Use of funds. The Public Utilities Commission may use the revenues provided in accordance with this section to fund 69 employees ~~and 2 seasonal legal researchers~~ and to defray the costs incurred by the commission pursuant to this Title, including administrative expenses, general regulatory expenses, consulting fees and all other reasonable costs incurred to administer this Title.

See title page for effective date.

CHAPTER 119

H.P. 686 - L.D. 927

An Act to Include a Waiver Provision for the Advance Notice Required by the Public Utilities Commission for Energy Agreements and Contracts

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

Sec. 1. 35-A MRSA §3133-A, sub-§1, as enacted by PL 1987, c. 387, §4, is amended to read:

1. Certificate of public convenience and necessity.

Except as provided in subsection 3, no electric utility may enter into any significant agreement or contract, as defined in subsection 2, unless the commission has issued a certificate of public convenience and necessity approving the proposed agreement or contract. The utility shall must file a notice with the commission; no less than 2 months in advance of submitting its petition for a certificate of public convenience and necessity for the proposed agreement or contract. The commission may waive the requirement that at least 2 months' advance notice be given. The commission shall rule on any request for waiver within 60 days. The commission may require the petitioner to make available such additional information as it ~~deems~~ determines necessary. The petition shall must contain such information as the commission may by rule prescribe. The petition shall must be set down for public hearing. The commission shall issue its order within 12 months after the complete petition is filed. If there is then outstanding a long-range plan for the utility pursuant to section 3134, ~~which that~~ which includes the agreement or contract, the utility need not provide advance notice of its intent to file the petition and the commission shall issue its order within 9 months after the complete petition is filed.

In its order, the commission shall make specific findings with regard to the agreement or contract. If the commission finds that a need for it exists and it is reasonable and consistent with the public interest, the commission shall issue the certificate of public convenience and necessity.

The issuance of a certificate of public convenience and necessity establishes that, as of the date of issuance, the decision by the utility to enter into the agreement or contract was prudent.

See title page for effective date.

CHAPTER 120

S.P. 389 - L.D. 1184

An Act Concerning Independent Contractors and the Responsibilities of Landowners under the Workers' Compensation Laws

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

Whereas, the wood harvesting season is about to recommence; and