

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

“Do you approve of the interstate compact to be made with Texas, Maine and Vermont for the disposal of the State’s low-level radioactive waste at a proposed facility in the State of Texas?”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the word “Yes” or “No.” The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim that fact without delay, and the Act takes effect 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Sec. 7. Payment for referendum costs. Notwithstanding any provision of law, the Maine Low-level Radioactive Waste Authority must transfer \$95,000 from the assessment authorized pursuant to the Maine Revised Statutes, Title 38, section 1535 to the Department of the Secretary of State for the referendum costs associated with this Act.

Sec. 8. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1993-94

**SECRETARY OF STATE,
DEPARTMENT OF THE**

Elections and Commissions

All Other	\$95,000
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Provides for the allocation of funds for the referendum costs associated with this Act.

Emergency clause. In view of the emergency cited in the preamble, sections 3, 4, 5 and 6 of this Act take effect when approved. Section 2 of this Act takes effect 30 days after the Governor proclaims that a majority of the legal voters have voted in favor of the contract.

Effective June 21, 1993, unless otherwise indicated.

CHAPTER 401

H.P. 1154 - L.D. 1553

An Act to Expand the Duties of the Judicial Council to Include Implementing the Recommendations of the Commission to Study the Future of Maine’s Courts and to Implement Certain Other Recommendations of the Commission

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

Whereas, the recommendations of the Commission to Study the Future of Maine’s Courts are comprehensive and include incremental changes over a long period of time, necessitating a group interested in putting into place the recommendations to ensure that the changes are implemented; and

Whereas, the Judicial Council is the appropriate body, when augmented by persons who were involved in the commission’s efforts, to oversee the implementation of the recommendations; and

Whereas, the Commission to Study the Future of Maine’s Courts goes out of existence this year, and no other entity has the statutory mandate to continue the work; 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. 4 MRSA §451, as amended by PL 1989, c. 891, Pt. A, §8, is further amended to read:

§451. Establishment

A Judicial Council, as established by Title 5, section 12004-I, subsection 51, shall make a continuous study of the organization, rules and methods of procedure and practice of the judicial system of the State, the work accomplished and the results produced by that system and its various parts. The council is charged with the responsibility to monitor, adapt as necessary and work to implement the recommendations of the Commission to Study the Future of Maine’s Courts. The council must be composed of the Chief Justice of the Supreme Judicial Court, who shall also serve as chair, the Attorney General, the Chief Justice of the Superior Court, the Chief Judge of the District Court, the chairs of the joint standing committee of the Legislature having jurisdic-

tion over judiciary matters or their designees, and the Dean of the University of Maine System School of Law, each to serve ex officio, and an Active or Retired Justice of the Supreme Judicial Court, one Justice of the Superior Court, one Judge of the District Court, one Judge of a Probate Court, one clerk of the judicial courts, 2 members of the bar ~~and~~, 6 members of the public, and 4 persons who served on or participated in the activities of the Commission to Study the Future of Maine's Courts to be appointed by the Governor. The appointments by the Governor are for such periods, not exceeding 4 years, as the Governor determines.

Sec. 2. 4 MRSA §451-A is enacted to read:

§451-A. Courts' future implementation by Judicial Council

The Judicial Council shall monitor, adapt as necessary and work to implement the recommendations of the Commission to Study the Future of Maine's Courts, established by Public Law 1989, chapter 891, Part B.

The Judicial Council shall report on the status of implementation of the recommendations, accompanied by any suggested legislation, by January 31st of each year.

The Judicial Council is authorized to seek funding from sources other than the General Fund.

Sec. 3. 14 MRSA §7482, as amended by PL 1983, c. 678, is further amended to read:

§7482. Definition of a small claim

A "small claim" means a right of action cognizable by a court if the debt or damage does not exceed \$1,400 \$3,000 exclusive of interest and costs. It ~~shall~~ does not include an action involving the title to real estate.

Effective July 1, 1997 and every 4 years after that date, the joint standing committee of the Legislature having jurisdiction over judiciary matters shall review the monetary limit on small claims actions and the Judicial Department shall periodically provide information and comments on the monetary limit on small claims actions to that committee.

Sec. 4. Interim Advisory Committee on Alternative Dispute Resolution in the Public Sector.

There is established the Interim Advisory Committee on Alternative Dispute Resolution in the Public Sector, referred to in this section as the "committee," to provide assistance to state, municipal and other governmental entities in developing plans and policies for negotiated rulemaking and dispute resolution as recommended in the final report of the Commission to Study the Future of Maine's Courts, established by Public Law 1989, chapter 891, Part B.

1. Charge. The committee shall:

A. Conduct a systematic inventory and review of present state agency dispute resolution policies and procedures and make recommendations designed to encourage the effective use of dispute resolution in State Government;

B. Study the use of negotiated rulemaking by state agencies and by agencies of the federal and other state governments and make recommendations designed to expand and encourage the use of negotiated rulemaking by state agencies;

C. Provide guidance and expertise to state agencies, municipalities and other governmental entities in developing negotiated rulemaking and dispute resolution plans, policies and procedures;

D. Design and initiate a continuing study and analysis of the costs and benefits of negotiated rulemaking and public sector alternative dispute resolution to governmental agencies, private groups and individuals;

E. Seek funding to support the committee's work and to provide training for agency personnel; and

F. Develop a proposal for a state center for dispute resolution that will assume the responsibilities and functions of the committee.

2. Appointment. The committee consists of 11 members appointed or designated as follows:

A. Two members with experience as municipal officials, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;

B. Two members with professional experience in dispute resolution or negotiated rulemaking, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;

C. Four members from state agencies, who shall coordinate and communicate with the Maine Administrative Procedure Act liaisons of all state agencies, appointed by the Governor;

D. Two members representing the general public, one appointed by the Governor and one appointed by the Speaker of the House of Representatives; and

E. The Attorney General or the Attorney General's designee.

3. Convening of committee. When the appointment of all committee members is completed, the Ex-

Executive Director of the Legislative Council shall convene the first meeting. The members shall elect a chair from among the membership.

4. Reports; legislation. The committee shall submit a progress report to the Joint Standing Committee on Judiciary by January 1, 1994. The committee may recommend legislation at any time. The committee shall present a summary of its activities and findings, together with any recommended legislation, to the First Regular Session of the 117th Legislature by January 31, 1995.

5. Staffing. If funding permits, the committee may employ staff and may contract for administrative, professional and clerical services. The committee shall manage the contractors' work or may delegate the management authority to the chair.

6. Assistance. The committee may request assistance from the Legislative Council with drafting legislation.

7. Funding. The committee is authorized to seek, accept and expend funds from outside sources to carry out the committee's activities. Expenditures that have an impact on the General Fund may not be incurred.

8. Compensation. The members of the committee shall serve without compensation.

9. Administering authority. The Executive Director of the Legislative Council shall administer the committee's budget.

Sec. 5. Family court project continuation and expansion. The family court project established pursuant to Public Law 1989, chapter 891, Part A, section 12 may be continued and expanded into other geographic areas with large numbers of family law cases as well as in other areas determined appropriate. The current jurisdiction of the Superior Court, District Court and Administrative Court is not altered to ensure access. In those areas in which the family court project exists or into which the project is expanded, it must be structured as the Family Court Division of the District Court, Superior Court and Administrative Court. The Chief Justice of the Supreme Judicial Court shall designate one judge or justice from the Superior Court, District Court or Administrative Court to direct the project. The designated judge shall convene a preliminary planning committee on the development of a nonadversarial administrative forum that includes social services for family matters. The designated judge shall report to the Joint Standing Committee on Judiciary by January 15, 1994, and annually thereafter, and shall make a final report concerning the family court project by January 15, 1999.

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

Effective June 21, 1993.

CHAPTER 402

S.P. 307 - L.D. 940

An Act to Minimize Electric Rates

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

Sec. 1. 35-A MRSA §3152, sub-§1, ¶B, as amended by PL 1991, c. 253, §2, is further amended to read:

B. Encourage the commission to set electric rates to promote the maximum efficient utilization of natural energy resources existing in the State in order to promote the use of indigenous energy resources to the extent that this will reduce overall electric costs or electric rates, or both, provided equivalent consideration is given to the goals of reducing costs and reducing rates; and

Sec. 2. 35-A MRSA §3153-A, sub-§1, as amended by PL 1991, c. 253, §4, is further amended to read:

1. Proposals and programs developed. The commission, as it determines appropriate, shall order electric utilities to develop and submit specific rate design proposals and related programs for implementing energy conservation and energy efficiency techniques and innovations, either in conjunction with or independent of any rate-making proceeding pending before the commission. The proposals, as the commission determines, must be designed to encourage energy conservation, minimize the need for new electrical generating capacity, minimize costs of electricity to consumers, minimize rates over the long term or short term and take into account the needs of low-income customers; and. In approving a proposal under this section, the commission shall give equivalent consideration to the goals of minimizing costs and minimizing rates of electricity to consumers. Proposals must include, but are not limited to, proposals that provide for the development and implementation of:

A. Load management techniques;

B. Rates that reflect marginal costs of services at different voltages, times of day or seasons of the year, including long-run marginal costs associated with the construction of new electric generating facilities;