

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

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;

C. Policies that encourage economic use of fuel and the maximum efficient utilization of natural energy resources indigenous to the State;

D. Rates or other regulatory policies that encourage electric utility system reliability;

E. Electric utility financing or subsidization of capital improvements undertaken by ratepayers to conserve electricity used by the ratepayers in the future. The commission may approve and allow cost recovery for proposals that result in savings in fuel other than electricity. This paragraph applies to future programs for utility financing of energy conservation or load management and to ~~such~~ programs that the commission has already approved prior to September 29, 1987;

F. As defined by the commission by rule, cost-effective conversions of electric space heat systems to systems relying on other fuels and other techniques for enabling homeowners and tenants to replace on-peak, winter period electric usage with less expensive sources of heat; ~~and~~

G. Rates or bill payment assistance programs for residential customers who have been certified eligible for state or federal fuel assistance that take into account the difficulty these customers have paying in full for electric service or that target assistance to these customers in the most efficient manner, taking into account the necessity of maintaining electric service; and

H. Rates that allow incremental use or maintenance of existing use when those rates serve to minimize rate levels for all electric customers. In approving any proposal for rates that allow incremental use or maintenance of existing use, the commission shall seek to ensure that rates for all customer classes will be lower than they would have been had the commission not approved the proposal.

Sec. 3. Construction. Nothing in this Act is intended or may be construed to discourage energy conservation and demand management programs or to encourage continued or additional use of electric baseboard resistance heating systems. Nothing in this Act may be construed to encourage or discourage the development or implementation of any particular rate design.

As a result of giving equal consideration to the goals of minimizing costs and minimizing rates pursuant to this Act, the Public Utilities Commission may not adopt any rate design that results in increased rates for residential customers with usage of less than 750 kilowatt hours per month. Nothing in the preceding sentence may be construed to prohibit the Public Utilities Commission from increasing rates for residential customers with usage of less than 750 kilowatt hours per month to

the extent justified by other legitimate rational principles or legislative mandates.

See title page for effective date.

CHAPTER 403

S.P. 167 - L.D. 559

An Act to Impose Term Limits on Presiding Officers of the Legislature

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

Sec. 1. 3 MRSA §21-A is enacted to read:

§21-A. President of Senate; term limitation

A person may not serve as President of the Senate for more than 3 consecutive legislative bienniums. Service in that capacity before December 2, 1992 is not included in the calculation of years served.

Sec. 2. 3 MRSA §41-A is enacted to read:

§41-A. Speaker of House of Representatives; term limitation

A person may not serve as Speaker of the House of Representatives for more than 3 consecutive legislative bienniums. Service in that capacity before December 2, 1992 is not included in the calculation of years served.

Sec. 3. Retroactivity. This Act takes effect retroactively to December 2, 1992.

See title page for effective date.

CHAPTER 404

S.P. 490 - L.D. 1501

An Act to Modify Various Licensing Board Laws

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

PART A

Sec. A-1. 32 MRSA §1507 is enacted to read:

§1507. Inactive status

A licensee who is no longer actively practicing funeral service may surrender the licensee's active license to the State Board of Funeral Service and request inac-