

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

Title 24 and this Title applicable to small group health plans. As used in this subsection:

A. "Standard plan" means a plan that is similar to those plans typically sold to small employers; and

B. "Basic plan" means a plan that emphasizes preventative care and that contains reasonable but lesser benefits than the standard plan to the extent necessary to reduce the anticipated cost of the plan by 20%.

The premium rate charged by a carrier for the basic plan may not exceed 80% of the corresponding premium rate charged by that carrier for the standard plan.

A health maintenance organization authorized pursuant to chapter 56 may impose penalties in its 2 standardized small group health plans through its utilization review procedures that apply per admission or per encounter. Those penalties must be consistent with the normal requirements applicable to benefits in that health maintenance organization.

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

Effective April 1, 1994.

CHAPTER 589

S.P. 574 - L.D. 1616

An Act to Make Changes to the Public Utilities Commission Laws

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 10 MRSA §1499, as enacted by PL 1991, c. 252, §1, is amended to read:

§1499. Consumer notification

Notwithstanding section 1498, a person may not use an automated telephone calling device to dial the telephone number of any telephone utility customer in

this State who has notified the telephone utility pursuant to Title 35-A, section ~~7442~~ 7103 of the customer's request not to receive automated telephone calls. Violation of this section is an unfair trade practice under Title 5, section 207.

Sec. 2. 35-A MRSA §107, sub-§8, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

8. Dismissal. After successful completion of a probationary period, the employees occupying the positions of staff attorney, ~~financial and utility analyst, chief utility accountant and utility accountant III~~ may be dismissed, suspended or otherwise disciplined only for cause.

Sec. 3. 35-A MRSA §3502, sub-§3, ¶E, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

E. The availability of assistance from the Public Advocate; ~~and~~

Sec. 4. 35-A MRSA §3502, sub-§3, ¶F, as amended by PL 1989, c. 159, §5, is further amended to read:

F. The date, time, place and purpose of the hearing; ~~and~~

Sec. 5. 35-A MRSA §3502, sub-§3, ¶G is enacted to read:

G. The customer's right to petition the commission to investigate the proposed rate increase, the requirement that signatures on petitions filed pursuant to subsection 8 are invalid unless accompanied by the printed names and addresses of the signers and the fact that the utility will, upon request, provide customers with petition forms that include space for signatures and the printed names and addresses of the signers.

Sec. 6. 35-A MRSA §3502, sub-§4, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

4. Customer rights. At the commencement of each hearing held pursuant to this section, the consumer-owned electric utility shall inform those present of customer rights as specified in subsection 3 ~~and~~, that the rate increase may be investigated by the commission in accordance with subsection 8 and that petitions filed pursuant to subsection 8 must bear the signature, printed name and address of the signer. Upon request, the utility shall provide customers with petition forms that include a place for signatures and the printed names and addresses of the signers.

Sec. 7. 35-A MRSA §3502, sub-§10, as amended by PL 1989, c. 159, §6, is further amended to read:

10. Electric utility may challenge petitions. The A consumer-owned electric utility shall have has 10 days from the receipt of notice to notify the commission and the lead petitioner whether it intends to contest any aspect of the validity of the petition petitions, after which it shall lose loses that right. If the utility intends to challenge the validity of individual signatures on the petitions, it shall identify, in its notice to the commission and lead petitioner, the specific signatures it is challenging and state the grounds for challenging each signature it believes is invalid. When the utility files its notice of intent to challenge the validity of the petitions, the utility shall provide the commission and the lead petitioner with a list of its customers. If the electric utility notifies the commission in a timely fashion that it wishes to contest the validity of the petitions, the commission shall set the matter ~~down~~ for hearing. It shall hold the hearing and issue its decision on the validity of the petitions within 30 days of notification by the electric utility that it intends to contest the validity of the petitions. If the commission finds the petitions to be invalid, it shall lift its order of suspension. For the purposes of this section, "customer" means, in the case of residential accounts, any one adult residing in a household where the utility's electric service is provided; and, in the case of all other accounts where the utility's electric service is provided, a corporate officer, a partner or a proprietor. No more than one person may sign on behalf of an account. No person may sign on behalf of more than one account unless the person is a customer at each account.

A signature on a petition filed pursuant to subsection 8 is valid only if accompanied by the printed name and address of the signer. If a petition filed pursuant to subsection 8 bears a sufficient total number of signatures but an insufficient number of printed names and addresses of the signers, the lead petitioner has 7 days from receipt of notice of the utility's challenge to cure the invalidity. If the utility's only challenge to a petition relates to the absence of printed names or addresses of the signers of the petition and the lead petitioner cures the invalidity as provided in this subsection, the commission is not required to hold a hearing under this subsection.

Sec. 8. 35-A MRSA §5111, as enacted by PL 1991, c. 774, §4, is amended to read:

§5111. Repeal; report

1. Repeal. Section 5101-D is repealed on July 15, ~~1994~~ 1996. Any tariff or certificate issued by the commission under that section terminates on that date, except that any carrier receiving a permit, or an

expansion of an existing permit, under section 5101-D who has, prior to July 15, ~~1994~~ 1996, entered into a single project contract for the unscheduled transportation of freight may complete that contract provided that the contract is completed by November 15, ~~1994~~ 1996. The termination of any certificate granted under section 5101-D does not affect any other certificate previously issued and held by an operator at the time of the issuance of any certificate pursuant to that section.

2. Report. The commission, together with the Casco Bay Island Transit District and any other holder of a certificate of public convenience and necessity under this chapter authorized to transport unscheduled freight under section 5101-D who wishes to participate, shall prepare a report on whether section 5101-D should be continued. The report must include recommendations regarding the soundness of the policy embodied in that section and whether the provisions should be continued or modified. The report must be submitted to the joint standing committee of the Legislature having jurisdiction over utility matters on or before January 1, ~~1994~~ 1996.

Sec. 9. 35-A MRSA §6104, sub-§3, as amended by PL 1989, c. 159, §7, is further amended to read:

3. Notice of proposed rate increase and hearing. The consumer-owned water utility shall, at least 14 days prior to the hearing, publish a notice of the proposed rate increase and the hearing, including the date, time, place and purpose of the hearing, in a newspaper of general circulation in the area encompassed by the consumer-owned water utility and give one notice of the proposed rate increase and the date, time, place and purpose of the hearing to each of its customers. The published and individual notices ~~shall~~ must include a statement describing the amount of the increase and the percentage increase for each customer class, the customer's right to request information relating to the present and proposed rates, the right to an open and fair hearing and the right to further hearings before the commission, and the availability of assistance from the Public Advocate. The published and individual notices must inform customers that they can petition the commission to investigate the proposed rate increase and must include a statement that signatures on petitions filed pursuant to subsection 7 are invalid unless accompanied by the printed names and addresses of the signers. The published and individual notices must also inform customers that the utility will, upon request, provide customers with petition forms that include space for signatures and the printed names and addresses of the signers. Copies of the notice ~~shall~~ must be sent to the commission and the Public Advocate at least 14 days prior to the hearings.

Sec. 10. 35-A MRSA §6104, sub-§4, as amended by PL 1987, c. 490, Pt. B, §12, is further amended to read:

4. Notice that rate increase may be investigated by commission. At the commencement of each hearing held pursuant to this section, the consumer-owned water utility shall inform those present that the rate increase may be investigated by the commission in accordance with this section and that petitions filed pursuant to subsection 7 must bear the signatures and the printed names and addresses of the signers. Upon request, the utility shall provide customers with petition forms that include space for signatures and the printed names and addresses of the signers.

Sec. 11. 35-A MRSA §6104, sub-§9, as amended by PL 1989, c. 159, §8, is further amended to read:

9. Water utility may challenge petitions. ~~The~~ A consumer-owned water utility has 10 days from receipt of notice to notify the commission and the lead petitioner whether it intends to contest any aspect of the validity of the petitions, after which it shall lose that right. ~~If the utility intends to challenge the validity of individual signatures on the petitions, it must identify, in its notice to the commission and lead petitioner, the specific signatures it is challenging and state the grounds for challenging each signature it believes is invalid. When the utility files its notice of intent to challenge the validity of the petitions, the utility shall provide the commission and the lead petitioner with a list of its customers.~~ If the water utility notifies the commission in a timely fashion that it wishes to contest the validity of the petitions, the commission shall schedule a hearing. It shall hold the hearing and issue its decision on the validity of the petitions within 30 days of notification by the water utility that it intends to contest the validity of the petitions. If the commission finds the petitions to be invalid, it shall lift its order of suspension. For the purposes of this section, "customer" means, in the case of residential accounts, any one adult residing in a household where the utility's service is provided; and, in the case of all other accounts where the utility's service is provided, a corporate officer, a partner or a proprietor. No more than one person may sign on behalf of an account. No person may sign on behalf of more than one account unless the person is a customer at each account.

Signatures on petitions filed pursuant to subsection 7 are valid only if accompanied by the printed names and addresses of the signers. If a petition filed pursuant to subsection 7 bears a sufficient total number of signatures but an insufficient number of printed names and addresses of the signers, the lead petitioner has 7 days from receipt of notice of the utility's challenge to cure the invalidity. If the utility's only chal-

lenge to a petition relates to the absence of printed names or addresses of the signers of the petition and the lead petitioner cures the invalidity as provided in this subsection, the commission is not required to hold a hearing under this subsection.

Sec. 12. 35-A MRSA §7103, sub-§1, ¶A, as repealed and replaced by PL 1991, c. 654, §3 and affected by §5, is amended to read:

A. A notification procedure for any customer of a telephone utility who does not want to receive automated telephone calls pursuant to Title 10, section ~~1498~~ 1499; and

Sec. 13. 35-A MRSA §7302, sub-§1, as amended by PL 1993, c. 275, §1, is further amended to read:

1. Rate reduction. The commission shall establish a 70% rate reduction for intrastate toll calls made on lines, or via credit cards assigned to lines, used for making calls ~~to and~~ from certified deaf, hard-of-hearing or speech-impaired persons who must rely on teletypewriters for residential telephone communications. In addition, the 70% rate reduction must apply to all calls using the state telecommunications relay service. Upon request, this discount must be provided to any noncertified user making calls to a certified user, provided the noncertified user informs the local exchange carrier or toll provider of the relevant billed calls made during each billing period. This reduction must also apply to intrastate toll calls made by agencies, certified by the Division of Deafness in the Department of Human Services as eligible to receive a discount, while providing vocal relay services to deaf, hard-of-hearing or speech-impaired persons, as well as to community service centers serving deaf, hard-of-hearing or speech-impaired persons, certified by the Division of Deafness of the Department of Human Services as eligible to receive a discount. The costs incurred by a telephone company under this subsection are just and reasonable expenses for rate-making purposes.

See title page for effective date.

CHAPTER 590

H.P. 1440 - L.D. 1966

An Act to Create the Blaine House Commission

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

Sec. 1. 5 MRSA §§322 to 326 are enacted to read: