

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

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:

§322. Blaine House Commission

The Blaine House Commission, as established in section 12004-I, subsection 75-B and referred to in this chapter as the "commission," consists of 9 voting members who are appointed and serve as described in this section.

1. Members; appointment. The commission consists of the following members:

A. The Director of the Maine Historic Preservation Commission;

B. The Director of the Maine State Museum;

C. The Director of the Bureau of General Services;

D. The Commissioner of Administrative and Financial Services; and

E. Five public members appointed by the Governor. The public members must have expertise in one or more of the following areas: historic preservation, interior decoration, historic architecture or landscape architecture.

2. Terms. Each public member serves a term concurrent with the term of the Governor.

3. Chair. The commission shall elect a chair from among its public members.

4. Reimbursement. Members serve on the commission without compensation.

5. Meetings; decisions; quorum. The commission shall meet at least quarterly on the call of the chair. Decisions must be made by a majority of those present and voting. A quorum is a majority of the members of the commission.

6. Rules. The commission, in accordance with the Maine Administrative Procedure Act, shall adopt all rules necessary or desirable for it to carry out the functions assigned it by this chapter.

§323. Approval of alterations; oversight of plans

The commission shall approve any architectural, aesthetic and decorative alterations to Blaine House grounds and public rooms and alterations to the structural features and architectural details of the private rooms and oversee plans to preserve and develop the aesthetic and historical integrity of the Blaine House and adjacent grounds.

1. Oversight. The commission shall oversee the preservation of, and the development and implementation of changes guaranteeing, the aesthetic and historical integrity of the public rooms of the Blaine

House and adjacent grounds and alterations to the structural features and architectural details of the private rooms of the Blaine House.

2. Jurisdiction. The commission has jurisdiction over the entire exterior of the Blaine House, the interior rooms used by the public and the immediate grounds. The private office and living quarters used at the discretion of the Governor by the Governor and the Governor's family are exempt from this chapter, except for alterations to structural features and architectural details.

3. Alterations. The Bureau of General Services may not make any architectural, aesthetic or decorative addition to, deletion from or change to any external or internal part of the Blaine House or its immediate grounds under the jurisdiction of the commission unless the commission has approved the change in writing.

4. Research; publications. The commission may conduct research into the Blaine House, its grounds and its residents, to guide the commission in the preservation and development of the building's aesthetic and historical integrity. The commission may publish and distribute this research to enhance public understanding and appreciation of the Blaine House.

§324. Advice and assistance to commission

The commission may request the assistance and advice of any state agency in the administration of its duties. Any state agency receiving a request shall render any assistance and advice to the commission within reasonable means.

§325. Annual report to Governor and Legislature

The commission shall report to the Governor and the Legislature annually on September 1st its accomplishments and recommendations relating to the work and needs of the commission. The commission shall list all activities and projects initiated and completed during the past year and those projects proposed during the next year that concern the preservation and development of the aesthetic and historical integrity of the Blaine House and its adjacent grounds.

§326. Contributions to Blaine House

The commission may accept gifts, bequests, loans of artifacts and federal funds for purposes consistent with the objectives of this chapter. These gifts, bequests, loans of artifacts and federal funds must be used solely to carry out the purposes for which they were intended. Gifts may include furnishings, other artifacts and any items or specimens appropriate for the grounds.

All contributions, purchases and bequests of artifacts for the Blaine House and grounds must be reported in writing to the Maine State Museum Commission at least quarterly. The Maine State Museum Commission shall consider these acquisitions for inclusion in the Blaine House Historic Collection and report its decisions to the Blaine House Commission at least quarterly. For the purposes of this section, the "Blaine House Historic Collection" consists of all artifacts associated with the Blaine House and grounds that, in the judgment of the Maine State Museum Commission, are determined culturally or historically significant to the Blaine House, its inhabitants or the State.

Sec. 2. 5 MRSA §12004-I, sub-§75-B is enacted to read:

<u>75-B.</u>	<u>Blaine House</u>	<u>Not</u>	<u>5 MRSA</u>
<u>State</u>	<u>Commission</u>	<u>Authorized</u>	<u>§322</u>
<u>Government</u>			

See title page for effective date.

CHAPTER 591

H.P. 193 - L.D. 256

An Act to Allow the Use of Advanced Lightweight Beverage Containers

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

Sec. 1. 32 MRSA §1862, sub-§2, as amended by PL 1993, c. 72, §1, is further amended to read:

2. Beverage container. "Beverage container" means a bottle, can, jar or other container made of glass, metal or plastic that has been sealed by a manufacturer and at the time of sale contains 4 liters or less of a beverage. This term does not include a container composed, in whole or in part, of aluminum and plastic or aluminum and paper in combination as long as the aluminum content represents 10% or less of the unfilled container weight, the container materials represent 5% or less of the total weight of the container and its contents, and the container is filled with a nonalcoholic beverage.

Sec. 2. 32 MRSA §1868, as amended by PL 1991, c. 304, §3, is further amended to read:

§1868. Prohibition on certain types of containers and holders

~~No~~ A beverage may not be sold or offered for sale to consumers in this State:

1. Flip tops. In a metal container designed or constructed so that part of the container is detachable for the purpose of opening the container without the aid of a separate can opener, except that nothing in this subsection prohibits the sale of a container, the only detachable part of which is a piece of adhesive-backed tape; and

3. Plastic cans. In a container composed of one or more plastics if the basic structure of the container, exclusive of the closure device, also includes aluminum or steel; and

~~**4. Aseptic and composite material beverage containers.** In a container composed, in whole or in part, of aluminum and plastic or of aluminum and paper in combination where those materials are for practical reasons inseparable. No milk or dairy derived products in liquid form to which additional flavoring ingredients have been added may be sold in containers prohibited under this subsection.~~

Sec. 3. State plan; amended. The Executive Director of the Maine Waste Management Agency shall incorporate a projection of anticipated recycling rates for polycoated paperboard in the State's solid waste management plan under the Maine Revised Statutes, Title 38, section 2123.

Sec. 4. Report. By February 1, 1995, the Maine Waste Management Agency shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters detailing the status of activities undertaken pursuant to the agency's service agreement with Tetra-Pak, Inc. Additional information concerning the program described in the agreement may be presented to the committee by any interested party. The committee shall review the report and any additional information. Following the review, the committee may introduce and report out legislation requiring an additional status report by the agency to the committee by January 15, 1996, reestablishing the prohibition on the sale of aseptic beverage packaging 90 days following the adjournment of the Second Regular Session of the 117th Legislature, or requiring both the report and the prohibition.

Sec. 5. Effective date. Sections 1 and 2 of this Act take effect on September 1, 1994.

See title page for effective date, unless otherwise indicated.
