

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

T. Take all other lawful action necessary and incidental to these powers; and

Sec. 5. 23 MRSA §1965, sub-§1, ¶U is enacted to read:

U. Adopt rules, in accordance with the Maine Administrative Procedure Act, to establish a logo signing program on the turnpike. The authority may charge fees for signs that contain names, symbols, logos or other identifiers of specific commercial enterprises. This paragraph may not be interpreted as limiting the authority's general power to collect fees under paragraph H.

Sec. 6. 23 MRSA §1967, sub-§1, as amended by PL 1993, c. 410, Pt. MM, §6, is further amended to read:

1. Property of the authority. All property of the authority and all property held in the name of the State pursuant to the provisions of this chapter is exempt from levy and sale by virtue of any execution, and an execution or other judicial process is not a valid lien upon its property held pursuant to the provisions of this chapter. The authority may not lease, sell or otherwise convey, or allow to be used, any of its real or personal property or easements in that property, franchises, buildings or structures, with access to any part of the turnpike or its approaches, for commercial purposes, with the exception of such intermodal transportation facilities, kiosks at rest areas, gasoline filling stations, service and repair stations, ~~state operated liquor stores~~, state and tri-state lottery ticket agencies, automatic teller machines and restaurants as it determines necessary to service the needs of the traveling public while using the turnpike, except that the authority may permit the erection or installation of electric power, telegraph, telephone, water, sewer or pipeline facilities; and provided also that the leasehold interests in such intermodal transportation facilities, kiosks, gasoline filling stations, service and repair stations, ~~state operated liquor stores~~, state and tri-state lottery ticket agencies, automatic teller machines and restaurants are subject to taxation as provided in section 1971. In accordance with rules adopted pursuant to section 1965, subsection 1, paragraph U, the authority may erect and maintain or allow to be erected and maintained signs that contain names, symbols, trademarks, logos or other identifiers of specific commercial enterprises.

Sec. 7. 23 MRSA §1967, sub-§5 is enacted to read:

5. Access. Notwithstanding subsection 1, the authority may permit the City of Saco, or its successors or assigns, to use the interchange in Saco formerly known as exit 5 of the turnpike and land

located adjacent to this former interchange for access, utility lines and appurtenances, parking and related accessory rights for the benefit of any or any combination of the following facilities:

- A. A liquor store or retail facility;
- B. A regional information center;
- C. A restaurant;
- D. A hotel; or
- E. A banquet and conference center.

The facilities must be located on property adjacent to the access way that connected the former exit 5 interchange with North Street in Saco. The terms of locating a facility must be mutually agreed upon by the authority and the City of Saco, its successors or its assigns. Access to and from the turnpike by means of the interchange at former exit 5 is restricted to facilities permitted under this subsection.

Sec. 8. Report. The Maine Turnpike Authority shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters on or before February 1, 1995 on the authority's progress towards developing and implementing a logo signing program. The report must include specifics on the program such as the types of facilities included, the locations where signs are allowed and the eligibility criteria for businesses requesting a logo sign.

See title page for effective date.

CHAPTER 613

S.P. 596 - L.D. 1655

An Act to Amend the Petroleum Market Share Act

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

Sec. 1. 10 MRSA §1673, sub-§1, as repealed and replaced by PL 1993, c. 46, §1, is amended to read:

1. Reporting by wholesaler. A wholesaler shall provide annual reports to the Department of the Attorney General ~~in a manner, frequency, time and form specified by rule by the Attorney General, but at no greater frequency than 4 times per year~~, setting forth:

- A. The total gallons of home heating oil and motor fuel oil sold by the wholesaler to each retail outlet or retailer;
- B. The total gallons of home heating oil and motor fuel oil supplied by the wholesaler to each retail outlet controlled by the wholesaler during any portion of the reporting period; and
- C. The total gallons of home heating oil and motor fuel oil sold by the wholesaler from a bulk storage facility or depot directly to any end user for consumption in the State.

Sec. 2. 10 MRSA §1673, sub-§3, as enacted by PL 1991, c. 836, §3, is amended to read:

3. Repeal. This section is repealed ~~October 1, 1994~~ September 1, 1996.

Sec. 3. 10 MRSA §1681, as amended by PL 1993, c. 415, Pt. F, §1, is further amended to read:

§1681. Fees

Annually by September 1st, ~~every~~ a person who operates or causes to be operated an oil terminal facility within the State, as defined in Title 38, section 542, subsection 7, and ~~every~~ a person who is required to register with the Commissioner of Environmental Protection pursuant to Title 38, section 545-B, shall pay to the Attorney General a fee for each 10,000 gallons of home heating oil and motor fuel oil transported into the State during the previous 12-month period ending June 1st. Home heating oil or motor fuel oil that is subsequently exported from the State is excluded from computation, except that home heating oil sold to a retailer or retail outlet located outside the State that sells home heating oil at retail within the State is not excluded. The fee that must be paid by September 1, 1992 is 45¢ for each 10,000 gallons or portion thereof. The fee that must be paid by September 1, 1993 is 75.15¢ for each 10,000 gallons or portion thereof. The fee for each subsequent year is ~~75.15¢~~ 40¢ for each 10,000 gallons or portion thereof. The fees must be deposited in a dedicated, nonlapsing account, known as the Petroleum Marketing Fund. The Attorney General shall administer the fund. This section is repealed ~~October 1, 1994~~ September 1, 1996.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1994-95

**ATTORNEY GENERAL,
DEPARTMENT OF THE**

**Administration - Attorney
General**

Personal Services	(\$29,695)
All Other	(4,671)
Deallocation of funds no longer available due to a reduction in dedicated revenue. Funding is reduced by eliminating partial funding of an Assistant Attorney General position and certain general operating expenses.	

**DEPARTMENT OF THE
ATTORNEY GENERAL
TOTAL**

(\$34,366)

See title page for effective date.

CHAPTER 614

H.P. 1239 - L.D. 1666

**An Act to Permit Electric Utilities
Greater Flexibility in Adjusting
Electric Utility Prices to Meet
Changing Market Conditions**

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

Sec. 1. 35-A MRSA §3195, sub-§6 is enacted to read:

6. Rate flexibility. Notwithstanding sections 307 and 703, the commission, in an adjudicatory proceeding, may authorize an electric utility to implement a program under which:

- A. The utility may change its schedule of rates with limited notice to the commission; and
- B. The utility may enter into contracts for the sale of electricity, transmission and distribution services and related management services with limited or no prior express approval by the commission.

The commission shall render its decision in any adjudicatory proceeding held for the purposes of authorizing a utility to implement a program consistent with this subsection within 9 months of the initiation of the proceeding. In the adjudicatory proceeding, the commission shall establish the terms and conditions under which a program is authorized