

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

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

Provides for the deappropriation of state funds associated with the shifting of funding for group homes located in Bangor, Hampden, Lewiston and Rumford. This represents a shifting of funds from state resources to federal resources.

Substance Abuse Services - Mental Health and Mental Retardation

All Other (\$200,000)

Provides for the deappropriation of funds associated with the delayed start-up of a 6-bed, short-term residential program.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

TOTAL \$0

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

Effective January 6, 1993.

CHAPTER 3

H.P. 35 - L.D. 43

An Act to Promote the Location of a Federal Department of Defense Facility in Penobscot County

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

Sec. 1. Purpose. The Legislature finds that current economic conditions in the State justify extraordinary efforts to create opportunities for long-term economic growth, employment and the expansion of the state and local tax base. The consideration of a location within the State by the federal Department of Defense for a regional accounting facility also justifies extraordinary efforts on behalf of the State's citizens.

The Legislature finds that it is the proper role of the State, for the benefit of its people, to facilitate as much as practicable the selection of Bangor, Maine as a location for a regional accounting facility in view of the long-term benefits of permanent jobs and associated economic effects for 4,000 or more citizens. In view of these benefits, the Legislature recognizes the value of

certain exceptions to traditional procedures for setting utility rates, for allocating low-cost finance resources and other matters.

The Legislature finds it necessary and desirable to facilitate the location of a federal Department of Defense accounting facility in Penobscot County by specifying a rate to be charged for the electricity consumed at this facility over its full operating life. The Legislature finds that the job development rate for the defense facility, set forth in section 2, will serve an essential public purpose and is essential to the welfare of the State and its inhabitants.

Sec. 2. Job development rate for defense facility. Notwithstanding any other provision of law, or current energy policy of the State, the Legislature approves the sale of electricity to a federal Department of Defense accounting facility in Penobscot County at the following rate of service.

Bangor Hydro-Electric Company's primary power rate, Rate Class D-4, as in effect on January 1, 1993, must have a 25% discount applied on all components and the result must be escalated annually according to the Consumer Price Index - All Urban Consumers, as determined by the federal Department of Commerce, Bureau of Economic Analysis or by any successor bureau of the Federal Government. This rate is known as the job development rate. In the event that the job development rate is less than Bangor Hydro-Electric Company's long-run marginal cost of providing service plus 1¢ per kilowatt-hour, as determined by the state Public Utilities Commission, the rate charged must be equal to that long-run marginal cost plus 1¢ per kilowatt hour. In the event that the job development rate is greater than Bangor Hydro-Electric Company's actual primary power rate or such successor rate as would otherwise be applicable, then the rate charged must be that otherwise applicable rate. In the event that both conditions described exist, that is, the job development rate is less than the company's long-run marginal cost but greater than the otherwise applicable rate, the rate charged must be the otherwise applicable rate. The rate paid by the Department of Defense must be the greater of the job development rate as defined in this section, or long-run marginal cost plus 1¢ per kilowatt hour, but in no event shall the rate paid by the Department of Defense be greater than the D-4 Rate or such successor rate as would otherwise be applicable.

The job development rate takes effect upon selection of the Penobscot County location by the federal Department of Defense and remains in effect for 30 years.

Sec. 3. Efficiency investments. The design and operation of heating, ventilation and lighting systems for the proposed facility must be undertaken in a manner, as much as may be practicable, that limits the need for new generation or transmission capacity.

The City of Bangor is encouraged to design and construct the facility in a manner that will meet or exceed the minimum efficiency standards for commercial buildings, lighting, equipment and appliances required under the Energy Conservation and Production Act, Public Law 94-385, 90 Stat. 1125 (1976), as amended by the Energy Policy Act of 1992, 106 Stat. 2776 et seq. (1992).

See title page for effective date.

CHAPTER 4

H.P. 217 - L.D. 285

An Act to Make Supplemental Appropriations in Fiscal Year 1992-93 to Meet Certain Payrolls

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable on or before June 30, 1993; 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. Supplemental appropriations from General Fund. There are appropriated from the General Fund for the fiscal year ending June 30, 1993, to the department listed, the following sums.

1992-93

MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF

Augusta Mental Health Institute

Personal Services	\$24,565
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Provides for the appropriation of funds, when used in conjunction with available resources, to cover the February 3, 1993 payroll due to the delays in closing nursing home wards.

Bangor Mental Health Institute

Personal Services	\$99,659
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Provides for the appropriation of funds, when used in conjunction with available resources, to cover the February 3, 1993 payroll due to the delays in closing nursing home wards.

Mental Health Services - Community

All Other	(\$124,224)
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Provides for the deappropriation of funds through savings due to the accelerated conversion of existing programs to federal Medicaid funds and through the delayed start-up of a group home.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

TOTAL	\$0
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective February 2, 1993.

CHAPTER 5

H.P. 8 - L.D. 15

An Act to Increase the Debt Limit of the South Berwick Sewer District

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

Whereas, disposal and treatment of sewage is essential to the health and well-being of the inhabitants of the Town of South Berwick; and

Whereas, changes in the debt limit of the South Berwick Sewer District are necessary in order to begin construction on a required secondary treatment plant; and

Whereas, in accordance with the law relating to municipal elections, a special referendum election of the South Berwick Sewer District was duly called and held on August 27, 1992; and

Whereas, a majority of legal voters of the South Berwick Sewer District voted in favor of increasing the debt limit of the district to \$7,500,000 at the special referendum election; and