

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

vices may accept oral proposals or invitations to bid; or

Sec. 4. 5 MRSA §1825-B, sub-§2, ¶G is enacted to read:

G. The procurement of goods or services involves expenditures of \$5,000 or less, and procurement from a single source is the most economical, effective and appropriate means of fulfilling a demonstrated need.

See title page for effective date.

CHAPTER 120

H.P. 1037 - L.D. 1456

An Act to Further Encourage Electric Rate Stabilization

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

Whereas, there is an immediate need to increase amounts available that may be used for electric rate stabilization projects; 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. 10 MRSA §1053, sub-§6, as amended by PL 1995, c. 4, §8, is further amended to read:

6. Securities outstanding. The authority may not have at any one time outstanding revenue obligation securities to which subsection 5 is stated in the trust agreement or other document to apply in principal amount exceeding an amount equal to \$150,000,000 less the aggregate outstanding balance of mortgage loans secured by capital reserve funds pursuant to section 1032. Notwithstanding any other provision of this subsection, the authority may additionally have outstanding at any one time up to ~~\$120,000,000~~ \$264,000,000 of bonds under this subchapter relating to loans for electric rate stabilization projects, consisting of not more than \$220,000,000 for loans and up to \$44,000,000 for use of bond proceeds to fund capital reserve funds and \$120,000,000 of bonds under this subchapter relating to loans for major business expansion projects, ~~in each~~

~~ease~~ consisting of not more than \$100,000,000 for loans and up to \$20,000,000 for use of bond proceeds to fund capital reserve funds. The amount of revenue obligation securities issued to refund securities previously issued may not be taken into account in determining the principal amount of securities outstanding, provided that proceeds of the refunding securities are applied as promptly as possible to the refunding of the previously issued securities. In computing the total amount of revenue obligation securities of the authority that may at any time be outstanding for any purpose, the amounts of the outstanding revenue obligation securities that have been issued as capital appreciation bonds or as similar instruments are valued as of any date of calculation at their then current accreted value rather than their face value.

Sec. 2. 35-A MRSA §3156, first and last ¶¶, as enacted by PL 1993, c. 712, §6, are amended to read:

The commission may issue a certificate of approval for an electric rate stabilization agreement, following submission to it of an application for approval, in the form and with any supporting data as the commission may require. The commission shall issue or deny the certification within ~~30~~ 60 days of receipt of an application.

A certificate may not be issued under this section after ~~May 1, 1995~~ February 1, 1996.

Sec. 3. PL 1993, c. 712, §8 is amended to read:

Sec. 8. Loans authorized. The Finance Authority of Maine may make loans to electric utilities for electric rate stabilization projects, as defined in the Maine Revised Statutes, Title 10, section 963-A from up to ~~\$100,000,000~~ \$220,000,000 of the proceeds of revenue obligation securities secured by capital reserve funds pursuant to Title 10, section 1053. Notwithstanding any provision of Title 10, chapter 110, loans may aggregate up to ~~\$100,000,000~~ \$220,000,000 plus an amount determined by the Finance Authority of Maine of up to an additional aggregate of ~~\$20,000,000~~ \$44,000,000 to fund any capital reserve fund established by the authority for these loans. Revenue obligation securities secured by capital reserve funds pursuant to Title 10, section 1053 relating to such loans may not be issued for an electric rate stabilization agreement, as defined in Title 35-A, section 3156, executed after May 1, ~~1995~~ 1996. Any revenue obligation securities issued for electric rate stabilization projects secured by capital reserve funds pursuant to Title 10, section 1053 are limited obligations of the Finance Authority of Maine payable from revenues from borrowers and any capital reserve funds pledged for those securities as those funds are

administered under Title 10, chapter 110, subchapter III and are not payable from any other assets or funds of the Finance Authority of Maine. In addition to all other applicable provisions, the requirements of Title 10, section 1045-A apply to loans for electric rate stabilization projects.

Sec. 4. PL 1993, c. 712, §9 is amended to read:

Sec. 9. Reports. The Finance Authority of Maine shall report by ~~April 15, 1995~~ February 1, 1996 to the joint standing committee of the Legislature having jurisdiction over utilities matters on all loans made to electric utilities for electric rate stabilization projects, as defined in the Maine Revised Statutes, Title 10, section 963-A. The report must identify each loan made, to whom the loan was made, the amount of the loan and the general description of the electric rate stabilization project for which the loan was made. The report may include recommendations for extending the period during which loans to electric utilities may be made or any other suggestions for changes to the provisions of this Act. The Public Utilities Commission shall report by ~~April 15, 1995~~ February 1, 1996 to the joint standing committee of the Legislature having jurisdiction over utilities matters on all electric rate stabilization agreements for which an application for a certificate of approval has been processed pursuant to Title 35-A, section 3156. The report must identify the number of applications received by the commission, the identity of the applicants, a general description of each application and, for each application, whether the application was approved or denied. The report may include recommendations for extending the period during which certificates of approval may be issued to electric utilities or any other suggestions for changes to the provisions of this Act.

Sec. 5. Retroactivity. This Act applies retroactively to May 1, 1995.

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

Effective May 17, 1995.

CHAPTER 121

H.P. 1086 - L.D. 1529

An Act to Prohibit the Stocking of Alewives in Hogan Pond and Whitney Pond in the Town of Oxford

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

Whereas, the Department of Marine Resources and the Department of Inland Fisheries and Wildlife are conducting a stocking program in the waters affected by this legislation; and

Whereas, the next introduction of alewives into those waters is scheduled to occur June 1, 1995; 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. 12 MRSA §7775 is enacted to read:

§7775. Certain stocking prohibited

1. Alewives. Alewives may not be stocked in Hogan Pond or Whitney Pond in the Town of Oxford.

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

Effective May 17, 1995.

CHAPTER 122

S.P. 25 - L.D. 56

An Act to Protect Forest Management as a Viable Land Use

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

Sec. 1. 12 MRSA §8869, sub-§8, as amended by PL 1991, c. 863, §1, is further amended to read:

8. Relationship to municipal rules and regulations. Nothing in this subchapter may be construed to preempt or otherwise limit the existing authority of municipalities to regulate harvesting, except that municipalities regulating timber harvesting shall adopt definitions for forestry terms used in their ordinances that are consistent with forestry terms adopted by the commissioner pursuant to this subchapter. A municipality may not adopt an ordinance that regulates timber harvesting unless ~~the ordinance is developed in consultation with the department and is reviewed by a professional forester prior to adoption.~~ the following process is followed in the development and review of the ordinance: