

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
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rights and obligations of the agency and the property owner shall, upon petition of either party, be determined by the commission.

B. No site for a project for which any utility or person had filed an application for preliminary permit, a license or application for exemption from the Federal Energy Regulatory Commission on or before November 1, 1977, may be taken until the time, if ever, that the application is denied, and no further renewals or appeals are available to the utility or person, or the utility or person abandons its application, permit or license; and

C. No property may be taken, except as may be necessary for the proper location of transmission or distribution lines and necessary appurtenances to them, unless the property is located within the territory in which a municipality or cooperative provides service or within one mile of the territory.

See title page for effective date.

CHAPTER 255

S.P. 522 - L.D. 1420

An Act to Permit Consumer-owned Utilities to Seek Rate Reductions

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

Sec. 1. 35-A MRSA §3502, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

1. Public hearing. ~~No~~ A consumer-owned electric utility ~~which that~~ elects to set rates under this section may ~~file with the commission or not~~ increase or decrease any rate, toll or charge without first holding a public hearing at which the Public Advocate and any customer of the consumer-owned electric utility may present testimony and may question the officials present regarding the proposed increase rate change.

Sec. 2. 35-A MRSA §3502, sub-§2, as amended by PL 1989, c. 159, §4, is further amended to read:

2. Notification. The consumer-owned electric utility shall, at least 30 days prior to the hearing, publish a notice of the amount of the proposed rate increase change, the percent of increase change for each customer class and the hearing, including the date, time, place and purpose of the hearing in a newspaper of general circulation in the area encom-

passed by the consumer-owned electric utility. In addition, 60 days prior to the hearing, the consumer-owned electric utility shall notify the commission and the Public Advocate of its intent to increase change rates, tolls or charges.

Sec. 3. 35-A MRSA §3502, sub-§3, as amended by PL 1993, c. 589, §§3 to 5, is further amended to read:

3. Ratepayer notification. Each consumer-owned electric utility shall give, at least 30 days prior to the public hearing, one notice to each of its ratepayers of:

A. The amount of the proposed rate increase change;

B. The percent of increase change for each customer class;

C. The customer's right to request information relating to the present and proposed rates;

D. The customer's right to an open and fair hearing and ~~his right~~ to further hearings before the commission;

E. The availability of assistance from the Public Advocate;

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

G. The customer's right to petition the commission to investigate the proposed rate increase change, 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. 4. 35-A MRSA §3502, sub-§4, as amended by PL 1993, c. 589, §6, is further 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, that the rate increase change 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. 5. 35-A MRSA §3502, sub-§5, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

5. Supporting materials. The consumer-owned electric utility shall file a copy of all materials supporting the proposed increase rate change with the commission and the Public Advocate, at least 30 days prior to the hearing. A copy of all material supporting the proposed ~~increase shall rate change~~ must be made available to customers for examination at the offices of the consumer-owned electric utility for at least 30 days prior to the hearing. The consumer-owned electric utility shall promptly provide any relevant additional material or information requested by a customer or by the commission or by the Public Advocate.

Sec. 6. 35-A MRSA §3502, sub-§13, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

13. Penalty. If, upon the filing of a rate ~~increase change~~ pursuant to this section, the commission finds that the utility has failed to comply with this section, the commission may suspend the rates for investigation pursuant to section 310. If there is a substantial procedural violation of this section, the commission may prohibit the utility from filing rates pursuant to this section in its next rate case.

Sec. 7. 35-A MRSA §6104, sub-§1, as amended by PL 1987, c. 490, Pt. B, §12, is further amended to read:

1. Application of this section. Notwithstanding section 310, ~~consumer-owned water utilities are subject to the suspension, investigation, hearing and rate substitution provisions of section 310 under the conditions specified in this section~~ any consumer-owned water utility that proposes to increase or decrease rates, tolls or charges may elect to set rates pursuant to this section.

Sec. 8. 35-A MRSA §6104, sub-§2, as amended by PL 1987, c. 628, §2, is further amended to read:

2. Utilities that elect to set rates under this section. Consumer-owned water utilities ~~which that~~ elect to set rates under this section may not ~~file with the commission or~~ increase or decrease any rate, toll or charge without first holding a public hearing at which the Public Advocate and any customer may testify and may question the officials present regarding the proposed increase rate change.

Sec. 9. 35-A MRSA §6104, sub-§3, as amended by PL 1993, c. 589, §9, is further amended to read:

3. Notice of proposed rate change and hearing. The consumer-owned water utility shall, at least 14 days prior to the hearing, publish a notice of the proposed rate increase change 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 change and the date, time, place and purpose of the hearing to each of its customers. The published and individual notices must include a statement describing the amount of the increase rate change and the percentage increase change 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 change 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 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 1993, c. 589, §10, is further amended to read:

4. Notice that rate change 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 change 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-§4-A, as enacted by PL 1987, c. 628, §3, is amended to read:

4-A. Supporting materials. The water utility shall file a copy of all materials supporting the proposed increase rate change with the commission and the Public Advocate, at least 30 days prior to the hearing. A copy of all material supporting the proposed increase rate change shall be made available to customers for examination at the offices of the utility for at least 30 days prior to the hearing. The

utility shall promptly provide any readily available relevant additional material or information requested by a customer, the commission or the Public Advocate.

See title page for effective date.

CHAPTER 256

H.P. 1103 - L.D. 1550

An Act Concerning Environmental Registration Plates

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

Whereas, the continuing success of the environmental plate program is dependent on changes in the distribution of the annual contribution; and

Whereas, the Environmental Trust Fund is important to improving our state parks and management of nongame wildlife; 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. 29-A MRSA §455, sub-§§4 and 5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

4. Initial contribution to the Maine Environmental Trust Fund; renewal contribution. In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the ~~annual~~ initial contribution for environmental registration plates is \$20, which must be deposited with the Treasurer of State and credited to the Maine Environmental Trust Fund established in Title 12, section 7759.

In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the annual renewal contribution for environmental registration plates is \$15, which must be deposited with the Treasurer of State and credited to the Maine Environmental Trust Fund established in Title 12, section 7759.

5. Reimbursement for production and issuance costs. The Treasurer of State shall transfer

annually from the Maine Environmental Trust Fund to the ~~Secretary of State \$10 Highway Fund \$6~~ for each initial set of environmental registration plates issued ~~or renewed~~ and \$1 for each renewal of environmental registration plates. This transfer is to reimburse the Secretary of State for costs associated with production and issuance of the plates.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1995-96	1996-97
CONSERVATION, DEPARTMENT OF		
Maine State Parks Program		
All Other	\$79,507	\$97,920
Capital Expenditures	79,510	106,080
Provides additional allocations to reflect increased revenues from the Maine Environmental Trust Fund.		
DEPARTMENT OF CONSERVATION TOTAL		
	\$159,017	\$204,000
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
Endangered Nongame Operations		
All Other	\$106,010	\$136,000
Provides additional allocations to reflect increased revenues from the Maine Environmental Trust Fund.		
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE TOTAL		
	106,010	136,000
TOTAL ALLOCATIONS		
	\$265,027	\$340,000

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

Effective June 14, 1995.