

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

members, as defined in Title 15, section 321;

(6) Theft as defined in section 357, when the value of the services is \$1,000 or less, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(8) Negotiating a worthless instrument, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(9) A violation of a condition of probation when requested by an official of the Division of Probation and Parole;

(10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3; Title 15, section 1027, subsection 3; Title 15, section 1051, ~~subsections 2 and 9~~ subsection 2; and Title 15, section 1092;

(11) Theft involving a detention under Title 17, section 3521;

(12) Harassment, as set forth in section 506-A; or

(13) Violation of a protection order, as specified in Title 5, section 4659, subsection 2; Title 15, section 321, subsection 6; Title 19, section 769, subsection 2; and Title 19, section 770, subsection 5; and

See title page for effective date.

CHAPTER 357

S.P. 472 - L.D. 1268

An Act Relating to Procedures before the Public Utilities Commission

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

Sec. 1. 35-A MRSA §1101, sub-§4 is enacted to read:

4. Exempt transactions. Transactions involving utility property that do not materially affect the ability of a utility to perform its duties to the public do not require commission authorization under this section. The commission may certify transactions as not requiring authorization, either by rule or order.

Sec. 2. 35-A MRSA §1304, sub-§6 is enacted to read:

6. Commission authorized to waive public hearing. Unless one or more parties request a public hearing, the commission may waive the requirement for a public hearing under any provision of this Title.

Sec. 3. 35-A MRSA §3133, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

1. Commission approval required for purchases and conversions. ~~No~~ An electric utility may not purchase any generating capacity, transmission capacity or energy or carry out a fuel conversion as defined in section 3131, unless the commission has issued a certificate of public convenience and necessity approving the purchase or conversion or has waived the approval requirements pursuant to subsection 11.

Sec. 4. 35-A MRSA §3133, sub-§10-A, as enacted by PL 1993, c. 91, §5, is amended to read:

10-A. Renewal of contracts for purchase or conversion originally subject to commission approval. ~~This~~ The requirements of this section ~~apply~~ apply to any amendment, extension or renewal of any contract between the utility and other parties governing the terms of their participation in a purchase or conversion subject to this section, if the original contract was subject to approval by the commission. ~~The commission may waive the approval requirements of this section with respect to a particular amendment, extension or renewal or a group of amendments, extensions or renewals upon request by the utility. The commission may also waive the 2-month notice required in subsection 2. If the commission does not respond to a request for waiver within 30 days, the request is deemed to have been granted. The commission shall prescribe by rule the content of a request for waiver and procedures for the expeditious processing of the request in certain circumstances.~~

Sec. 5. 35-A MRSA §3133, sub-§11 is enacted to read:

11. Waiver of approval requirements. The commission may waive the notice and approval requirements of this section on its own motion or upon request of any party except that the commission may not waive the approval requirements if the purchase or fuel conversion involves generating capacity that exceeds either 5% of the installed capacity of the utility or 30 megawatts of capacity. The commission shall rule on a request for a waiver within 60 days. Prior to considering a waiver, the commission shall ensure that notice by mail has been sent, and an opportunity to be heard permitted, to persons who

commonly participate in commission proceedings and persons whose contracts the commission determines may be affected by the agreement. The commission may prescribe by rule the content of a request for waiver and procedures for the expeditious processing of the request in certain circumstances.

Sec. 6. 35-A MRSA §3133-A, sub-§1, as amended by PL 1993, c. 119, §1, is further amended to read:

1. Certificate of public convenience and necessity. Except as provided in subsection 3, ~~no~~ an electric utility may not enter into any significant agreement or contract, as defined in subsection 2, unless the commission has issued a certificate of public convenience and necessity approving the proposed agreement or contract or has waived the approval requirements pursuant to subsection 6. The utility must file a notice with the commission no less than 2 months in advance of submitting its petition for a certificate of public convenience and necessity for the proposed agreement or contract. ~~The commission may waive the requirement that at least 2 months' advance notice be given. The commission shall rule on any request for waiver within 60 days.~~ The commission may require the petitioner to make available such additional information as it determines necessary. The petition must contain such information as the commission may by rule prescribe. The petition must be set down for public hearing. The commission shall issue its order within 12 months after the complete petition is filed. If there is then outstanding a long-range plan for the utility pursuant to section 3134 that includes the agreement or contract, the utility need not provide advance notice of its intent to file the petition and the commission shall issue its order within 9 months after the complete petition is filed.

In its order, the commission shall make specific findings with regard to the agreement or contract. If the commission finds that a need for it exists and it is reasonable and consistent with the public interest, the commission shall issue the certificate of public convenience and necessity.

The issuance of a certificate of public convenience and necessity establishes that, as of the date of issuance, the decision by the utility to enter into the agreement or contract was prudent.

Sec. 7. 35-A MRSA §3133-A, sub-§2, ¶A, as enacted by PL 1987, c. 387, §4, is amended to read:

A. "Significant agreement or contract" means a contract or other agreement enforceable as a contract ~~which that~~ binds the utility to a future course of action with respect to supplying, purchasing, dispatching or exchanging generating capacity, energy or transmission capacity or any

renewal, amendment or extension of any contract or agreement ~~which that~~ is for a period of longer than 3 years or more and involves one of the following, whichever is less:

- (1) ~~One thousand~~ More than 5,000 kilowatts ~~or more~~ of electrical generating capacity, or ~~10,000,000~~ 50,000,000 kilowatt hours or more of energy per year, flowing over a transmission line with a capacity greater than 100 kilovolts; ~~or~~
- (2) More than 10% of the generating capacity, transmission capacity or energy generation of the utility, ~~whichever is less;~~ or
- (3) More than 1.0% of the total annual kilowatt hour sales of the utility.

Sec. 8. 35-A MRSA §3133-A, sub-§5-A, as enacted by PL 1993, c. 91, §7, is amended to read:

5-A. Amendments, extensions and renewals. ~~This~~ The requirements of this section applies apply to any amendment, extension or renewal of any significant agreement or contract subject to this section, if the original contract was subject to approval by the commission. ~~The commission may waive the approval requirements of this section with respect to a particular agreement or group of agreements upon request by the utility. The commission may also waive the 2 month notice requirement in subsection 1. If the commission does not respond to a request for waiver within 30 days, the request is deemed to have been granted. The commission shall prescribe by rule the content of a request for waiver in certain circumstances.~~

Sec. 9. 35-A MRSA §3133-A, sub-§6 is enacted to read:

6. Waiver of approval requirements. The commission may waive the notice and approval requirements of this section upon its own motion or upon the request of any party, except that the commission may not waive the approval requirements if the agreement involves generating capacity that exceeds the larger of 5% of the installed capacity of the utility or 50 megawatts of capacity. The commission shall rule on a request for a waiver within 60 days. Prior to considering a waiver, the commission shall ensure that notice by mail has been sent, and an opportunity to be heard permitted, to persons who commonly participate in commission proceedings and persons whose contracts the commission determines may be affected by the agreement. The commission may prescribe by rule the content of a request for waiver and procedures for expeditious processing of the request in certain circumstances.

Sec. 10. 35-A MRSA §3134-A, as enacted by PL 1987, c. 490, Pt. B, §5, is repealed.

See title page for effective date.

CHAPTER 358

H.P. 852 - L.D. 1183

An Act to Authorize the Issuance of a Credit Card to Benefit the Land for Maine's Future Fund

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

Sec. 1. 5 MRSA §6211 is enacted to read:

§6211. Land for Maine's Future Board-sponsored credit card

1. Land for Maine's Future Board-sponsored credit card. The Land for Maine's Future Board may enter into an agreement with a financial institution, as defined in Title 9-B, section 131, subsection 17, or a credit union, as defined in Title 9-B, section 131, subsection 12, to issue a credit card for the benefit of the Land for Maine's Future Board.

2. Agreement. If the Land for Maine's Future Board enters into an agreement with a financial institution or credit union in accordance with subsection 1, the Land for Maine's Future Board shall negotiate the most favorable agreement for the Land for Maine's Future Board, considering such factors as:

A. The rate for the Land for Maine's Future Board's fee by a credit card issuer;

B. The ability of the financial institution to market the card successfully; and

C. Customer service offered by the financial institution.

3. Distribution of proceeds. Funds received by the Land for Maine's Future Board under the agreement with the financial institution or credit union must be deposited in the Land for Maine's Future Fund.

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

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| | 1995-96 | 1996-97 |
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EXECUTIVE
DEPARTMENT

Land for Maine's Future
Fund

| | | |
|----------------------|----------|----------|
| Capital Expenditures | \$50,000 | \$75,000 |
|----------------------|----------|----------|

Provides funds for land acquisitions and capital improvements as defined by the laws governing the Land for Maine's Future Fund.

See title page for effective date.

CHAPTER 359

H.P. 822 - L.D. 1153

An Act to Revise the Somerset County Budget Committee

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

Sec. 1. 30-A MRSA §896, sub-§2, as enacted by PL 1993, c. 582, §1, is amended to read:

2. Legislative member. By September 15th each year, except beginning in 1996, by December 1st every other year, the Somerset County legislative delegation shall select 3 of the delegation's members to serve as nonvoting members on the budget committee.

See title page for effective date.

CHAPTER 360

H.P. 646 - L.D. 869

An Act to Revise Reapportionment Guidelines

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

Sec. 1. 21-A MRSA §1206, first ¶, as enacted by PL 1993, c. 628, §2, is amended to read:

~~The state legislative districts established in this chapter must be reapportioned pursuant to the Constitution of Maine, Article IV, Part Third, Section 1-A, and congressional Congressional districts must be reapportioned as follows.~~

Sec. 2. 21-A MRSA §1206-A is enacted to read:

§1206-A. Reapportionment of state legislative districts

The state legislative districts established in this chapter must be reapportioned pursuant to the