

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

Commission to Study the Growth of Tax-exempt Property in Maine's Towns, Cities, Counties and Regions

Personal Services	\$990
All Other	1,760
TOTAL	\$2,750

Provides funds for the advertising and miscellaneous expenses of the Commission to Study the Growth of Tax-exempt Property in Maine's Towns, Cities, Counties and Regions and funds for legislative per diem and reimbursement.

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

Effective July 3, 1995.

CHAPTER 48

S.P. 386 - L.D. 1063

Resolve, to Require a Study of Retail Competition in the Electric Industry

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

Whereas, it is immediately necessary to begin the study of an orderly transition to a competitive electric energy market to ensure that the transition is orderly and conducted in the best interests of the State; 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

Sec. 1. Study. Resolved: That the Public Utilities Commission and the Work Group on Electric Industry Restructuring, which is created by this resolve, shall conduct a study of the electric industry in order to develop plans, consistent with the public interest, that establish guidelines and requirements for

an orderly transition to a competitive market for retail purchases and sales of electric energy; and be it further

Sec. 2. Issues. Resolved: That the Public Utilities Commission and the work group shall study the issues associated with the orderly transition to a competitive market for retail purchases and sales of electric energy, including at least the following:

1. How utility stranded investment is defined and calculated and how it will be dealt with;
2. How the regional marketplace and federal law affect the transition;
3. How the State's energy policy, including policies concerning conservation, use of renewable and indigenous resources and diversity of supply, will be affected;
4. How the State's environment and environmental policies will be affected;
5. How social policies, including low-income programs and universal service goals, will be affected;
6. How ratepayers, shareholders of investor-owned electric utilities, owners of consumer-owned electric utilities and other owners of energy resources will be affected;
7. How the State's economy will be affected;
8. How reliability of service will be affected;
9. How obligations of contracts will be affected;
10. How a system for the transmission, distribution and generation of electricity should be structured; and
11. To what extent protections against anticompetitive practices can be provided; and be it further

Sec. 3. Work group created. Resolved: That the Work Group on Electric Industry Restructuring, referred to in this resolve as the "work group," is established; and be it further

Sec. 4. Work group membership; meetings; chair. Resolved: That the work group consists of 18 members as follows:

1. Four Legislators who must be members of the Joint Standing Committee on Utilities and Energy, appointed jointly by the chairs of that committee;
2. One member representing the State Planning Office, appointed by the Governor;
3. The Public Advocate or the Public Advocate's designee;

4. One member representing the Public Utilities Commission, appointed by the chair of the commission;

5. One member representing Central Maine Power Company, designated by the president of the company;

6. One member representing Bangor Hydroelectric Company, designated by the president of the company;

7. One member representing Maine Public Service Company, designated by the president of the company;

8. One member representing the consumer-owned electric utilities, designated by Dirigo Electric Cooperative;

9. One member representing small business customers, appointed by the Governor;

10. One member representing the Industrial Energy Consumer Group, designated by that group;

11. One member representing the Conservation Law Foundation, appointed by the foundation;

12. One member representing the Independent Energy Producers of Maine, designated by that group;

13. One representative of Maine Yankee Atomic Power Company, designated by the president of the company; and

14. Two members appointed by the Governor representing the interests of low-income or elderly customers.

Appointments and designations must be made no later than 30 days following the effective date of this resolve. The appointing and designating entities shall notify the Executive Director of the Legislative Council upon making their appointments or designations.

When the appointment and designation of all members of the work group is completed, the chair of the Legislative Council shall call the work group together for its first meeting no later than July 30, 1995. The work group shall select a legislative member as chair; and be it further

Sec. 5. Work group study; duties. Resolved: That the work group shall examine at least the issues listed in section 2 of this resolve. To the extent the work group can reach agreement on how the issues should be dealt with, the work group shall develop a plan for the orderly transition to a competitive market for retail purchases and sales of electric energy. The plan must identify all necessary regula-

tory and statutory changes. Any plan developed by the work group must be supported by at least 12 members of the work group. The work group shall identify all issues on which the work group can not come to agreement; and be it further

Sec. 6. Staff. Resolved: That the work group may request staffing assistance from the Legislative Council. The work group may also request clerical assistance from the Legislative Council; and be it further

Sec. 7. Resources; procedures. Resolved: That the work group may:

1. Seek and receive funding from governmental entities or from nonprofit organizations for all or portions of the costs of conducting the study. The work group may accept and spend funds only if approved by the Legislative Council and a majority of the work group members approve of the funding source. The Executive Director of the Legislative Council shall administer the work group's budget;

2. Collect and analyze relevant information and data;

3. Conduct literature searches;

4. Conduct legal research and prepare legal opinions on questions within the scope of the study;

5. Hold meetings at convenient times and locations; and

6. Seek and receive assistance and information from any agency of State Government; and be it further

Sec. 8. Compensation. Resolved: That the members of the work group who are Legislators are entitled to the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at the work group's meetings; and be it further

Sec. 9. Work group report. Resolved: That, unless an extension is approved by the Legislative Council, the work group shall present its findings in a report to the Second Regular Session of the 117th Legislature, the Joint Standing Committee on Utilities and Energy and the Public Utilities Commission no later than November 1, 1995; and be it further

Sec. 10. Public Utilities Commission investigation. Resolved: That the Public Utilities Commission shall conduct a study to develop at least 2 plans for the orderly transition to a competitive market for retail purchases and sales of electric energy as follows:

1. A plan to achieve full retail market competition for purchases and sales of electric energy by the year 2000. The plan must identify all necessary regulatory and statutory changes. The plan must be accompanied by a detailed critique of the plan addressing at least the issues identified in section 2 of this resolve; and

2. A plan to achieve retail market competition for purchases and sales of electric energy wherever effective competition is likely and to maintain appropriate regulation in areas where it is determined to be necessary. The plan must identify all necessary regulatory and statutory changes. The plan must be accompanied by a detailed critique addressing at least the issues identified in section 2 of this resolve.

In each plan, the commission shall provide a range of estimates of the costs of each affected utility's stranded investment.

The commission shall incorporate into at least one of the plans it develops all portions of any plan developed by the work group that was supported by at least 12 members of the work group.

The commission shall identify the plan which the commission believes to be in the best interests of the State; and be it further

Sec. 11. Commission process. Resolved: That in conducting its study, the Public Utilities Commission:

1. Shall begin no later than January 1, 1996;
2. Has discretion to distinguish issues of policy, to be resolved by discussion and briefing, from issues of fact, to be resolved by normal evidentiary proceedings, including by stipulation. With respect to any issue of fact, or otherwise as the commission determines necessary, consistent with the time deadlines contained in this resolve, the commission may streamline the discovery and the hearing process to efficiently utilize the resources of the commission and the parties while ensuring the determination of facts necessary for its decision-making and for substantiating recommendations to the Legislature;
3. Shall examine information related to the issues listed in section 2 of this resolve that is available from other states and other countries on electric utility restructuring;
4. Shall examine information related to the issues listed in section 2 of this resolve that is available on transitions in other industry sectors from a highly regulated market to a competitive market;
5. To the extent possible, pursuant to its authority under the Maine Revised Statutes, Title

35-A, section 118 and any other provision of law, shall seek input from and share information with regulatory bodies and other entities in the other New England states and other states of the northeastern United States; and

6. Shall conduct a minimum of 4 hearings at different locations throughout the State to receive public comment; and be it further

Sec. 12. Legal effect. Resolved: That none of the findings of the Public Utilities Commission has legal effect. The purpose of the study is to provide information to the commission in order to allow it to make informed decisions in developing its plans and to provide information to the Legislature in order to allow the Legislature to make informed decisions when it evaluates those plans; and be it further

Sec. 13. Report. Resolved: That no later than January 1, 1997, the Public Utilities Commission shall complete its study and submit a report of its findings, including the required plans and critiques, to the First Regular Session of the 118th Legislature and to the joint standing committee of the Legislature having jurisdiction over utilities matters; and be it further

Sec. 14. Committee authority. Resolved: That the joint standing committee of the Legislature having jurisdiction over utilities matters may, by unanimous or majority vote of the committee, report out legislation to the First Regular Session of the 118th Legislature on electric industry restructuring; and be it further

Sec. 15. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1995-96

LEGISLATURE

Work Group on Electric Industry Restructuring

Personal Services	\$1,100
All Other	1,500
Provides funds for the per diem and expenses of legislative members and miscellaneous costs of the Work Group on Electric Industry Restructuring.	

LEGISLATURE

TOTAL \$2,600

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

Effective July 3, 1995.

CHAPTER 49

H.P. 1087 - L.D. 1532

Resolve, Requiring a Study of How the State Should Regulate Naturopaths

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

Whereas, unregulated practitioners currently practice naturopathy in the State; and

Whereas, unqualified and incompetent practitioners may discourage the public from seeking treatment from qualified and competent health care providers; and

Whereas, the citizens of this State currently have little guidance in determining the credentials of practitioners of naturopathy; and

Whereas, the law in this State currently prohibits naturopaths from performing all those functions for which they consider themselves qualified; and

Whereas, this may limit access of consumers in this State to this profession; and

Whereas, the issues to be resolved to determine what the scope of practice should be involve many interest groups and are technically complex; and

Whereas, to adequately study these issues prior to the next legislative session requires that this resolve be passed as emergency legislation; 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

Sec. 1. Creation and charge. Resolved: That the Task Force on Naturopathy, referred to in this resolve as the "task force," is established and charged with determining the method by which the State should regulate naturopaths and making recommendations to the Legislature; and be it further

Sec. 2. Membership. Resolved: That the task force consists of 9 members as follows:

1. One person with expertise in health care public policy, appointed by the Governor;

2. One person with expertise in health care education, appointed by the Governor;

3. One medical doctor, appointed by the Governor from recommendations submitted by the Board of Registration in Medicine;

4. One doctor of osteopathy, appointed by the Governor from recommendations submitted by the Board of Osteopathic Licensure;

5. Two naturopaths, appointed by the Governor from recommendations submitted by the Maine Association for Naturopathic Physicians;

6. The Director of the Bureau of Health in the Department of Human Services or the director's designee;

7. The Commissioner of Professional and Financial Regulation or the commissioner's designee with the ability to speak for the department in terms of departmental policy; and

8. One consumer of naturopathic services who has no family relationship to a naturopathic practitioner, to be appointed by the Governor.

All appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The Executive Director of the Legislative Council shall contact appointing authorities who have not made their appointments as of the required date; and be it further

Sec. 3. Convening. Resolved: That the Chair of the Legislative Council shall call the task force together for its first meeting no later than 45 days after adjournment of the first regular session of the 117th Legislature. If the first meeting is not called within the assigned time, the Governor shall call the first meeting for a date no later than 10 days after the initially required date. It is not necessary for all members to be appointed in order for the task force to meet. A quorum consists of a majority of those appointed; and be it further

Sec. 4. Chair. Resolved: That the task force shall select a chair from among the members at the first meeting; and be it further

Sec. 5. Study subjects. Resolved: That the task force shall study how the State should regulate naturopathic practitioners. In conducting its work, the