

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

2. Superior Court proceeding. In a probation revocation proceeding in the Superior Court, a person whose probation is revoked may not appeal as of right. The time, manner and specific conditions for taking that appeal to the Law Court are as the Supreme Judicial Court provides in the Maine Rules of Criminal Procedure.

3. Assignment and withdrawal of counsel. Assignment and withdrawal of counsel must be in accordance with the Maine Rules of Criminal Procedure.

See title page for effective date.

CHAPTER 274

S.P. 450 - L.D. 1424

An Act to Allow ATV Use on Public Lands Not Specifically Designated as Primitive-use Land

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

Sec. 1. 12 MRSA §602, sub-§20, as amended by PL 1991, c. 354, §1, is further amended to read:

20. Management of ATV's. To administer the ATV Recreational Management Fund, established under section 7854, subsection 4, for the purposes given in that subsection. The bureau may ~~promulgate~~ adopt rules, in accordance with Title 5, chapter 375, subchapter II, for the issuance of grants-in-aid from the fund and to further define alpine tundra areas pursuant to section 7851, subsection 5 ~~2-A.~~ 2-A. The bureau shall establish a policy in which the prudent use of ATV's is allowed and guidelines are set for the limited use of ATV's on certain public lands that are not specifically designated or set aside as primitive-use lands pursuant to law or through rulemaking by the department or set aside for other uses incompatible with the use of ATV's. The policy must be in place no later than June 1, 1998; and

See title page for effective date.

CHAPTER 275

S.P. 399 - L.D. 1294

An Act to Clarify the Jurisdiction of the Public Utilities Commission over Telecommunication Utilities' Special Rate Contracts

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

Sec. 1. 35-A MRSA §9102, as enacted by PL 1993, c. 638, §2, is amended to read:

§9102. Adoption of alternative form of regulation

The commission may adopt, after public hearings and other processes the commission determines appropriate, an alternative form of regulation for any telephone utility in the State. The alternative form of regulation must conform to the requirements of chapters 71, 73, 75, 87 and 89, but need not conform with chapter 3 to the extent that the provisions of chapter 3 require the use of rate-base, rate-of-return or any other specific form of regulation of the rates of a telephone utility or to the extent that the provisions of chapter 3 give any party, including the telephone utility, the right to petition to change rates for telecommunications services. In addition, the alternative form of regulation need not conform with section 703. This chapter may not be construed to limit the authority of the commission under section 1322.

See title page for effective date.

CHAPTER 276

H.P. 544 - L.D. 735

An Act to Permit the Public Utilities Commission to Suspend Rate Regulation of Certain Telephone Utilities

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

Sec. 1. 35-A MRSA §307-A is enacted to read:

§307-A. Exemption for certain telephone utilities

The commission may adopt by rule standards and procedures for granting exemptions from all or specified portions of section 307 and for suspending its powers of suspension and investigation under section 310 with respect to a telephone utility, a specified group of telephone utilities or specified services offered by one or a group of telephone utilities. Any determination granting an exemption or suspension pursuant to the rule must be accompanied by a finding that the utility or group of utilities does not exercise significant power over pricing in the markets for the specified services and that the determination will not result in unjust or unreasonable rates for any customers in the markets for those services. The commission may limit its determination