

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

1. Licensing board. The municipal officers of every municipality shall serve as the licensing board for the issuance of innkeepers', ~~victualers'~~ and tavernkeepers' licenses.

Sec. 3. 30-A MRSA §3812, sub-§3, ¶A, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

A. The board may license as many persons of good moral character to be innkeepers', ~~victualers~~ and or tavernkeepers in the municipality as ~~they consider~~ it considers necessary.

(1) The license must specify the building in which the business will be conducted.

(2) The board may issue the license under any restrictions and regulations that ~~they consider~~ it considers necessary.

Sec. 4. 30-A MRSA §3813, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§3813. Fee

Every person licensed as an innkeeper', ~~victualer~~ or tavernkeeper shall pay to the treasurer for the use of the municipality a fee of \$1 and any additional amount established by ordinance or bylaw of the municipality.

See title page for effective date.

CHAPTER 447

S.P. 649 - L.D. 1871

An Act to Authorize the Public Utilities Commission to Establish Reasonable Registration and Reporting Requirements and to Study Market Power Issues Associated with Electric Industry Restructuring

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

Whereas, present law does not require entities to register with the Public Utilities Commission before contracting with consumers to provide electric generation service at some time in the future; and

Whereas, the Legislature is currently considering legislation to deregulate the provisions of electric generation service to the State's retail electric consumers, but that activity is not likely to be authorized until some time in the future; and

Whereas, certain entities have already begun to market the future provision of generation service to retail consumers in the State in anticipation of the passage of electric restructuring legislation and it is necessary to obtain more information on these activities to protect the State's electric consumers; and

Whereas, it is imperative that the Legislature be informed at the earliest possible date about potential market power issues raised by electric industry restructuring; and

Whereas, in order for the Legislature to have this information, a market power study must be immediately initiated; 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:

PART A

Sec. A-1. 35-A MRSA §3142 is enacted to read:

§3142. Registration required to market retail electric service

1. Registration required. Unless registered with the commission under this section, an entity may not contract or attempt to contract with any retail electric consumer to provide retail electric service for a time in the future in which entities are permitted to provide competitive retail electric service to retail consumers.

2. Required information. Any entity registering with the commission under this section shall provide:

A. The name, mailing address and phone number of the entity;

B. The name, mailing address and phone number of a contact person who is knowledgeable regarding the entity's activities in the State; and

C. The name and mailing address of any consumer in the State with which the entity has contracted to provide retail electric service.

An entity registered under this section promptly shall provide the commission with any additional relevant information requested by the commission, including, but not limited to, copies of any contracts for retail electric service. The commission shall provide for

appropriate confidentiality protection as necessary for any information provided under this section.

3. Contracts void. Any contract for retail electric service entered into after the effective date of this section by an entity that is not registered with the commission under this section is deemed void.

4. Repeal. This section is repealed March 1, 2000.

PART B

Sec. B-1. Public Utilities Commission and Department of the Attorney General to study market power issues related to electric industry restructuring. The Department of the Attorney General, referred to this Part as the "department," and the Public Utilities Commission, referred to in this Part as the "commission," jointly shall conduct a study of market power issues raised by the prospect of retail competition in the electric industry. The department and the commission shall examine how a competitive electric industry may be structured or regulated to protect electric power trade and commerce from unlawful restraints, price discrimination, price fixing, oligopolization and monopolization. The commission and the department may examine any issue that the commission or the department determines to be relevant to assessing market power issues raised by the prospect of electric industry restructuring. The study must examine at a minimum the following:

- A. The effects of altering the system of electric power dispatch from a cost-based to a bid-based system;
- B. The potential for market concentration or horizontal market power;
- C. The potential for vertical market power arising from ownership or control of transmission and distribution systems of entities selling or marketing electric power;
- D. The extent to which imbalances of supply and demand create opportunities for the unreasonable exercise of market power;
- E. The significance of existing or potential transmission system constraints and the ownership and control of transmission ties;
- F. The significance of the isolation of portions of the transmission and distribution grid from other portions of the grid, in particular from those portions of the grid currently controlled by the New England power pool;

G. The reasonable geographic areas and markets in which market power could be exercised;

H. The extent to which market power in relevant markets is within the scope of federal regulatory jurisdiction; and

I. The approaches taken in other states to address market power issues.

Sec. B-2. Work plan. The department and commission shall develop a work plan for coordinating work on the study in order to produce the reports required under section 6. The work plan must ensure jointly produced reports, although the plan may allow for differing recommendations and conclusions by the department and the commission.

Sec. B-3. Retaining experts. The department and the commission may retain experts or other consultants as they determine to be necessary in order to conduct the study as long as all costs are funded from resources available within the commission.

Sec. B-4. Coordination with other states. The department and the commission shall seek to coordinate their efforts with any similar studies undertaken in other states in the region.

Sec. B-5. Consultation with Legislature. The department and the commission regularly shall consult with the Joint Standing Committee on Utilities and Energy to update the committee on the progress of the study, to respond to any questions that the committee members may have and to discuss the examination of any relevant issues that the committee identifies to be of interest.

Sec. B-6. Reports. The department and the commission shall present to the Joint Standing Committee on Utilities and Energy an interim report of the department's and the commission's findings and recommendations no later than February 1, 1998 and a final report of their findings and recommendations no later than December 1, 1998. The interim and final reports must include any legislation necessary to implement the recommendations of the department or the commission.

Sec. B-7. Authorization to report out legislation. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may report out legislation related to electric industry restructuring to the Second Regular Session of the 118th Legislature or the First Regular Session of the 119th Legislature.

Sec. B-8. Funding of Attorney General position. An attorney position within the department must be designated by the Attorney General to conduct the study required by this Part and to

investigate potential violations of antitrust laws within the electric utility industry. The position must be funded through June 30, 1999 from funds available within the commission.

Sec. B-9. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Part.

1997-98

PUBLIC UTILITIES COMMISSION

Regulatory Fund

All Other	\$86,433
Allocates funds to fund one Attorney position within the Department of the Attorney General to conduct a market power study and investigate potential violations of antitrust laws within the utilities industry.	

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

Effective June 10, 1997.

CHAPTER 448

H.P. 1341 - L.D. 1890

An Act to Revise the Salaries of Certain County Officers

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, it has become necessary to revise the salaries of certain county officers; and

Whereas, it is desired to have these revisions retroactive to January 1, 1996; 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. 30-A MRSA §2, sub-§1-B, ¶¶A and B, as repealed and replaced by PL 1995, c. 701, §1 and affected by §2, are repealed and the following enacted in their place:

	<u>1996</u>	<u>1997</u>
A. Androscoggin County:		
(1) Commissioners		
(a) Chair	\$6,536	\$6,536
(b) Members	5,595	5,595
(2) Treasurer		
	21,007	21,007
(3) Sheriff		
	30,955	33,455
(4) Judge of Probate		
	12,689	12,689
(5) Register of Probate		
	10,712	10,712
(6) Register of Deeds		
	27,495	27,495
B. Kennebec County:		
(1) Commissioners		
(a) Chair	\$7,587	\$7,587
(b) Members	7,154	7,154
(2) Treasurer		
	9,452	9,452
(3) Sheriff		
	37,701	39,000
(4) Judge of Probate		
	18,574	19,131
(5) Register of Probate		
	24,670	25,410
(6) Register of Deeds		
	25,818	26,593

Sec. 2. 30-A MRSA §2, sub-§1-B, ¶¶C and D, as repealed and replaced by PL 1995, c. 701, §1 and affected by §2, are repealed.

Sec. 3. Retroactivity. This Act applies retroactively to January 1, 1996.