

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

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Licensing Services - Inland Fisheries and Wildlife

All Other	\$4,000	\$4,000
Appropriates funds to cover the additional costs of administering an expanded moose permit system.		

Savings Fund Program

All Other	24,050	24,050
Appropriates funds to be used only to avoid future fee increases.		

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

TOTAL	\$28,050	\$28,050
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See title page for effective date.

CHAPTER 491

H.P. 1171 - L.D. 1648

An Act to Increase Home Ownership

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

Whereas, the Maine State Housing Authority has seen an unexpected increase in its first-time home buyer program this year; and

Whereas, as a result it is likely that the Maine State Housing Authority will reach the limits of its authority to issue moral obligation bonds prior to the fall; and

Whereas, that could result in an unnecessary disruption of the program; 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 §4907, sub-§1, as amended by PL 1991, c. 871, §5, is further amended to read:

1. Limitations on amount of outstanding principal. The Maine State Housing Authority may not at any time have an aggregate principal amount outstanding, in excess of ~~\$1,150,000,000~~ \$1,650,000,000 of mortgage purchase bonds secured by the Housing Reserve Fund or a Capital Reserve Fund to which section 4906, subsection 3, paragraph A applies. Mortgage purchase bonds of the Maine State Housing Authority secured by capital reserve funds to which section 4906, subsection 3, paragraph A does not apply, bond or mortgage insurance, direct or indirect contract with the United States, purchase or repurchase agreement of guaranty with a banking or other financial organization or other credit arrangements securing the bonds may be issued up to \$100,000,000 per calendar year in an aggregate principal amount outstanding at any time not to exceed \$300,000,000.

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

Effective June 11, 1997.

CHAPTER 492

H.P. 1252 - L.D. 1771

An Act to Extend the Electric Rate Stabilization Program

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

Whereas, pursuant to current legislation no certificates of approval for electric rate stabilization projects may be issued after February 1, 1997; and

Whereas, there continues to be a need for the approval of electric rate stabilization projects; 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. 10 MRSA §1053, sub-§6, as repealed and replaced by PL 1995, c. 289, §6, is repealed and the following enacted in its place:

6. Securities outstanding. The principal amount of revenue obligation securities the authority may have outstanding at any one time to which subsection 5 is stated to apply in the trust agreement or other document may not exceed an aggregate principal amount equal to \$657,000,000 as follows:

A. The sum of \$330,000,000, consisting of not more than \$275,000,000 for loans and up to \$55,000,000 for use of bond proceeds to fund capital reserve funds for revenue obligation securities issued pursuant to this subchapter relating to loans for electric rate stabilization projects;

B. The sum of \$120,000,000 consisting of not more than \$100,000,000 for loans and up to \$20,000,000 for use of bond proceeds to fund capital reserve funds for revenue obligation securities issued pursuant to this subchapter relating to loans for major business expansion projects;

C. The sum of \$57,000,000 consisting of not more than \$45,000,000 for loans and up to \$12,000,000 for use of bond proceeds to fund capital reserve funds for revenue obligation securities issued pursuant to this subchapter relating to workers' compensation residual market mechanism projects; and

D. The sum of \$150,000,000 less the aggregate outstanding balance of mortgage loans secured by capital reserve funds pursuant to section 1032 for all other revenue obligation securities issued pursuant to this subchapter.

The amount of revenue obligation securities issued to refund securities previously issued may not be taken into account in determining the principal amount of securities outstanding, provided that proceeds of the refunding securities are applied as promptly as possible to the refunding of the previously issued securities. In computing the total amount of revenue obligation securities of the authority that may at any time be outstanding for any purpose, the amounts of the outstanding revenue obligation securities that have been issued as capital appreciation bonds or as similar instruments are valued as of any date of calculation at their then current accreted value rather than their face value.

Sec. 2. 35-A MRSA §3156, 2nd ¶, as enacted by PL 1993, c. 712, §6, is amended to read:

The commission may not, in any rate proceeding or other context, disallow or otherwise prevent the recovery of costs incurred by the electric utility, including costs projected to be paid by an electric utility to a qualifying facility as defined in section 3303, under the terms of an agreement certified under this section based solely on the execution of the certified agreement. The commission shall take all

reasonable action to ensure that amounts required to be paid pursuant to an agreement certified under this section are available.

Sec. 3. 35-A MRSA §3156, last ¶, as amended by PL 1995, c. 698, §1 and affected by §4, is further amended to read:

A certificate may not be issued under this section after February 1, ~~1997~~ 1998.

Sec. 4. PL 1993, c. 712, §8, as amended by PL 1995, c. 698, §2 and affected by §4, is further amended to read:

Sec. 8. Loans authorized. The Finance Authority of Maine may make loans to electric utilities or to municipal solid waste facilities financed by industrial development or exempt facility bonds, if those facilities are qualifying facilities as defined in the Maine Revised Statutes, Title 35-A, section 3303, for electric rate stabilization projects, as defined in ~~the Maine Revised Statutes, Title 10, section 963-A~~ from up to ~~\$220,000,000~~ \$275,000,000 of the proceeds of revenue obligation securities secured by capital reserve funds pursuant to Title 10, section 1053. Notwithstanding any provision of Title 10, chapter 110, loans may aggregate up to ~~\$220,000,000~~ \$275,000,000 plus an amount determined by the Finance Authority of Maine of up to an additional aggregate of ~~\$44,000,000~~ \$55,000,000 to fund any capital reserve fund established by the authority for these loans. Revenue obligation securities secured by capital reserve funds pursuant to Title 10, section 1053 relating to such loans may not be issued for an electric rate stabilization agreement, as defined in Title 35-A, section 3156, executed after February 1, ~~1997~~ 1998. Any revenue obligation securities issued for electric rate stabilization projects secured by capital reserve funds pursuant to Title 10, section 1053 are limited obligations of the Finance Authority of Maine payable from revenues from borrowers and any capital reserve funds pledged for those securities as those funds are administered under Title 10, chapter 110, subchapter III and are not payable from any other assets or funds of the Finance Authority of Maine. In addition to all other applicable provisions, the requirements of Title 10, section 1045-A apply to loans for electric rate stabilization projects.

Sec. 5. PL 1993, c. 712, §9, as amended by PL 1995, c. 698, §3 and affected by §4, is further amended to read:

Sec. 9. Reports. The Finance Authority of Maine shall report by February 1, 1996 and May 1, 1997 to the joint standing committee of the Legislature having jurisdiction over utilities matters on all loans made to electric utilities, and by May 1, 1998 on all loans made to qualifying facilities as defined in the Maine Revised Statutes, Title 35-A, section 3303, for

electric rate stabilization projects, as defined in ~~the Maine Revised Statutes~~, Title 10, section 963-A. Each report must identify each loan made, to whom the loan was made, the amount of the loan and the general description of the electric rate stabilization project for which the loan was made. Each report may include recommendations for extending the period during which loans to electric utilities may be made or any other suggestions for changes to the provisions of this Act. The Public Utilities Commission shall report by February 1, 1996 and May 1, 1997 to the joint standing committee of the Legislature having jurisdiction over utilities matters on all electric rate stabilization agreements for which an application for a certificate of approval has been processed pursuant to Title 35-A, section 3156. Each report must identify the number of applications received by the commission, the identity of the applicants, a general description of each application and, for each application, whether the application was approved or denied. Each report may include recommendations for extending the period during which certificates of approval may be issued to electric utilities or any other suggestions for changes to the provisions of this Act.

Sec. 6. Rules. All rule amendments necessary for the Public Utilities Commission or the Finance Authority of Maine to implement this Act are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

Sec. 7. Retroactivity. This Act applies retroactively to February 1, 1997.

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

Effective June 11, 1997.

CHAPTER 493

S.P. 663 - L.D. 1883

An Act to Ask Voters in a Referendum Whether One Travel Lane in Each Direction Should be Added to the Maine Turnpike, Paid for by Turnpike Tolls, to Reduce Accidents and Congestion

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

PART A

Sec. A-1. 23 MRSA §1965, sub-§1, ¶D, as amended by PL 1995, c. 341, §1, is further amended to read:

D. Construct, maintain, reconstruct and operate a toll turnpike from a point at or near Kittery in York County to a point at or near Augusta in Kennebec County, except that the traveled way may not be widened or expanded beyond 3 lanes for each direction of travel ~~from Exit 1 to, and including, Exit 6A in those areas of the turnpike that are 3 lanes on June 1, 1997~~ and beyond 2 lanes for each direction of travel elsewhere on the turnpike without the express approval of the Legislature.

Except as provided in section 1965-A, a license, permit, or approval necessary for the widening or expansion of the turnpike may not be issued by any state agency unless that agency makes an affirmative finding that the widening or expansion is consistent with state transportation policy as well as rules implementing that policy;

Sec. A-2. 23 MRSA §1965-A, sub-§2, as enacted by PL 1995, c. 341, §2, is amended to read:

2. Review of alternatives. Upon completing the evaluation required under subsection 1, the authority shall review the alternatives to determine if the alternatives can meet the identified transportation deficiency or need in a safe manner at a reasonable cost with available technology. If, based on the evaluation, the authority finds that the alternatives do not meet the identified deficiency or need:

A. A final license, permit, or approval necessary for the widening or expansion of the turnpike may be issued by the appropriate state agency, except that a license, permit or approval necessary for the widening or expansion of the traveled way may not be issued unless the widening or expansion of the traveled way is approved by the Legislature in accordance with section 1965, subsection 1, paragraph D; and

B. The alternative evaluation and preference requirements of section 73 and rules adopted pursuant to section 73 are considered satisfied.

Sec. A-3. Contingent effective date. This Part takes effect on the day of the proclamation required by Part B, only if the question submitted to voter referendum under Part B is not approved by the voters.

PART B

Sec. B-1. Implementation of the turnpike widening. Upon approval of this Part by the voters in accordance with Section 2 of this Part, the Maine Turnpike Authority shall exercise its powers, within the financial resources from time to time authorized and reasonably available to it, to file necessary permit applications for and to carry out the construction of