

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 7, 1998 to March 31, 1998**

**SECOND SPECIAL SESSION**  
**April 1, 1998 to April 9, 1998**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 1998**

**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 9, 1998**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

**Sec. 2. Commissioner of Defense, Veterans and Emergency Management authorized to exchange property. Resolved:** That the Commissioner of Defense, Veterans and Emergency Management shall convey by quitclaim deed without covenant a portion of the parcel of land in the City of Augusta in Kennebec County described in the deed recorded at the Kennebec County Registry of Deeds, Book 1688, Page 295 in exchange for a portion of the parcel of land owned by Luke Bolduc and conveyed by quitclaim deed in the City of Augusta in Kennebec County described in the deed recorded at the Kennebec County Registry of Deeds, Book 4952, Page 283. The portion of land conveyed by the commissioner must have the approximate dimension of 105.5 feet by 50 feet by 105.5 feet by 50.3 feet. The portion of land owned and conveyed by Luke Bolduc must have the approximate dimensions of 85.77 feet by 50.3 feet by 87.72 feet by 50 feet; and be it further

**Sec. 3. Retroactivity. Resolved:** That that section of this resolve that repeals Resolve 1995, chapter 62 applies retroactively to July 4, 1996.

See title page for effective date.

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## CHAPTER 99

H.P. 1575 - L.D. 2209

**Resolve, Regarding Legislative Review of Chapter 302: Consumer Education Program; Electric Restructuring, a Major Substantive Rule of the Public Utilities Commission**

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

**Whereas,** the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A, requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rules; 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 preserva-

tion of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption with amendment. Resolved:** That the final adoption of Chapter 302: Consumer Education Program; Electric Restructuring, a provisionally adopted major substantive rule of the Public Utilities Commission and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized, but only if the rule is amended as follows:

1. Section 5, paragraph B is amended by striking the last sentence and new language is inserted providing that the commission must consider the recommendations of the advisory board in developing and implementing the consumer education plan and program; and

2. Section 6, paragraph B is amended by inserting the word "only" after the phrase "for informational purposes."

The Public Utilities Commission is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

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

Effective March 30, 1998.

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## CHAPTER 100

H.P. 1591 - L.D. 2220

**Resolve, Regarding Legislative Review of Chapter 301: Rules for Standard Offer Service, a Major Substantive Rule of the Public Utilities Commission**

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

**Whereas,** the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A, requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above named major substantive rule has been submitted to the Legislature for review; and

**Whereas**, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption with amendment. Resolved:** That the final adoption of Chapter 301: Standard Offer Service, a provisionally adopted major substantive rule of the Public Utilities Commission, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized only if the rule is modified as follows.

1. An additional provision is inserted that provides that a transmission and distribution utility may recover through a rate case proceeding reasonable costs:

A. That are incurred by the transmission and distribution utility in providing standard offer service at the direction of the commission in the event of a default by the standard offer service provider; and

B. That are not covered by revenues received from standard offer customers or by the bond, letter of credit or corporate guarantee filed by the standard offer provider.

The Public Utilities Commission is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

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

Effective March 30, 1998.

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**CHAPTER 101**

**H.P. 1609 - L.D. 2236**

**Resolve, Regarding Legislative Review of Chapter 501: Exemptions to Fire Bans and Permit Requirements for Outdoor Fireplaces and Grills, a Major Substantive Rule of the Department of Conservation**

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective

until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A, requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas**, the above named major substantive rule has been submitted to the Legislature for review; and

**Whereas**, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved:** That final adoption of Chapter 501: Exemptions to Fire Bans and Permit Requirements for Outdoor Fireplaces and Grills, a provisionally adopted major substantive rule of the Department of Conservation, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized.

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

Effective March 30, 1998.

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**CHAPTER 102**

**H.P. 1626 - L.D. 2254**

**Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands**

**Preamble.** Whereas, the Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House; and

**Whereas**, the real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

**Whereas**, the Director of the Bureau of Parks and Lands within the Department of Conservation