

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

§903-A. Electricity services

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Aggregator" has the same meaning as defined in Title 35-A, section 3201.

B. "Competitive electricity provider" has the same meaning as defined in Title 35-A, section 3201.

C. "Retail access" has the same meaning as defined in Title 35-A, section 3201.

2. Establishment. County commissioners may establish a county electricity agency, referred to in this section as an "agency," to serve as a public aggregator for any electricity consumers, public or private, located within a county.

3. Powers. An agency is authorized to:

A. Enter into agreements with electricity consumers located within a county to aggregate their electric service needs within that county for the purpose of purchasing electricity on a group basis on or after the beginning date of retail access; and

B. Exercise any other powers or authority that county commissioners are authorized to exercise and that the county commissioners expressly delegate to the agency.

An agency may not require any electricity consumer to join or be served by the agency.

4. Agency board; appointment; terms; vacancy. The affairs of an agency are managed by a board of 9 persons appointed by the county commissioners. All board members must be residents of the county and no more than 3 may reside in any one commissioner district established under section 66. Board members serve for a 3-year term of office and may be reappointed, except that members of the first board have the following staggered terms chosen by lot at the board's first meeting.

A. Three members serve a one-year term.

B. Three members serve a 2-year term.

C. Three members serve a 3-year term.

When a vacancy occurs on the board as a result of death, resignation, removal from the county, permanent incapacity or for any other reason, the county commissioners shall appoint a person to fill the vacancy for the unexpired term of office.

5. Funding; expenses; liabilities. All funding of and expenditures by an agency, including compensation of board members, must be authorized in the county budget. In order to raise revenues to fund its operations, an agency may impose a charge on consumers served by the agency, as long as any such charges are clearly identified and disclosed to consumers. All revenues and expenses of an agency must be segregated from other county revenues and expenses and separately accounted.

Nothing in this section may be construed to authorize an agency or a county through an agency to incur any indebtedness or liability on behalf of or payable by the State. Any debt or liability created or incurred by an agency or a county through an agency pursuant to this section is the responsibility of the agency or the county and does not constitute or create in any way a debt or liability of the State. An action taken by an agency or a county pursuant to any authority granted under this section may not be construed to constitute a pledge of the faith and credit of the State. All contracts entered into by an agency or a county pursuant to this section must contain a statement to the effect that the agency or county is solely responsible for all liabilities arising from the contract and that neither the faith and credit nor the taxing power of the State is pledged to the payment of any such liabilities.

6. Conflict of interest. A person may not hold office as an agency board member if the person owns, controls or otherwise has a direct financial interest in any competitive electricity provider.

7. Reservation of powers. Nothing in this section limits any other power or authority that county commissioners or others may have to provide services, including services related to the purchase and sale of electricity.

8. Subject to applicable law. Nothing in this section exempts an agency from the provisions of Title 35-A, including provisions relating to aggregators.

See title page for effective date.

CHAPTER 179

H.P. 537 - L.D. 744

An Act to Change the Way Nursery License Fees Are Established

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

Sec. 1. 32 MRSA §1901, sub-§1-A, as enacted by PL 1993, c. 256, §2, is amended to read:

1-A. Fees. The following provisions apply to the fees payable for a license issued under this section.

A. An applicant who has a nursery stock retail sales area in excess of 150 square feet or gross annual sales of nursery stock in excess of \$500 shall pay a license fee of \$25 per year.

B. An applicant who has gross annual sales of nursery stock of \$500 or less and a nursery stock retail sales area of 150 square feet or less shall pay a license fee of \$5 per year.

C. Educational institutions are exempt from the license fee.

This subsection is repealed 90 days after the adjournment of the Second Regular Session of the 119th Legislature.

Sec. 2. 32 MRSA §1901, sub-§1-B is enacted to read:

1-B. Fees established by rule. No later than December 31, 1999, the Commissioner of Agriculture, Food and Rural Resources shall provisionally adopt rules in accordance with Title 5, chapter 375 to establish fees for licenses issued under this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A. Fees established by rules adopted under this subsection may take effect no earlier than 90 days after the adjournment of the Second Regular Session of the 119th Legislature.

Sec. 3. 32 MRSA §1901, sub-§2, as enacted by PL 1991, c. 785, §4 and affected by §5, is amended to read:

2. Violations. Any person, firm or corporation engaged in the business of selling nursery stock without a license commits a civil violation for which a forfeiture not to exceed \$500 may be adjudged. Licenses may be revoked by the Administrative Court, as provided in the Maine Administrative Procedure Act, for failure to comply with the requirements of Title 7, chapter 405-A.

Sec. 4. Date for rules submission; authorization for legislation. Rules provisionally adopted in accordance with this Act must be submitted to the Legislature for review no later than December 31, 1999. The Joint Standing Committee of Agriculture, Conservation and Forestry may report out legislation to the Second Regular Session of the 119th Legislature pertaining to fees for licensing sellers and dealers in nursery stock.

See title page for effective date.

CHAPTER 180

S.P. 94 - L.D. 233

An Act to Amend the Provisions Relating to Executive Sessions in Connection with the Transaction of Public or Government Business

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

Sec. 1. 1 MRSA §405, sub-§6, ¶F, as amended by PL 1999, c. 40, §1, is further amended to read:

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute; ~~and~~

Sec. 2. 1 MRSA §405, sub-§6, ¶G, as enacted by PL 1999, c. 40, §2, is amended to read:

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; ~~and~~

Sec. 3. 1 MRSA §405, sub-§6, ¶H is enacted to read:

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

See title page for effective date.

CHAPTER 181

H.P. 693 - L.D. 960

An Act to Allow the Bureau of Labor Standards to Assess Administrative Civil Money Penalties for Labor Law Violations

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

Sec. 1. 26 MRSA §53 is enacted to read: