

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

D. Proceedings held pursuant to the mental health laws, Title 34-B, chapter 3, subchapter IV, article III; and

E. Pursuant to a court order upon a showing of good cause, provided that the court order limits the use and disclosure of records and provides sanctions for misuse of records or sets forth other methods for ensuring confidentiality.

**3. Utilization review; research.** Nothing in this section may be interpreted to prohibit reviews of medical records for utilization review purposes by duly authorized utilization review committees or peer review organizations. Qualified personnel conducting scientific research, management audits, financial audits or program evaluation with the use of medical records may not identify, directly or indirectly, any individual patient in any report of such research, audit, evaluation or otherwise disclose the identities of persons tested in any manner.

**4. Access by health care providers.** Nothing in this section may prohibit access to medical records by the designated health care provider of the person who is the subject of an HIV test in accordance with section 19203, subsection 2.

**5. Confidentiality policy.** Health care providers and others with access to medical records containing HIV infection status information shall have a written policy providing for confidentiality of all patient information consistent with this chapter. That policy must require, at a minimum, action consistent with disciplinary procedures for violations of the confidentiality policy.

**Sec. B-5. PL 1997, c. 793, Pt. B, §6,** as amended by PL 1999, c. 3, §4 and affected by §5, is further amended to read:

**Sec. B-6. Effective date.** This Part takes effect ~~October 1, 1999~~ February 1, 2000.

See title page for effective date.

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## CHAPTER 513

H.P. 1034 - L.D. 1456

### An Act to Establish the Northern Maine Transmission Corporation

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

**Sec. 1. 10 MRSA §963-A, sub-§10, ¶P,** as amended by PL 1997, c. 500, §3, is further amended to read:

P. Any workers' compensation residual market mechanism project; ~~and~~

**Sec. 2. 10 MRSA §963-A, sub-§10, ¶Q,** as enacted by PL 1997, c. 500, §4, is further amended to read:

Q. Any clean fuel vehicle project; ~~and~~

**Sec. 3. 10 MRSA §963-A, sub-§10, ¶R** is enacted to read:

R. Any transmission facilities project.

**Sec. 4. 10 MRSA §963-A, sub-§49-G** is enacted to read:

**49-G. Transmission facilities project.** "Transmission facilities project" means a project to carry out the purposes of chapter 1003.

**Sec. 5. 10 MRSA §1053, sub-§6,** as repealed and replaced by PL 1997, c. 781, §1, is amended to read:

**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~~ \$692,000,000 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; ~~and~~

E. The sum of \$35,000,000 consisting of not more than \$30,000,000 for loans and up to \$5,000,000 for use of bond proceeds to fund capital reserve funds for revenue obligation securities issued pursuant to this subchapter relating to loans for transmission facilities projects.

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~~ as long as 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. 6. 10 MRSA c. 1003** is enacted to read:

### **CHAPTER 1003**

### **NORTHERN MAINE TRANSMISSION CORPORATION**

#### **§9201. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Corporation.** "Corporation" means the Northern Maine Transmission Corporation established in section 9202, subsection 1.

**2. Fund.** "Fund" means the Northern Maine Transmission Corporation Fund established in section 9204.

**3. Authority.** "Authority" means the Finance Authority of Maine.

#### **§9202. Northern Maine Transmission Corporation established**

**1. Establishment and purpose.** The Northern Maine Transmission Corporation is established as a body corporate and politic and public instrumentality of the State. The corporation is a special purpose corporation formed and managed as a subsidiary of the authority. The exercise by the corporation of the powers conferred by this chapter shall be deemed the performance of essential public functions. The purpose of the corporation is to examine the need for and viability of and to finance, permit, construct, own and operate electric transmission lines necessary to connect electric utilities in the northern region of the State with the transmission grid of the United States in

a manner adequate, in the opinion of the authority, to allow customers serviced by those electric utilities to receive the benefits of service similar to all other electric customers in this State.

**2. Board.** The powers of the corporation are exercised by a board of directors, referred to in this section as the "board," that consists of 7 members.

**3. Membership and appointment of directors.** The directors of the board are the following 7 members:

A. The chief executive officer of the authority or the chief executive officer's designee;

B. The Treasurer of State or the treasurer's designee; and

C. Five people who have substantial knowledge of or experience in the electric utility industry, appointed by the Governor, including:

(1) A representative of the investor-owned electric utilities of the northern region of the State who must be experienced in electric transmission matters;

(2) A representative of the publicly owned and member-owned electric utilities of the northern region of the State, who must be experienced in financial matters;

(3) A representative of the residential consumers of the northern region of the State, who must be experienced in business matters;

(4) A representative of industrial customers of the northern region of the State, who must be experienced in the generation, transmission or purchase of electricity; and

(5) A member of the public with a demonstrated expertise in the economic development of the northern region of the State.

**4. Terms.** Members designated under subsection 3, paragraphs A and B serve during their tenure in the position they fill on the board. A vacancy among members appointed by the Governor is filled in the same manner as the original appointment for the unexpired term of that position. Members appointed by the Governor serve an initial term of 4 years and, upon completion of the term, the members are appointed as follows:

A. One member for one year;

B. One member for 2 years;

C. One member for 3 years; and

D. Two members for 4 years.

5. Compensation. Directors are compensated according to Title 5, chapter 379.

### §9203. Powers

The corporation has all the powers necessary or convenient to carry out this chapter including, without limitation, those general powers provided to a nonprofit corporation by the Maine Nonprofit Corporation Act, Title 13-B and including, but not limited to, the following powers.

1. Receipt of money and property. The corporation may accept gifts, grants, bequests or devises from any source, including funds from the Federal Government or any of its political subdivisions, and may do any acts necessary, useful, desirable or convenient in connection with procuring acceptance or disposition of gifts, grants, requests or devises.

2. Cooperation with public and private entities. The corporation may cooperate fully with any public and private entities as necessary, useful, desirable or convenient to carry out this chapter.

3. Acceptance of proposals for connections. The corporation shall request and receive proposals from public and private entities to finance, permit, construct or operate any transmission lines necessary to connect electric utilities in the northern part of the State with the transmission grid of the United States, and may approve those proposals if they are in keeping with the intent of this chapter.

### §9204. Fund established

1. Establishment of fund. There is established the Northern Maine Transmission Corporation Fund, which must be used to provide funding for activities of the corporation to further its purpose under this chapter. The fund must be deposited with and maintained and administered by the authority and must contain appropriations provided for that purpose, interest accrued on the fund balance, funds received by the corporation to be applied to the fund and funds received in payment of loans. The fund is a nonlapsing revolving fund.

2. Administrative expenses. Costs and expenses of maintaining, servicing and administering the fund may be paid out of amounts in the fund.

### §9205. Tax exemption

1. Bonds or notes. All bonds, notes or other evidences of indebtedness issued under this chapter are issued by a political subdivision or a body corporate and politic of the State and for an essential public and governmental purpose. Those bonds, notes or other evidences of indebtedness, the interest on

them and the income from them, including any profit on their sale, and all activities of the corporation and fees, charges, funds, revenue, income and other money of the corporation, whether or not pledged or available to pay or secure the payment of those bonds, notes or other evidences of indebtedness or interest on them, are exempt from all taxation franchise fees or special assessments of whatever kind except for transfer, inheritance and estate taxes.

2. Property taxes. All real and personal property acquired by the corporation is subject to taxes to the same extent as real and personal property owned by other electric utilities.

**Sec. 7. 35-A MRSA §2102, sub-§2-A** is enacted to read:

**2-A. Northern Maine Transmission Corporation.** The commission's approval under subsection 1 is not required for the Northern Maine Transmission Corporation, established under Title 10, chapter 1003, or any person acting under the authority of the Northern Maine Transmission Corporation, to finance, permit, construct, own or operate any transmission lines necessary to connect electric utilities in the northern region of this State with the transmission grid of the United States. This subsection may not be construed to:

A. Authorize the Northern Maine Transmission Corporation, any person acting under the authority of the Northern Maine Transmission Corporation or any person that acquires a transmission line financed, permitted, constructed or operated by the Northern Maine Transmission Corporation to physically interconnect directly with any electric consumer within the service territory of a transmission and distribution utility without approval of the commission under subsection 1; or

B. Exempt the Northern Maine Transmission Corporation or any person acting under the authority of the Northern Maine Transmission Corporation from any other applicable provision of this Title.

Approval by the commission is required for any person owning, operating, managing or otherwise controlling any transmission line financed, constructed, permitted or operated by the Northern Maine Transmission Corporation to physically interconnect directly with any electric consumer within the service territory of a transmission and distribution utility.

**Sec. 8. Transfer.** Notwithstanding any other provision of law, at the close of fiscal year 1998-99, the State Controller shall transfer to the Northern Maine Transmission Corporation administered by the Finance Authority of Maine, from the available balance in the General Fund after the deduction of all

appropriations, financial commitments or other designated funds, \$150,000 of lapsed balances from amounts appropriated from the General Fund in fiscal year 1998-99 for the All Other line category. Funds transferred must be used to conduct the feasibility study authorized in this Act.

**Sec. 9. Report.** By December 1, 2000, the corporation shall issue a public report detailing its analyses of the options for construction, ownership and operation of one or more electric transmission lines to interconnect the northern region of the State directly with the electric transmission grid of the remainder of New England. The report must include alternative routes and configurations, cost estimates and feasibility analyses.

**Sec. 10. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1999-00

**FINANCE AUTHORITY OF MAINE**

**Northern Maine Transmission Corporation**

All Other	\$250,000
Provides funds for the cost of conducting a feasibility study of the options for building transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States.	

See title page for effective date.

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**CHAPTER 514**

**H.P. 1607 - L.D. 2253**

**An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Finance the Acquisition of Lands and Interests in Lands for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation and to Access \$25,000,000 in Matching Contributions from Public and Private Sources**

**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.

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for the acquisition of lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation and to access matching contributions from public and private sources.

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

**PART A**

**Sec. A-1. Authorization of bonds to provide for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$50,000,000 to raise funds for the acquisition of lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation and to access matching contributions from public and private sources, as authorized in section 7 of this Part. No more than \$10,000,000 may be issued in the first year and no more than \$10,000,000 may be issued in each of the 4 subsequent years, except that any unused balance may be added to the specified amount in subsequent years. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 20 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

**Sec. A-2. Records of bonds issued to be kept by the Treasurer of State.** The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. A-3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the