

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**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**  
**2000**

Archives Advisory Board or the Maine State Museum Commission, ~~provided that~~ as long as the appointed chair is not from the same ~~commission~~ entity as the previous chair.

**Sec. 4. 27 MRSA §555, sub-§§4 and 5**, as enacted by PL 1989, c. 700, Pt. B, §42, are amended to read:

**4. Prepare annual report.** To coordinate the preparation of an annual report and other joint planning documents of the 4 7 cultural agencies; ~~and~~

**5. Statewide cultural planning.** To meet jointly and at least annually with the directors of ~~humanities councils in the State, the Maine State Archives, the Maine State Film Commission and the State Law Library~~ and others as considered appropriate for the purpose of exchanging information and coordinating statewide cultural planning; and

**Sec. 5. 27 MRSA §555, sub-§6** is enacted to read:

**6. New Century Program Fund.** To administer the New Century Program Fund. The New Century Program Fund is established as a nonlapsing account to assist in carrying out the purposes of section 558. The Maine State Cultural Affairs Council may accept and expend money on behalf of the fund from public and private sources.

**Sec. 6. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

**2000-01**

**MAINE STATE CULTURAL AFFAIRS COUNCIL**

**New Century Program Fund**

All Other \$500

Provides for the allocation of funds to establish the New Century Program Fund.

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

Effective March 22, 2000.

**CHAPTER 574**

**H.P. 1678 - L.D. 2344**

**An Act to Repeal the Nondiscrimination in Pharmaceuticals Pricing Law**

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

**Sec. 1. 32 MRSA c. 117, sub-c. 10**, as amended, is repealed.

See title page for effective date.

---

---

**CHAPTER 575**

**H.P. 1684 - L.D. 2351**

**An Act Concerning the Possession of Marine Organisms by Aquaculturists Outside of the Harvest Season**

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

**Sec. 1. 12 MRSA §6073-A**, as amended by PL 1999, c. 156, §1, is further amended to read:

**§6073-A. Season and minimum size exemption; aquaculture**

The holder of a lease issued under section 6072, 6072-A or 6072-B is exempt from any requirement regarding the time of taking or possessing, minimum or maximum length or other minimum or maximum size requirement for any marine organism cultivated on the leased area. The exemption applies only to those organisms actually cultivated on the leased area. The commissioner shall require a system of identification of organisms exempted under this section.

See title page for effective date.

---

---

**CHAPTER 576**

**H.P. 1745 - L.D. 2451**

**An Act to Prohibit Dragging in a Portion of the Taunton River Area**

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

**Whereas**, the drag fishing season starts in the spring, well before the 2nd regular session will adjourn; and

**Whereas**, this Act contains the necessary legislation to protect certain coastal waters; 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. 12 MRSA §6959** is enacted to read:

**§6959. Dragging in the Taunton River area**

It is unlawful for a person to fish with any drag or combination of drags in the coastal waters westerly and northerly of the Route 1 bridge that connects the towns of Hancock and Sullivan in Hancock County, including Egypt Bay, Taunton Bay and Hog Bay. This section is repealed March 1, 2005.

**Sec. 2. Report.** No later than February 1, 2004, the Department of Marine Resources shall submit a report to the joint standing committee of the Legislature having jurisdiction over marine resources matters regarding the impact of the Maine Revised Statutes, Title 12, section 6959 on the Taunton River area and shall assess whether the prohibition contained in that section of law remains necessary or advisable. The joint standing committee of the Legislature having jurisdiction over marine resources matters may report out a bill to the Second Regular Session of the 121st Legislature to implement the department's recommendations.

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

Effective March 22, 2000.

---



---

**CHAPTER 577**

**H.P. 1722 - L.D. 2428**

**An Act to Make Certain Public  
Utility Commission Rules Routine  
Technical Rules**

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

**Sec. 1. 35-A MRSA §3204, sub-§3**, as amended by PL 1999, c. 398, Pt. N, §1, is further amended to read:

**3. Extension; separation required.** An investor-owned electric utility may apply to the

commission for an extension to permit the utility to divest one or more generation assets or generation-related business activities after March 1, 2000. The commission shall grant an extension if the commission finds that an extension would be likely to improve the sale value of those assets on the market or would be likely to reduce the level of the utility's stranded costs.

The commission by rule shall establish the procedure for granting extensions. Rules adopted under this subsection are ~~major substantive~~ routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

**Sec. 2. 35-A MRSA §3204, sub-§4**, as enacted by PL 1997, c. 316, §3, is amended to read:

**4. Sale of capacity and energy required.** The commission by rule shall require each investor-owned electric utility after February 28, 2000 to sell rights to capacity and energy from all generation assets and generation-related business, including purchased power contracts that are not divested pursuant to subsection 1, except those rights to capacity and energy that the commission determines are necessary for the utility to perform its obligations as a transmission and distribution utility in an efficient manner.

In the rules adopted under this subsection, the commission shall establish procedures to promote the maximum market value for these rights. Nothing in this subsection prohibits a utility from re-negotiating, buying out or buying down a contract with a qualifying facility in accordance with applicable laws. ~~By March 1, 1999, the~~ The commission shall ~~provisionally~~ adopt all rules required under this subsection. Rules adopted under this subsection are ~~major substantive~~ routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

**Sec. 3. 35-A MRSA §3212, sub-§1**, as enacted by PL 1997, c. 316, §3, is amended to read:

**1. Establishment of terms and conditions.** The commission shall open a rule-making proceeding no later than October 1, 1997 to establish terms and conditions for standard-offer service that include, but are not limited to:

- A. Entry and exit restrictions;
- B. Protection against a standard-offer service provider's failure to provide service as contracted for;
- C. Appropriate rate design issues;
- D. Retaining averaged prices for all customers in the same class; and
- E. Credit, collection and disconnection practices.