

# MAINE STATE LEGISLATURE

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**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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2000**

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

**Whereas,** it is necessary that all electricity consumers have access to standard-offer services beginning March 1, 2000; and

**Whereas,** certain customers are connected to the electric grid at a location that may make it uneconomic for competitive electricity providers to provide service; and

**Whereas,** the Public Utilities Commission currently lacks the authority to direct transmission and distribution utilities to provide standard-offer service to its customers except in certain prescribed situations; 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. 35-A MRSA §3212, sub-§2,** as amended by PL 1999, c. 398, Pt. F, §1, is further amended by amending the 2nd blocked paragraph to read:

Notwithstanding any other provision of this Title, the commission may, in the event of a default by a standard-offer service provider, require the transmission and distribution utility in whose service territory the provider was providing standard-offer service to arrange and to provide for default service. Notwithstanding any other provision of this Title, the commission may, in the event that the commission receives no bids to provide standard-offer service in a transmission and distribution utility's territory or the commission determines that the bids it receives are inadequate or unacceptable, require the transmission and distribution utility to arrange and to provide for default service. Notwithstanding any other provision of this Title, the commission may require a transmission and distribution utility to provide default service to its customers that are not located within either the New England independent system operator control area or the Maritimes control area; and default service pursuant to this sentence must be provided to customers at the same price and on the same terms and conditions as standard-offer service is provided to the customers of the transmission and distribution utility in the standard-offer class in which the customer is eligible to receive service. The arrangement and provision of such default service by a transmission and distribution utility does not constitute selling electric energy or

capacity at retail for purposes of section 3205, subsection 2.

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

Effective March 22, 2000.

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## CHAPTER 579

H.P. 1637 - L.D. 2288

### An Act to Eliminate Regulation of Public Heating Utilities

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

**Sec. 1. 5 MRSA §200-B, sub-§1,** as amended by PL 1999, c. 398, Pt. A, §1 and affected by §105, is further amended to read:

**1. Public utility services.** As used in this section, the term "public utility services" means services furnished by a public utility as defined in Title 35-A, section 102, subsections 7, 8, ~~42~~, 14, 15, 19, 20-B and 22 whether or not subject to the jurisdiction of the Public Utilities Commission.

**Sec. 2. 35-A MRSA §102, sub-§12,** as enacted by PL 1987, c. 141, Pt. A, §6, is repealed.

**Sec. 3. 35-A MRSA §102, sub-§13,** as amended by PL 1999, c. 398, Pt. A, §7 and affected by §§104 and 105, is further amended to read:

**13. Public utility.** "Public utility" includes every gas utility, natural gas pipeline utility, transmission and distribution utility, telephone utility, water utility, ~~public heating utility~~ and ferry, as those terms are defined in this section, and each of those utilities is declared to be a public utility. "Public utility" does not include the operation of a radio paging service, as that term is defined in this section, or mobile telecommunications services unless only one entity or an affiliated interest of that entity, as defined in section 707, subsection 1, paragraph A, exclusively controls the use of the radio frequency spectrum assigned by the Federal Communications Commission to provide mobile service to the service area.

Nothing in this subsection precludes:

- A. The jurisdiction, control and regulation by the commission pursuant to private and special act of the Legislature;
- B. The commission's jurisdiction and control over and regulation of a public utility that pro-

vides, in addition to other services, radio paging service or mobile telecommunications services;

C. The commission's jurisdiction and control over and regulation of basic exchange telephone service offered by a provider of mobile telecommunications services if, after investigation and hearing, the commission determines that the provider is engaged in the provision of basic exchange telephone service; and

D. Negotiations for, or negates agreements or arrangements existing on the effective date of this paragraph relating to, rates, terms and conditions for interconnection provided by a telephone utility to a company providing radio paging or mobile telecommunications services.

See title page for effective date.

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## CHAPTER 580

### H.P. 1643 - L.D. 2303

#### An Act to Amend Truck Weights

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

**Sec. 1. 10 MRSA §1191, sub-§2**, as amended by PL 1995, c. 65, Pt. A, §17 and affected by §153 and Pt. C, §15, is further amended to read:

**2. Motor vehicle.** "Motor vehicle" means any self-propelled vehicle designed primarily to transport not more than 14 individuals, except motorcycles, snowmobiles, all-terrain vehicles, customized vans and any vehicle operated exclusively on a rail or rails. This definition is intended to include motor trucks that have a gross weight of not more than 8,600 pounds as certified by the vehicle manufacturer or franchise representative pursuant to ~~Title 29-A, section 2354, subsection 2, paragraph D, Title 29-A, section 2364, subsection 5 and Title 29-A, section 2365, subsection 8.~~

**Sec. 2. 29-A MRSA §504, sub-§1, ¶¶CC and DD** are enacted to read:

CC. For gross weight from 90,001 to 94,000 pounds, the fee is \$1,026.

DD. For gross weight from 94,001 to 100,000 pounds, the fee is \$1,234.

**Sec. 3. 29-A MRSA §2352, first ¶**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

Except as allowed by specific exception in ~~sections 2357, 2365 and section 2382~~, a vehicle may not be operated on a public way if the weight exceeds:

**Sec. 4. 29-A MRSA §2352, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Maximum.** A gross vehicle weight of ~~90,000 100,000~~ pounds, ~~except as provided in section 2354, subsection 2;~~

**Sec. 5. 29-A MRSA §2353, sub-§1, ¶D**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. Except as provided in paragraph E, section 2354, ~~subsections 1 and 2~~, section 2357, subsection 4 and section 2365 for combination vehicles with 5 or more axles, 80,000 pounds.

**Sec. 6. 29-A MRSA §2353, sub-§1, ¶E** is enacted to read:

E. For a combination of 3-axle truck tractor and tri-axle semitrailer, 100,000 pounds.

**Sec. 7. 29-A MRSA §2354**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

#### §2354. Six-axle limits

Notwithstanding this subchapter, a combination vehicle consisting of a 3-axle truck tractor with a tri-axle semitrailer may be operated with a maximum gross vehicle weight of:

**1. 90,000 pounds.** ~~Ninety thousand pounds, as long as:~~

~~A. The vehicle is registered for at least 90,000 pounds or the maximum allowable registered weight in its home jurisdiction; and~~

~~B. If the maximum allowable registered weight in the home jurisdiction is less than 90,000 pounds, the vehicle has a permit authorizing that operation in this State. The annual fee for the permit is \$105. The permit may be issued for a period of 3 months or more on a monthly prorated basis, but may not exceed the expiration date of the annual registration.~~

~~The maximum gross vehicle weight permitted is reduced by 2,000 pounds for each foot the distance is less than 32 feet between the extreme axles, excluding the steering axle, measured to the nearest foot; or~~

**2. 100,000 pounds.** One hundred thousand pounds, as long as the vehicle meets ~~the requirements of subsection 1 and these additional requirements:~~