

# 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**

**CHAPTER 601**

**H.P. 1697 - L.D. 2403**

**An Act Regarding Electric Metering and Billing Competition**

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

**Sec. 1.** 35-A MRSA §3202, sub-§4, as amended by PL 1999, c. 398, Pt. D, §1, is repealed and the following enacted in its place:

**4. Electric billing and metering services.** The commission by rule may provide for competition in the provision of electric billing and metering services. The commission in its rules shall establish terms and conditions for such competition including which services are subject to competition and which customers will receive competitive services.

If the commission provides for competition for any billing or metering services, the commission shall:

A. Establish in its rules minimum standards necessary to protect consumers of such services and codes of conduct governing the relationship among transmission and distribution utilities providing such services, any affiliates of transmission and distribution utilities providing such services and providers of such services that are not affiliated with a transmission and distribution utility; and

B. Determine each transmission and distribution utility's costs of providing such services as reflected in consumer rates, including capital costs, depreciation, operating expenses and taxes, and shall separate this portion of the consumer rate into a separate charge.

Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

**CHAPTER 602**

**S.P. 943 - L.D. 2473**

**An Act to Promote the Use of an Advocate Staff**

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

**Sec. 1.** 35-A MRSA §1305, sub-§5, ¶C, as enacted by PL 1997, c. 691, §3 and affected by §10, is amended to read:

C. The commission may assign one or more staff members who are not advisors in a proceeding to serve as advocates to facilitate negotiated settlements in the proceeding. If the commission receives a written request from all of the parties in an adjudicatory proceeding that one or more staff advocates be appointed to facilitate a negotiated settlement in the proceeding, the commission shall either grant the request or issue a written order explaining the reasons why the commission denies the request.

See title page for effective date.

**CHAPTER 603**

**H.P. 1891 - L.D. 2629**

**An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Department of Conservation Under the State Government Evaluation Act**

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

**Sec. 1.** 3 MRSA §959, sub-§1, ¶A, as amended by PL 1999, c. 127, Pt. C, §1, is further amended to read:

A. The joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters shall use the following list as a guideline for scheduling reviews:

- (1) Baxter State Park Authority in ~~1997~~ 2003;
- (2) Department of Conservation in ~~1997~~ 2005;
- (3) Blueberry Advisory Committee in ~~1999~~ 2005;
- (4) Board of Pesticides Control in ~~1999~~ 2005;
- (5) Wild Blueberry Commission of Maine in ~~1999~~ 2005;
- (6) Seed Potato Board in ~~1999~~ 2005;
- (7) Maine Dairy and Nutrition Council in 2001;

- (8) Maine Dairy Promotions Board in 2001;
- (9) Maine Milk Commission in 2001;
- (10) State Harness Racing Commission in 2001;
- (11) Maine Agricultural Bargaining Board in 2003;
- (12) Department of Agriculture, Food and Rural Resources in 2003; ~~and~~
- (13) State Soil and Water Conservation Commission in 2003; and
- (14) Land for Maine's Future Board in 2001.

**Sec. 2. 3 MRSA §959, sub-§1, ¶M,** as amended by PL 1999, c. 415, §1, is further amended to read:

M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:

- (1) Capitol Planning Commission in 1997;
- (2) State Civil Service Appeals Board in 1999;
- (3) State Claims Commission in 1999;
- (4) Maine Municipal Bond Bank in 2001;
- (5) Office of Treasurer of State in 2001;
- (6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services in 2003;
- (7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in 2003; and
- (9) State Planning Office, except for the Land for Maine's Future Board, in 2001.

**Sec. 3. 5 MRSA §6204, sub-§2,** as amended by PL 1993, c. 728, §6, is further amended to read:

**2. Appointments.** The 6 private citizens are appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over ~~natural resources~~ matters pertaining to state parks and public lands and to confirmation by the Legislature.

**Sec. 4. 5 MRSA §6206, sub-§1, ¶E,** as amended by PL 1993, c. 728, §8, is further amended to read:

E. On January 1, 1995 and on January 1st every 2 years thereafter, report to the joint standing committee of the Legislature having jurisdiction over ~~natural resources~~ matters pertaining to state parks and public lands on expenditures from the Land for Maine's Future Fund and the Public Access to Maine Waters Fund and revisions to the strategies and guidelines.

See title page for effective date.

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## CHAPTER 604

H.P. 1898 - L.D. 2639

### An Act Relating to the Cleanup of the Wells Waste Oil Disposal Site

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

**Whereas,** the deadline for distributions from the Wells Waste Oil Clean-up Fund is April 1, 2000 and if this date is not immediately extended, the fund will be used up and it will not be possible to allow more persons to benefit from the fund; 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. 10 MRSA §1023-L, sub-§3, ¶D,** as enacted by PL 1999, c. 505, Pt. A, §7, is amended to read:

D. An agreement has been reached with an entity that has assumed liability for total response costs at the Wells waste oil disposal site and the applicant is a participant in that agreement.

**Sec. 2. 10 MRSA §1023-L, sub-§7,** as amended by PL 1999, c. 531, Pt. H, §1 and affected by §2, is further amended to read:

**7. Direct payment program.** The direct payment program is managed as follows.

A. The authority shall pay to each person, eligible under this subsection, \$2,000 upon presentation by the person to the authority of a canceled