

# 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**

**CHAPTER 32****S.P. 405 - L.D. 1194****Resolve, Relating to Basic Service Calling Areas****Sec. 1. Examination of issues; report.**

**Resolved:** That the Public Utilities Commission shall undertake an examination of single-exchange, flat-rate, basic service calling areas and shall develop proposals for expanding those areas. The commission shall report its findings and proposals to the Joint Standing Committee on Utilities and Energy by December 31, 1999. The Joint Standing Committee on Utilities and Energy may report out legislation concerning basic service calling areas to the Second Regular Session of the 119th Legislature.

See title page for effective date.

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**CHAPTER 33****H.P. 172 - L.D. 250****Resolve, to Name the State Office Building the Burton M. Cross Building****Sec. 1. Naming the State Office Building.**

**Resolved:** That the State Office Building located in Augusta is named the Burton M. Cross Building. The official naming will coincide with the reopening of the renovated State Office Building in 2001.

See title page for effective date.

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**CHAPTER 34****H.P. 1173 - L.D. 1684****Resolve, Regarding Legislative Review of Chapter 306: Uniform Disclosure and Informational Filing Requirements, a Major Substantive Rule of the Public Utilities Commission**

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

**Whereas,** the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A, requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 306: Uniform Disclosure and Informational Filing Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized only if the rule is amended to:

1. Require that the disclosure label be provided to customers on a quarterly basis rather than on a semiannual basis.

The Public Utilities Commission is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

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

Effective May 18, 1999.

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**CHAPTER 35****H.P. 1480 - L.D. 2120****Resolve, Establishing an Improved Capital Planning Process**

**Sec. 1. Review State Government's capital planning process. Resolved:** That the Department of Administrative and Financial Services, in consultation with such other agencies as the commissioner considers appropriate, shall review the current methodology used to plan for, and recommend, capital expenditures. For the purposes of this resolve, "capital expenditures" includes renovations, repairs, major maintenance, new construction, land purchases and equipment purchases exceeding \$3,000; and be it further

**Sec. 2. Duties. Resolved:** That the duties of the Department of Administrative and Financial

Services set out in section 1 include, but are not limited to:

1. Reviewing all constitutional, statutory and executive order authority guiding the State's capital planning process;
2. Defining capital expenditures;
3. Defining or distinguishing routine maintenance and major maintenance expenditures;
4. Reviewing the present system for rating maintenance, repair and other capital projects;
5. Reviewing the State's leasing practices;
6. Reviewing the State's fixed asset inventory system;
7. Reviewing the State's debt policies;
8. Developing a debt policy that integrates capital planning and debt affordability;
9. Reviewing the feasibility of developing a 4-year capital plan including a project tracking system; and
10. Developing and presenting a capital budget to policy makers separate from the operating budget; and be it further

**Sec. 3. Recommendations. Resolved:**

That the Department of Administrative and Financial Services shall make recommendations about the State's capital planning process to the Joint Standing Committee on Appropriations and Financial Affairs in such time as will allow legislation to be submitted to the next regular legislative session. The Joint Standing Committee on Appropriations and Financial Affairs may report out legislation as necessary to implement the recommendations of the department to the Second Regular Session of the 119th Legislature.

See title page for effective date.

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**CHAPTER 36**

**H.P. 548 - L.D. 769**

**Resolve, Regarding Legislative Review of Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, a Major Substantive Rule of the Public Utilities Commission**

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective

until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A, requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption with amendment. Resolved:** That final adoption of Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, a provisionally adopted major substantive rule of the Public Utilities Commission and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized only if the rule is amended as follows:

1. Section 2, paragraph F is deleted;
2. Section 3, paragraph I is deleted; and
3. A provision is added that clarifies that nothing in the rule prevents a distribution utility from entering into a special contract offering a special rate to a customer or group of customers pursuant to a rate flexibility program approved by the Public Utilities Commission under the Maine Revised Statutes, Title 35-A, section 3195, subsection 6.

The Public Utilities Commission is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

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

Effective May 18, 1999.

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