

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.

J.S. McCarthy Company
Augusta, Maine
1999

CHAPTER 37**H.P. 547 - L.D. 768****Resolve, Regarding Legislative Review of Chapter 301: Standard Offer Service, 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 301: Standard Offer Service, 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 substantially in accordance with the changes to the rule indicated on the attachment to the letter from the Public Utilities Commission to the chairs of the Joint Standing Committee on Utilities and Energy dated March 16, 1999. A copy of that letter and the attachment must be filed with the Secretary of State as part of the written statement required under the Maine Revised Statutes, Title 5, section 8052, subsection 5 explaining the factual and policy basis for the rule. The changes shown in the attachment to the letter make the following changes to the provisionally adopted rule:

1. Establish standard offer classes and require providers to bid separately on each class;
2. Set the initial period of the standard offer at one year;

3. Assign responsibility for uncollectibles to standard offer providers;

4. Provide for electric utilities to arrange standard offer service in cases where the Public Utilities Commission determines there is a lack of sufficient bids; and

5. Make the rule consistent with other Public Utilities Commission rules governing interactions between providers and electric utilities.

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.

CHAPTER 38**H.P. 1172 - L.D. 1683****Resolve, Regarding Legislative Review of Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, 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 the final adoption of Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, 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 4, paragraph C, subparagraph (1) is amended to provide that a purchaser of capacity and energy has no recourse against a utility in the event the owner or operator of the generation asset does not provide the expected amount of capacity or energy or otherwise defaults;

2. Section 6, paragraph B, subparagraph (2) is amended to define the on-peak period as Monday through Friday from 7 a.m. to 11 p.m., except for holidays recognized by the New England independent system operator or the equivalent entity in the Maritimes Control Area; and

3. Section 6, paragraph B, subparagraph (2) is amended to provide that a utility, to the extent it has actual knowledge at the time it issues a request for bids, shall provide for each facility whose output is subject to the bidding requirements a description of any contractual provision or other factor that will have the effect of substantially changing the amount of output of a facility during the bid period and a description of any subsequent divestiture that may apply during the bid period.

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.

CHAPTER 39

H.P. 40 - L.D. 54

Resolve, to Authorize the Knox County Commissioners to Hold a Referendum Election in November 1999 to Borrow Not More than \$500,000 to Construct the Knox County Communications Center

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.

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

Whereas, Knox County has limited space to provide for a necessary communications and 9-1-1 system; and

Whereas, the need exists for an expanded communications system in Knox County; and

Whereas, the county commissioners must begin the necessary preparation of the ballot to be presented to voters of Knox County; 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. To authorize the borrowing of money. Resolved: That the Knox County commissioners are authorized to borrow and expend a sum not to exceed \$500,000 for construction or renovations of a communications and 9-1-1 center located in Knox County; and be it further

Sec. 2. Referendum for ratification. Resolved: That this resolve must be submitted to the legal voters of Knox County. The dates of submission must be determined by the Knox County commissioners, but may not be later than 18 months after adjournment of the Legislature. The Knox County commissioners are authorized to expend the funds necessary to implement the referendum.

The county commissioners shall cause the preparation of the required ballots on which the county commissioners shall state the subject matter of this resolve in the following question:

"Do you favor authorizing the Knox County commissioners to borrow an amount not to exceed \$500,000 for construction of the Knox County Communications Center?"

The voters shall indicate by a cross or a check mark placed against the words "Yes" or "No" their opinion of the question.

This resolve takes effect immediately upon its acceptance by a majority of the legal voters voting at