

# 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**

**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.

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## 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

the election if the total number of votes cast for and against the acceptance of this resolve equals or exceeds 30% of the total votes for all candidates for Governor cast in the most recent gubernatorial election in the county. If at the first election the total number of votes for and against acceptance of this resolve is less than 30% of the total votes for all candidates for Governor cast in the most recent gubernatorial election, the county commissioners may submit the question to voters not more than one other time within the time prescribed in this section; and be it further

**Sec. 3. Emergency clause referenda; effective date. Resolved:** That in view of the emergency cited in the preamble, this resolve takes effect when approved only for the purpose of permitting its submission to the legal voters of Knox County.

Effective pending referendum.

**CHAPTER 40**

**H.P. 1315 - L.D. 1898**

**Resolve, That the Director of the Maine State Museum Shall Include the Portraits of Outstanding Indians in the State House**

**Sec. 1. Portraits of outstanding Indians in the State House. Resolved:** That, notwithstanding Private and Special Law 1997, chapter 76, the Director of the Maine State Museum shall include portraits of outstanding Indians for public display in the State House. The Director of the Maine State Museum shall consult with the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseets and the Aroostook Band of Micmacs in carrying out the purposes of this resolve; and be it further

**Sec. 2. Plan. Resolved:** That the Director of the Maine State Museum, in consultation with the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseets and the Aroostook Band of Micmacs, shall present to the State House and Capitol Park Commission by December 31, 1999 a plan for including portraits of outstanding Indians for display in the State House. The plan must include funding proposals for commissioning or acquiring the portraits. The Director of the Maine State Museum will forward a copy of the plan to the members of the Joint Standing Committee of the Legislature on State and Local Government.

See title page for effective date.

**CHAPTER 41**

**S.P. 699 - L.D. 1974**

**Resolve, to Transfer a Parcel of State Land to the Town of Carrabassett Valley**

**Preamble.** The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

**Sec. 1. Director of Bureau of Parks and Lands authorized to negotiate and consummate sale. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation may negotiate and consummate the sale of certain public reserved lands to the Town of Carrabassett Valley. The State may not convey any land or interest in land that comprises a public road or a great pond. All money received from the sale of these public reserved lands must be used exclusively for the purchase of additional real estate in the same county as the transferred land for the same purposes; and be it further

**Sec. 2. Land to be conveyed. Resolved:** That the land to be conveyed consists of 1,203 acres, more or less, of public reserved land, being a portion of the land as was reserved by the State for public purposes in a deed to William Bingham dated January 28, 1793, and recorded at the State Archives in Volume 6, pages 37 to 41 (Massachusetts deed); and be it further

**Sec. 3. Consideration. Resolved:** That consideration for the sale must be the fair market value of the land as determined by an independent appraisal commissioned by the Director of the Bureau of Parks and Lands; and be it further

**Sec. 4. Deed and restrictions. Resolved:** That the property must be conveyed by quit claim deed without covenants, subject to the following deed restrictions: The Town of Carrabassett Valley shall in perpetuity retain title to the property and may not sell or otherwise transfer any interest, in whole or in part, in the property except that the Town of Carrabassett Valley may lease portions of the property as long as the uses are consistent with the uses specified in this resolve. The property must remain open and available for use and enjoyment by the public at large. Use of the property must be dedicated for purposes of public outdoor recreation, including, but not limited to: natural history study; hiking; camping, other than in motor vehicles; cross-country skiing; hunting; fishing; fisheries and wildlife management; skating; timber management and harvesting under a management plan