

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

plans and network diagrams. Information designated as confidential under this section is not a public record under Title 1, section 402, subsection 3.

2. Treatment of information by commission; generally. Except as otherwise provided in this section, the commission may not release information designated as confidential under subsection 1 and shall take appropriate steps to protect such information in its possession.

3. Access to information by parties in proceeding. Designation of information as confidential under subsection 1 does not limit the right of a party in a proceeding before the commission to obtain discovery of that information. Notwithstanding section 1311-A, subsection 1, paragraphs A and C, the commission may issue a protective order limiting discovery of information designated as confidential pursuant to subsection 1 if the commission finds that specific limits are necessary to protect the public interest.

4. Release of information to other state agencies. The commission may release information designated as confidential pursuant to subsection 1 or require the release of that information by a public utility to another state agency to the extent necessary to support emergency preparedness or response, law enforcement or other public health and safety activities. The commission shall consult with a public utility before releasing or requiring the release of confidential information about that utility to a state agency unless the commission determines that the public health and welfare require immediate release without such consultation. The commission shall notify a public utility within 2 business days of providing information about that utility to a state agency pursuant to this subsection. As soon as practicable after receiving notice from a state agency pursuant to subsection 5, paragraph B of the agency's intent to release the information, the commission shall notify the public utility of the agency's intent.

5. Release by other state agencies. A state agency that receives information about a public utility pursuant to subsection 4:

A. May not use that information for any purpose other than for the support of emergency preparedness or response, law enforcement or other public health and safety activities;

B. May not release that information to any other person or entity without prior notice to the commission unless the agency determines that immediate release of the information to one or more persons or entities is necessary for the protection of public health and safety; and

C. Shall, when finished with the use of any documents received from the commission or from a public utility pursuant to subsection 4, return the documents to the commission or the public utility, as appropriate.

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

Effective May 14, 2001.

CHAPTER 136

H.P. 973 - L.D. 1297

An Act to Ensure Proper Funding of the Public Utilities Commission

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 the Public Utilities Commission have sufficient funds to carry out its statutory obligations; and

Whereas, wholesale electricity markets are currently unsettled regionally and nationally, and electricity market rules and federal telecommunications rules are being developed and will significantly impact the overall prices that Maine's electricity and telephone consumers pay; and

Whereas, during fiscal year 2000-01, the Public Utilities Commission must maintain its ongoing responsibilities while continuing to participate in regional and national activities that will impact Maine's consumers; 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 §116, sub-§1, as amended by PL 1999, c. 398, Pt. C, §1, is further amended to read:

1. Utilities subject to assessments. Every transmission and distribution, gas, telephone and water utility and ferry subject to regulation by the commission is subject to an assessment on its intrastate gross operating revenues to produce no more than \$4,918,000 in revenues annually. The commission

shall increase the assessment to produce an additional \$318,000 during fiscal year 2001-02 and an additional \$587,000 during fiscal year 2002-03. The commission shall assess transmission and distribution utilities at a rate sufficient to produce \$3,370,000 and shall assess all other utilities at a rate sufficient to produce \$1,548,000. The commission shall increase the assessment of transmission and distribution utilities to produce an additional \$218,000 during fiscal year 2001-02 and an additional \$402,000 during fiscal year 2002-03. The commission shall increase the assessment of all other utilities to produce an additional \$100,000 during fiscal year 2001-02 and an additional \$185,000 during fiscal year 2002-03. The commission shall determine the assessments annually prior to May 1st and assess each utility for its pro rata share for expenditure during the fiscal year beginning July 1st. Each utility shall pay the assessment charged to the utility on or before July 1st of each year. Any increase in the assessment that becomes effective subsequent to May 1st may be billed on the effective date of the act authorizing the increase.

- A. The assessments charged to utilities under this section are just and reasonable operating costs for rate-making purposes.
- B. For the purposes of this section, "intrastate gross operating revenues" means intrastate revenues derived from filed rates, except revenues derived from sales for resale.
- C. Gas utilities subject to the jurisdiction of the commission solely with respect to safety are not subject to any assessment.
- D. The commission may correct any errors in the assessments by means of a credit or debit to the following year's assessment rather than reassessing all utilities in the current year.
- E. The commission may exempt utilities with annual intrastate gross operating revenues under \$50,000 from assessments under this section.

Sec. 2. Use of unexpended funds. Notwithstanding the Maine Revised Statutes, Title 35-A, section 116, subsection 5, the Public Utilities Commission may expend in fiscal year 2001-02 and fiscal year 2002-03, for the purposes specified in Title 35-A, section 116, subsection 4, 100% of any unexpended funds remaining at the end of the prior fiscal year. Treatment of funds not expended at the end of fiscal year 2002-03 is governed by Title 35-A, section 116, subsection 5.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

PUBLIC UTILITIES COMMISSION

Public Utilities Commission Regulatory Fund

Personal Services	(\$300,000)
All Other	300,000
Transfers unexpended funds allocated for personnel salary to All Other account.	

PUBLIC UTILITIES COMMISSION TOTAL

\$0

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

Effective May 14, 2001.

CHAPTER 137

H.P. 849 - L.D. 1121

An Act to Allow Flexibility in Regulation of Telephone Utilities

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

Sec. 1. 35-A MRSA §120, sub-§§3 and 4, as enacted by PL 1999, c. 584, §1, are amended to read:

3. Regional issues. The commission's efforts undertaken in accordance with its authority under this Title to promote and protect consumer interests through participation in and presentations before regional entities and federal agencies with jurisdiction over regional marketplaces that affect the State's consumers. The commission must provide an assessment of staffing requirements to undertake these responsibilities; ~~and~~

4. Rural issues. The commission's efforts undertaken in accordance with its authority under this Title to ensure that rural areas of this State are not disadvantaged as utility industries are restructured and competitive markets developed. The commission shall identify any rural issues that it has determined may require legislative action; ~~and~~

Sec. 2. 35-A MRSA §120, sub-§5 is enacted to read: