

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

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:

5. Telephone exemptions. The commission's activities undertaken pursuant to its authority to grant exemptions to telephone utilities from certain portions of this Title.

Sec. 3. 35-A MRSA §307-A, first ¶, as enacted by PL 1997, c. 276, §1 and affected by §4, is amended to read:

The commission may adopt by rule standards and procedures for granting exemptions from all or specified portions of ~~section~~ sections 304 and 307 and for suspending its powers of suspension and investigation under section 310 with respect to a telephone utility, a specified group of telephone utilities or specified services offered by one or a group of telephone utilities. Any determination granting an exemption or suspension pursuant to the rule must be accompanied by a finding that the exemption or suspension will not have a negative impact on competitive markets for the specified services, that the utility or group of utilities does not exercise significant power over pricing in the markets for the specified services and that the determination will not result in unjust or unreasonable rates for any customers in the markets for those services. The commission may limit its determination to specific geographic areas. A utility whose rates or terms and conditions are subject to a determination made pursuant to a rule adopted under this section remains subject to other applicable provisions of this Title and commission rules.

Sec. 4. 35-A MRSA §507 is enacted to read:

§507. Exemption for certain telephone utilities

The commission may adopt by rule standards and procedures for granting exemptions to a telephone utility or a specified group of telephone utilities from all or specified portions of section 504. Any exemption granted pursuant to the rule must be accompanied by a finding that the exemption is in the public interest and will not have a negative impact on competitive markets for telephone services. The commission may limit an exemption to specific geographic areas. A utility granted an exemption pursuant to a rule adopted under this section remains subject to other applicable provisions of this Title and commission rules.

For good cause, as defined by the commission by rule, the commission may revoke any exemption granted pursuant to this section. A revocation may be in whole or in part and may be specific to a single telephone utility or a single utility service.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 5. 35-A MRSA §912, first ¶, as enacted by PL 1997, c. 276, §2 and affected by §4, is amended to read:

The commission may adopt by rule standards and procedures for granting exemptions to a telephone utility or a specified group of telephone utilities from all or specified portions of this chapter. Any exemption granted pursuant to the rule must be accompanied by a finding that ~~the application of this chapter or portions of this chapter to the telephone utility or group of telephone utilities will not further exemption is in the public interest and will not have a negative impact on competitive markets for telephone services.~~ The commission may limit an exemption to specific geographic areas. A utility granted an exemption pursuant to a rule adopted under this section remains subject to other applicable provisions of this Title and commission rules.

Sec. 6. 35-A MRSA §1105, first ¶, as enacted by PL 1997, c. 276, §3 and affected by §4, is amended to read:

The commission may adopt by rule standards and procedures for granting exemptions to a telephone utility or a specified group of telephone utilities from all or specified portions of this chapter. Any exemption granted pursuant to the rule must be accompanied by a finding that ~~the application of this chapter or portions of this chapter to the telephone utility or group of telephone utilities will not further exemption is in the public interest and will not have a negative impact on competitive markets for telephone services.~~ The commission may limit an exemption to specific geographic areas. A utility granted an exemption pursuant to a rule adopted under this section remains subject to other applicable provisions of this Title and commission rules.

See title page for effective date.

CHAPTER 138

S.P. 511 - L.D. 1630

**An Act to Permit the Issuance of
Certain Types of Consumer Credit
Insurance**

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

Sec. 1. 9-A MRSA §4-103, sub-§2, as enacted by PL 1973, c. 762, §1, is amended to read:

2. "Credit Insurance Act" means ~~the Revised Statutes, Title 24-A, chapter 37.~~