

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

**2. Standards for private lines.** The commission shall by rule establish standards for the construction of a line by a person other than a transmission and distribution utility. The rules:

A. Must establish standards for the construction of lines. The commission may establish different standards in different transmission and distribution utility territories. The standards must be the same as the standards that would apply if the transmission and distribution utility in whose territory the line is constructed built the line unless there are compelling public safety reasons for applying different standards. If these standards and any other reasonable conditions established by the commission are met, a transmission and distribution utility may not refuse to connect the line to the utility's system or to deliver energy over the line;

B. Must establish terms and conditions for transferring the ownership of a line to a transmission and distribution utility. The rules may establish a requirement that certain types of lines, lines under certain conditions, or lines in certain locations, such as lines located in the public way, must be transferred to the transmission and distribution utility; and

C. May require that a person that is not a transmission and distribution utility that constructs a line meet minimum qualifications established or approved by the commission.

**3. Apportionment of costs of line extensions.** The commission shall adopt rules establishing requirements for apportioning the costs of a single-phase overhead line extension among persons who take service through the line after the construction of the line. The commission may provide for exemptions from the apportionment methodology established by the commission for any transmission and distribution utility that petitions the commission for an exemption and establishes to the satisfaction of the commission that the transmission and distribution utility's apportionment methodology adequately serves the public interest and balances competing interests of customers.

**4. Lines constructed in the public way.** Nothing in this section or rules adopted under this section limits the application of section 2305 to any line constructed in a public way.

**5. Submission of rules.** Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A and must be submitted to the Legislature for review no later than February 1, 2002.

**Sec. 2. Public Utilities Commission examination of minimum qualifications of line**

**constructors.** The Public Utilities Commission shall examine whether minimum qualifications should be established for persons who construct private line extensions and if so, how the qualifications should be established and what mechanisms are most appropriate for ensuring the qualifications are met. The commission shall, with any rules submitted to the Legislature pursuant to the Maine Revised Statutes, Title 35-A, section 314, submit a report to the Joint Standing Committee on Utilities and Energy on the commission's findings and recommendations under this section.

See title page for effective date.

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## CHAPTER 202

S.P. 375 - L.D. 1213

### An Act to Amend the Hunting Laws Relating to Blaze Orange

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

**Sec. 1. 12 MRSA §7406, sub-§12,** as repealed and replaced by PL 1991, c. 824, Pt. A, §21, is amended to read:

**12. Hunting without hunter orange clothing.** A person is guilty of hunting without hunter orange clothing if that person hunts with firearms during the open firearm season on deer and fails to wear 2 articles of ~~solid-colored~~ hunter orange clothing that are in good, serviceable condition and visible from all sides, except that persons hunting waterfowl from a boat or blind or in conjunction with waterfowl decoys need not wear hunter orange clothing. One article of clothing must be a solid-colored hunter orange hat. The other article of clothing must cover a major portion of the torso, such as a jacket, vest, coat or poncho, and must be a minimum of 50% hunter orange in color. The presence of a decal on an article of clothing that is otherwise solid-colored hunter orange does not disqualify that article of clothing from satisfying the requirements of this subsection.

See title page for effective date.

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## CHAPTER 203

S.P. 489 - L.D. 1578

### An Act to Clarify the Laws Governing Employment by the State

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

**Sec. 1. 5 MRSA §18, sub-§7**, as enacted by PL 1987, c. 784, §3, is amended to read:

**7. Avoidance of appearance of conflict of interest.** Every executive employee shall endeavor to avoid the appearance of a conflict of interest by disclosure or by abstention. For the purposes of this subsection and subsection 8, "conflict of interest" includes receiving remuneration, other than reimbursement for reasonable travel expenses, for performing functions that a reasonable person would expect to perform as part of that person's official responsibility as an executive employee.

**Sec. 2. 5 MRSA §18-A** is enacted to read:

**§18-A. Conflict of interest; contract with the State**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "State entity" means any office, department, agency, authority, commission, board, institution, hospital or other instrumentality of the State.

B. "Executive employee" has the same meaning as set forth in section 19, subsection 1, paragraph D except that "executive employee" includes employees of and members serving with the National Guard and employees of the University of Maine System, the Maine Maritime Academy and the state technical colleges.

**2. Prohibition.** An executive employee may not have any direct or indirect pecuniary interest in or receive or be eligible to receive, directly or indirectly, any benefit that may arise from any contract made on behalf of the State when the state entity that employs the executive employee is a party to the contract.

**3. Violative contract void.** Any contract made in violation of this section is void.

**4. Exemptions.** This section does not apply:

A. To purchases by the Governor under authority of Title 1, section 814;

B. To contracts made with a corporation that has issued shares to the public for the general benefit of that corporation; or

C. If an exemption is approved by the Director of the Bureau of General Services within the Department of Administrative and Financial Services or the director's designee based upon one of the following and if the director gives notice of the granting of this exemption to all parties bidding on the contract in question with a statement of the reason for the exemption and if an oppor-

tunity is provided for any party to appeal the granting of the exemption:

(1) When the private entity or party that proposes to contract with the State and that employs the executive employee, based upon all relevant facts, is the only reasonably available source to provide the service or product to the State, as determined by the director; or

(2) When the director determines that the amount of compensation to be paid to the private entity or party providing the service or product to the State is de minimis.

See title page for effective date.

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**CHAPTER 204**

**S.P. 281 - L.D. 992**

**An Act to Permit the Department of  
Inland Fisheries and Wildlife to  
Accept Gifts for the Benefit of  
Wildlife Protection and Conservation**

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

**Sec. 1. 17 MRSA §331, sub-§6, ¶¶B and C**, as enacted by PL 1987, c. 190, §3, are amended to read:

B. Any volunteer police force, fire department or ambulance corps; ¶

C. Any class or organization of an elementary, secondary or post-secondary educational institution operated or accredited by the State; or

**Sec. 2. 17 MRSA §331, sub-§6**, as amended by PL 1995, c. 462, Pt. B, §3, is further amended to read:

**6. Raffles with prizes of \$10,000 or less.** Notwithstanding subsection 1, a license to conduct or operate a raffle as defined in section 330, subsection 5, in which the holder of the winning chance does not receive something of value worth more than \$10,000, is not required of the following:

A. Any agricultural society eligible for the state stipend under Title 7, section 62, or any bona fide, nonprofit organization that is either charitable, educational, political, civic, recreational, fraternal, patriotic or religious or any auxiliary of such organization;

B. Any volunteer police force, fire department or ambulance corps; ¶