

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

March 1, 2005. The commission shall conclude the investigation by June 30, 2004 December 1, 2002 and report its results and recommendations to the Legislature pursuant to section 3217. In its investigation, the commission shall solicit the input of all interested parties and consider the questions in paragraphs A to D in addition to other issues the commission determines appropriate.

A. Are the goals of this chapter best fulfilled if standard-offer service ceases altogether on March 1, 2005 or at a date certain after March 1, 2005?

B. Should opportunities for retail aggregators be changed to ensure greater participation in competitive markets by residential and small commercial customers, beginning March 1, 2005?

C. Beginning March 1, 2005, should any standard-offer provider selected by the commission pursuant to subsection 2 be required to offer at least one standard-offer service that is composed entirely of renewable resources as defined in section 3210?

D. Should this chapter be amended to enable aggregators, beginning March 1, 2005, automatically to receive by contract, for a term designated in that contract, the designation as competitive electricity provider for all the electric accounts in a given municipality if:

(1) That municipality adopts a "negative-option" form of municipal aggregation, following notice and opportunity for hearing, by means of a recorded vote of the municipal officers or the appropriate governing body; and

(2) All customers in that municipality reserve the right to leave the municipal aggregation and designate a different provider, in writing, within a time period established by legislative enactment?

Sec. 2. 35-A MRSA §3217, sub-§1, as enacted by PL 1997, c. 316, §3, is amended to read:

1. Annual restructuring report. On December 31st of each calendar year, the commission shall submit to the joint standing committee of the Legislature having jurisdiction over utility matters a report describing the commission's activities in carrying out the requirements of this chapter and the activities relating to changes in the regulation of electric utilities in other states.

In its report the commission shall provide an accounting of the commission's actual and estimated future costs of enforcing and implementing the provisions of

this chapter governing the relationship between a transmission and distribution utility and an affiliated competitive electricity provider and the costs incurred by transmission and distribution utilities in complying with those provisions. The commission shall also provide an assessment of the effects of imposing these costs on ratepayers and the potential effects of assessing transmission and distribution utilities for these costs and prohibiting the costs from being passed through to ratepayers.

No later than December 1, 2002, the commission shall submit to the joint standing committee of the Legislature having jurisdiction over utility matters the report required under section 3212, subsection 4, with recommendations for action by the Legislature.

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

Effective March 12, 2002.

CHAPTER 529

S.P. 776 - L.D. 2112

An Act to Aid Fire Departments in Meeting Mandatory Reporting Requirements

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

Sec. 1. 5 MRSA §1813, sub-§6, as amended by PL 1991, c. 418, §1, is further amended to read:

6. Surplus property. Providing for transfer of supplies, materials and equipment that are surplus from one state department or agency to another that may need them, and for the disposal by private and public sale of supplies, materials and equipment that are obsolete and unusable. Political subdivisions, educational institutions, fire departments or qualifying nonprofit organizations, as defined in section 1813-A, must be given an opportunity to purchase the surplus items through private sale. If 2 or more political subdivisions, educational institutions, fire departments or qualifying nonprofit organizations are interested in any item, the sale must be the result of competitive bid. Any equipment so purchased must be retained for a period of at least one year in a current ongoing program. Any item purchased by a political subdivision, educational institution, fire department or qualifying nonprofit organization under this section may not be sold or transferred by that political subdivision, educational institution, fire department or qualifying nonprofit organization for a period of 6 months from the date of the private sale and the State reserves the right to refuse to sell additional equipment

to a political subdivision, educational institution, fire department or qualifying nonprofit organization if it is determined that the political subdivision, educational institution, fire department or qualifying nonprofit organization has not retained the equipment for the required period of 6 months;

Sec. 2. 5 MRSA §1813-A, as amended by PL 1991, c. 716, §6, is further amended to read:

§1813-A. Sale of surplus property

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

A. "Educational institution" means any public elementary or secondary school, any elementary or secondary private school approved for tuition whose school enrollment is at least 60% publicly funded students as determined by the previous school year's October to April average enrollment, any nonpublic post-secondary school or any applied technology region.

C. "Qualifying nonprofit organization" means a public or private nonprofit entity that owns or operates a project or facility for the homeless or a nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501 (c) and that provides services to persons with physical or mental handicaps as defined in section 4553, subsection 7-A.

D. "Fire department" means a department required to report to the State Fire Marshal pursuant to Title 25, section 2395.

2. Surplus property. Pursuant to this chapter and rules ~~promulgated~~ adopted under section 1813, the Department of Administration and Financial Services through the Bureau of ~~Purchases~~ General Services shall allow private sales of surplus property to homeless shelter sponsors and to educational institutions.

3. Computers to fire departments. Notwithstanding any requirement of this chapter or rules adopted pursuant to this chapter, a fire department may purchase one personal computer from the Bureau of General Services to be used for reporting to the State Fire Marshal as required under Title 25, section 2395. The Bureau of General Services may charge a fire department only the reasonable administrative and handling costs of no more than \$35 for the purchase of a personal computer under this subsection.

See title page for effective date.

CHAPTER 530

H.P. 1442 - L.D. 1939

An Act to Allow Landowner Permits to be Issued for Turkey Hunting

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

Whereas, the 90-day period may not terminate until after the beginning of the wild turkey hunting season; 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. 12 MRSA §7468, sub-§13 is enacted to read:

13. Landowner; wild turkey permit. A wild turkey permit system adopted by the commissioner pursuant to this section may include a provision giving special consideration to landowners who keep their lands open to hunting by the public. Any 2 or more areas of land owned by the same person that are open for hunting and that would be contiguous except for being divided by one or more roads are considered contiguous for the purposes of determining landowner eligibility for special consideration under this subsection.

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

Effective March 14, 2002.

CHAPTER 531

H.P. 1494 - L.D. 1997

An Act Regarding Fire Safety Laws for Residential Care Facilities

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

Sec. 1. 22 MRSA §7904-A, sub-§1, as amended by PL 1997, c. 728, §9, is further amended to read: