

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 271**S.P. 328 - L.D. 987****An Act To Establish Consistent Requirements for High School Course Credits and Diploma Eligibility**

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

Sec. 1. 20-A MRSA §5022, sub-§2, ¶¶C and D, as enacted by PL 1995, c. 610, §1, are amended to read:

C. Requests for transfer credit for equivalent instruction completed at nonapproved private schools, at private schools that elect not to meet requirements under section 2901 or through other equivalent instruction programs must be evaluated on the merits of the documentation provided. The principal and guidance staff shall conduct these evaluations on request by the student or the student's parent or guardian. The principal may direct that the student undergo a test or tests to assist in making a determination relative to the awarding of credit under this paragraph.

D. Awarding of a high school diploma by the local school is conditioned upon the student's demonstration of having satisfied all course credit ~~or~~ and other requirements established by the local school board. The local board of directors may establish resident credit requirements as a precondition for the awarding of a local school unit diploma.

See title page for effective date.

CHAPTER 272**H.P. 759 - L.D. 1042****An Act To Ensure Proper Funding of the Public Utilities Commission and the Public Advocate**

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 and the Public Advocate have sufficient funds to carry out their statutory obligations during fiscal year 2004; 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 2001, c. 136, §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~~ \$5,505,000 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 \$3,772,000 annually.~~ The commission shall assess all other utilities at a rate sufficient to produce \$1,548,000 \$1,733,000 annually. ~~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. 35-A MRSA §116, sub-§8, ¶C-1, as amended by PL 2001, c. 28, §1, is further amended to read:

C-1. Except as specified in this subsection, funds that are not expended at the end of a fiscal year do not lapse but must be carried forward to be expended for the purposes specified in this section in succeeding fiscal years; but, with the exception of funds carried forward from fiscal year ~~1996-97 to fiscal year 1997-98 and with the exception of funds carried forward at the end of fiscal year 2000-01 2002-03~~ and fiscal year ~~2001-02 2003-04~~ for use in the following fiscal year, unexpended funds in excess of 10% of the total annual assessment authorized in this section must, at the option of the Public Advocate, either be presented to the Legislature in accordance with paragraph A for reallocation and expenditure or used to reduce the utility assessment in the following fiscal year. In the case of funds carried forward from fiscal year ~~1996-97 to fiscal year 1997-98 and funds carried forward from fiscal year 2000-01 2002-03~~ and fiscal year ~~2001-02 2003-04~~ for use in the following fiscal year, 100% of these funds may be expended for the purposes specified in this section.

Sec. 3. PL 2001, c. 136, §2 is amended to read:

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 2003-04~~ and fiscal year ~~2002-03 2004-05~~, 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 2004-05~~ is governed by Title 35-A, section 116, subsection 5.

Sec. 4. Report and authority to report legislation. No later than January 1, 2004, the Public Utilities Commission shall submit to the Joint Standing Committee on Utilities and Energy a report describing the commission's activities during fiscal year 2003-04 and the extent to which the assessment authorized in the Maine Revised Statutes, Title 35-A, section 116 limits the commission's ability to fulfill its statutory responsibilities. The commission shall also examine and report on the appropriateness of the apportionment of the assessment between transmission and distribution utilities and other utilities. The Joint Standing Committee on Utilities and Energy may report out legislation to the Second Regular Session of

the 121st Legislature relating to the commission's assessments under Title 35-A, section 116.

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

Effective May 23, 2003.

CHAPTER 273

H.P. 608 - L.D. 831

An Act Pertaining to Former Members of the Maine State Retirement System

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

Sec. 1. 5 MRSA §18203, sub-§3, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

3. Amendments. A participating local district that has withdrawn from participation in the retirement system may adopt any provision of this Part and amend its plan to reflect adoption of that provision, whether the provision took effect before or after the effective date of the district's withdrawal. A participating local district withdrawing under this section may not amend its retirement plan except in accordance with this subsection, and any such amendment is effective only with respect to employees of the district who remained in the retirement system at the time of the district's withdrawal.

See title page for effective date.

CHAPTER 274

H.P. 905 - L.D. 1231

An Act To Restrict Excessive Late Rental Fees for Self-service Storage Facilities

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

Sec. 1. 10 MRSA §1372, sub-§2-A is enacted to read:

2-A. Late fee. "Late fee" means any fee or charge assessed for an occupant's failure to pay rent when due. "Late fee" does not include interest on a debt, reasonable expenses incurred in the collection of unpaid rent or costs associated with the enforcement of any other remedy provided by statute or contract.