

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

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

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

Whereas, the Department of Inland Fisheries and Wildlife holds a conservation easement on a parcel of land adjacent to the Rangeley River in Rangeley; and

Whereas, the conservation easement was acquired from the Rangeley Lakes Heritage Trust with funds from the Land for Maine's Future Fund; and

Whereas, the Oquossoc Standard Water District desires to install one or more wells on the parcel of land to provide water to the Village of Oquossoc in the Town of Rangeley; 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

Sec. 1. Authority to convey easement. Resolved: That, in accordance with the Maine Revised Statutes, Title 5, section 6209, the Commissioner of Inland Fisheries and Wildlife may as provided in this section enter into an amendment of the conservation easement that the Department of Inland Fisheries and Wildlife holds in the Rangeley River conservation corridor and that was acquired with funds from the Land for Maine's Future Fund. If the commissioner finds that the conservation values of the Rangeley River conservation corridor will not be adversely affected, the commissioner may allow the Oquossoc Standard Water District to drill for water within 20 feet of the existing waterline on the property, to construct one or more wells within 20 feet of the existing waterline on the property and to connect the wells to the existing waterline in order to provide potable water to the Village of Oquossoc in the Town of Rangeley.

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

Effective May 23, 2003.

CHAPTER 45

H.P. 966 - L.D. 1312

Resolve, Relating to Renewable Resources

Sec. 1. Public Utilities Commission examination. Resolved: That the Public Utilities Commission shall examine mechanisms designed to ensure a secure, adequate and reliable supply of electricity for state residents and to maintain and increase the State's use of renewable and indigenous resources. In particular, the commission shall examine mechanisms that would provide adequate support for indigenous Maine generation facilities, including, but not limited to, hydroelectric facilities with a capacity of 30 megawatts or less, biomass generators and hydrogen-based fuel cell generators. The commission shall develop an analysis that articulates, to the extent possible, the cost of achieving the various goals and the most effective forms of each of the following support mechanisms:

1. A renewable portfolio requirement, similar in design to the current requirement under the Maine Revised Statutes, Title 35-A, section 3210, with appropriate modifications to ensure that it is both effective and permits a reasonable estimate of the cost to consumers;
2. A system benefits charge, with clearly articulated mechanisms for collecting and disbursing funds;
3. A mechanism that would use purchases from Maine's renewable generators to satisfy a portion of standard offer supply, with appropriate specificity for how such purchases would affect consumer prices, by and from whom purchases would be made, for what period of time any renewable portion of the standard offer supply should be offered and the impact on other features of Maine's electricity markets, including in particular the standard offer and the activities of competitive suppliers; and
4. Mechanisms used in other states and whether such mechanisms could be adapted for use in Maine; and be it further

Sec. 2. Consultation. Resolved: That, in conducting its examination, the Public Utilities Commission shall consult with entities with expertise or substantial interest in the subject of the examination, including, but not limited to, the Public Advocate, an organization representing independent renewable energy producers in Maine, an organization representing industrial energy consumers, an environmental advocacy group in Maine and representatives of transmission and distribution utilities; and be it further

Sec. 3. Report. Resolved: That the Public Utilities Commission shall submit the results of its examination, together with any proposed legislation, to the Joint Standing Committee on Utilities and Energy by December 31, 2003. The commission's analysis must present consensus positions where possible and alternatives where agreement can not be reached; and be it further

Sec. 4. Authority to report legislation. Resolved: That the Joint Standing Committee on Utilities and Energy may report out legislation to the Second Regular Session of the 121st Legislature on the subject matter of the Public Utilities Commission's examination.

See title page for effective date.

CHAPTER 46

H.P. 1091 - L.D. 1494

Resolve, Regarding Legislative Review of Chapter 306: Information Disclosure Rule Amendment, a Major Substantive Rule of the Public Utilities Commission

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 306: Information Disclosure Rule Amendment, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375,

subchapter 2-A, is authorized only if the rule is modified as follows:

1. In that portion designated §2 (B) (4), the sentence is removed that provides that fuel cells and geothermal, solar, tidal and wind power must be separately identified on the label only if contained in the competitive electricity provider's actual fuel mix; and

2. The sample label attached to the rule is amended as necessary to conform with the change required under subsection 1.

The Public Utilities Commission is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

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

Effective May 23, 2003.

CHAPTER 47

H.P. 1143 - L.D. 1560

Resolve, Regarding Legislative Review of Chapter 1: Community Industrial Building Program, a Major Substantive Rule of the Maine Rural Development Authority

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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