

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

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

---

---

**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

and distribution utility service territory they reside in, the commission shall by rule establish an equitable-treatment program consistent with this subsection.

A. The equitable-treatment program must be available to any person who:

(1) Is eligible for benefits under the transmission and distribution utility's low-income assistance program established in accordance with subsection 2; and

(2) Provides documentation from a doctor that the person for health reasons needs an oxygen pump at least 8 hours each day.

B. The equitable-treatment program must be designed to ensure that the low-income assistance benefits provided under this section to persons who qualify under paragraph A mitigate, to an extent that is reasonably equivalent in each transmission and distribution utility territory, electric charges associated with the operation of an oxygen pump. The commission may not reduce any assistance provided under any low-income assistance program established under subsection 2 in order to satisfy the requirements of this paragraph.

C. The commission shall establish an administratively simple and inexpensive method of administering the equitable-treatment program.

D. Reasonable costs incurred by a transmission and distribution utility in implementing any program established by the commission under this subsection are just and reasonable expenses for rate-making purposes.

E. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 133**

**H.P. 578 - L.D. 813**

**An Act To Make Technical Changes in Laws Relating to Conservation**

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

**Sec. 1. 12 MRSA §8611, sub-§2,** as amended by PL 1989, c. 700, Pt. A, §40, is further amended to read:

**2. Natural resource educator.** The director shall employ a natural resource educator to develop

and coordinate natural resource education, workshops and training opportunities for school-age children, forest landowners, forest products harvesters and forest managers. ~~Specifically, this person shall:~~

~~A. Work with the Department of Education and organizations to integrate forestry and forest science programs into the science curricula in public schools; and~~

~~B. Establish a program for continuing education courses in timber harvesting equipment operation, safety and basic forest management skills.~~

**Sec. 2. 12 MRSA §8701,** as amended by PL 1989, c. 21, §§1 to 3, is repealed.

**Sec. 3. 12 MRSA §8883-A,** as enacted by PL 1995, c. 242, §1, is repealed.

**Sec. 4. 12 MRSA §8884, sub-§2,** as amended by PL 1995, c. 242, §2, is further amended to read:

**2. Imports and exports.** Persons, firms, corporations or companies selling forest products out of the State or buying forest products to bring into the State shall submit an annual report to the director of the bureau during the month of January for the forest products sold out of the State or brought into the State. The report must also identify the origin of imported forest products by state or country, the county in the State in which exported forest products were harvested and the destination of exported forest products by state or country.

**Sec. 5. 12 MRSA §8886, sub-§2, ¶B,** as amended by PL 1997, c. 720, §18, is repealed.

See title page for effective date.

---

---

**CHAPTER 134**

**S.P. 183 - L.D. 574**

**An Act To Amend Provisions of the Submerged Lands Laws**

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

**Sec. 1. 12 MRSA §1801, sub-§9, ¶A,** as enacted by PL 1997, c. 678, §13, is amended to read:

A. All land from the mean low-water mark or a maximum of 1,650 feet seaward of the mean high-water mark, whichever is closer to the mean high-water mark, out to the seaward boundary of ~~eastern~~ territorial waters as defined in section 6001;

**Sec. 2. 12 MRSA §1862, sub-§1, ¶D-1** is enacted to read:

D-1. "Large-scale project" means a project that extends beyond localized development adjacent to a single facility or property. "Large-scale project" does not include a project such as a pier, marina or boatyard or utility cables and pipelines serving neighboring communities or islands. "Large-scale project" includes, but is not limited to, an offshore wind farm, an offshore tanker port, an interstate or international pipeline or cable and similar projects.

**Sec. 3. 12 MRSA §1862, sub-§2, ¶E**, as enacted by PL 1997, c. 678, §13, is amended to read:

E. Beginning January 1, 1997, the maximum rent to which any lease is subject may not exceed \$1,200 per year. The \$1,200 limit does not apply to a large-scale project. The director shall establish through rulemaking criteria for determining a project's designation as a large-scale project and criteria for establishing rents for large-scale projects. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 4. Transition.** Until major substantive rules authorized under the Maine Revised Statutes, Title 12, section 1862, subsection 2, paragraph E are finally adopted and in effect, the Director of the Bureau of Parks and Lands within the Department of Conservation shall determine if a project qualifies as a large-scale project as defined in Title 12, section 1862, subsection 1, paragraph D-1 and determine the rents for large-scale projects.

See title page for effective date.

---



---

## CHAPTER 135

### H.P. 619 - L.D. 868

#### An Act To Ensure Equity in Funding

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

**Whereas**, the Public Utilities Commission and the Public Advocate rely on assessments for their annual budgets; and

**Whereas**, this legislation affects the levels of income from specific sources; 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 2003, c. 272, §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 a total of no more than \$5,505,000 in revenues annually. The commission shall assess transmission and distribution utilities at a rate sufficient to produce \$3,772,000 annually. The commission shall assess all other utilities at a rate sufficient to produce \$1,733,000 annually. The portion of the total assessment applicable to each category of public utility is based on an accounting by the commission of the portion of the commission's resources devoted to matters related to each category. The commission shall develop a reasonable and practicable method of accounting for resources devoted by the commission to matters related to each category of public utility. Assessments on each public utility within each category must be based on the utility's gross intrastate operating revenues. 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.