

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

**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~~ sufficient revenue for expenditures allocated by the Legislature for the Public Utilities Commission Regulatory Fund established pursuant to this section. The budget for the Public Utilities Commission Regulatory Fund is subject to legislative review and approval in accordance with subsection 2. 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.

**Sec. 2. 35-A MRSA §116, sub-§2,** as amended by PL 1997, c. 424, Pt. B, §4, is further amended to read:

**2. Committee recommendations; legislative approval of budget.** The commission shall submit its budget recommendations as part of the unified current services budget legislation in accordance with Title 5, sections 1663 to 1666. The commission shall make a presentation of its budget recommendations contained

in any current services budget legislation and any supplemental budget legislation to the joint standing committee of the Legislature having jurisdiction over public utilities matters. The joint standing committee of the Legislature having jurisdiction over public utilities matters shall review the commission's recommendations and make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding the budget of the commission, including but not limited to all expenditures from the fund established pursuant to this section. The commission shall make an annual report in accordance with section 120 of its planned expenditures for the year and on its use of funds in the previous year. ~~The~~ In addition to the assessments authorized under this section, the commission may also receive other funds as appropriated or allocated by the Legislature.

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

Effective March 23, 2007.

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**CHAPTER 17**  
**H.P. 136 - L.D. 154**

**An Act To Provide  
Reinstatement of Group Life  
Insurance for Public  
Employees Returning from  
Unpaid Military Leave**

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

**Sec. 1. 5 MRSA §18058, sub-§2, ¶D** is enacted to read:

D. Any employee who, during a period of unpaid military leave of absence, does not continue coverage while on unpaid military leave must be reinstated to the levels of coverage in effect immediately prior to the unpaid military leave. A request for reinstatement by the employee must be made within 31 days of the employee's return to work following unpaid military leave. An employee who wants to be reinstated and who does not apply for reinstatement within 31 days of the employee's return to work from unpaid military leave must produce evidence of insurability at the employee's own expense and in accordance with the requirements of the insurance underwriter.

**Sec. 2. 5 MRSA §18658, sub-§2, ¶D** is enacted to read:

D. Any employee who, during a period of unpaid military leave of absence, does not continue coverage while on unpaid military leave must be rein-

stated to the levels of coverage in effect immediately prior to the unpaid military leave. A request for reinstatement by the employee must be made within 31 days of the employee's return to work following unpaid military leave. An employee who wants to be reinstated and who does not apply for reinstatement within 31 days of the employee's return to work from unpaid military leave must produce evidence of insurability at the employee's own expense and in accordance with the requirements of the insurance underwriter.

**Sec. 3. Retroactivity.** This Act applies retroactively to any employee who is on military leave on or after January 1, 2007.

See title page for effective date.

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## CHAPTER 18

### H.P. 37 - L.D. 36

#### An Act To Transfer the Administration of the Renewable Resource Fund from the State Planning Office to 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 Executive Department, State Planning Office has the authority to administer the Renewable Resource Fund in the current fiscal year, which ends June 30, 2007; and

**Whereas,** transferring the authority to administer the Renewable Resource Fund to the Public Utilities Commission on July 1, 2007 will ensure that there is no lapse in spending authority during the transition of administrative responsibility for the fund; 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 MRS §3210, sub-§5, as amended by PL 1999, c. 372, §1 and PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

**5. Funding for research and development; community demonstration projects.** The commission by rule shall establish and administer a program

allowing retail consumers of electricity to make voluntary contributions to fund renewable resource research and development and to fund ~~demonstration~~ community demonstration projects using renewable energy technologies. ~~The State Planning Office shall administer the program.~~ The program must:

A. Include a mechanism for customers to indicate their willingness to make contributions;

B. Provide that transmission and distribution utilities collect and account for the contributions and forward them to the commission;

C. Provide for a distribution of the funds to the University of Maine System, the Maine Maritime Academy or the Maine Community College System for renewable resource research and development; and

D. Provide for a distribution of the funds to Maine-based nonprofit organizations that qualify under the federal Internal Revenue Code, Section 501(c)(3), consumer-owned ~~electric cooperatives~~ transmission and distribution utilities, community-based nonprofit organizations and community action programs, municipalities, quasi-municipal corporations or districts as defined in Title 30-A, section 2351 and school administrative units as defined in Title 20-A, section 1 for ~~demonstration~~ community demonstration projects using renewable energy technologies.

Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter H-A 2-A.

**Sec. 2.** 35-A MRS §3210, sub-§6, as enacted by PL 1999, c. 372, §2, is amended to read:

**6. Fund.** There is established the Renewable Resource Fund, referred to in this subsection as the "fund." The fund is a nonlapsing fund administered by the ~~State Planning Office~~ commission. All funds collected by the commission pursuant to subsection 5 must be deposited in the fund for distribution by the ~~State Planning Office~~ commission in accordance with subsection 5. The ~~State Planning Office~~ commission may seek and accept funding for the program established pursuant to subsection 5 from other sources, public or private. Any funds accepted for use in the program established pursuant to subsection 5 must be deposited in the fund.

**Sec. 3.** 35-A MRS §3210, sub-§6-A is enacted to read:

**6-A. Renewable Resource Fund report.** The commission shall report by December 1st of each year to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on the Renewable Resource Fund established in subsection 6 and referred to in this subsection as "the fund." The report must include: