

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2008 to March 31, 2008**

**FIRST SPECIAL SESSION**  
**April 1, 2008 to April 18, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 18, 2008**

**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**  
**2008**

**Sec. 1. 35-A MRSA §116, sub-§1, ¶B**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

B. For the purposes of this section, "intrastate gross operating revenues" means intrastate revenues derived from filed rates and rates that are exempt from filing requirements pursuant to rules adopted by the commission under section 307-A, except revenues derived from sales for resale.

**Sec. 2. 35-A MRSA §7307, sub-§1, ¶A**, as enacted by PL 2001, c. 29, §1, is amended to read:

A. Filing a tariff revision with the commission identifying the new price or the change in the terms or conditions of service unless the utility is exempt from filing tariffs pursuant to rules adopted by the commission under section 307-A; and

See title page for effective date.

**CHAPTER 479**

**S.P. 743 - L.D. 1933**

**An Act To Extend the Deadline for Applications for Loans Associated with the Remediation of a Waste Oil Site in Plymouth**

**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 waste oil site in Plymouth is contaminated and must be cleaned up expeditiously to protect the public health, safety and welfare; and

**Whereas**, Public Law 2007, chapter 220 was enacted to provide those seeking to borrow funds from the Finance Authority of Maine with up to 180 days from the effective date of that chaptered law to apply for those funds, and several deadlines in the process have had to be extended; and

**Whereas**, these extensions have slowed access to certain information necessary for the applicants to borrow the funds, so an extension of 185 days is needed; 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. 10 MRSA §1023-M, sub-§2-D**, as enacted by PL 2007, c. 220, §2, is amended to read:

**2-D. De minimis settlement.** In addition to the uses authorized in subsection 2, money in the fund may be used for direct loans or deferred loans for payments as part of a de minimis settlement, including any settlement premium, between the United States, the State, responsible parties and an applicant. Money may be used only if the authority determines that the applicant has signed all of the settlement documents required by the United States and the State for a de minimis settlement in the matter of the West Site/Hows Corner Superfund Site in Plymouth, Maine. The provisions of subsection 2 apply to loans authorized under this subsection.

Applications submitted pursuant to this subsection must be received within ~~180~~ 365 days after the effective date of this subsection, except that the authority may extend that deadline by an additional period of time not to exceed 60 days for good cause shown.

**Sec. 2. Retroactivity clause.** This Act applies retroactively to June 4, 2007.

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

Effective February 14, 2008.

**CHAPTER 480**

**S.P. 753 - L.D. 1959**

**An Act To Promote Tourism in Maine and the Purchase of Products Made in Maine**

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

**Sec. 1. 23 MRSA §1967, sub-§1**, as amended by PL 2001, c. 41, §2, is further amended to read:

**1. Property of the authority.** All property of the authority and all property held in the name of the State pursuant to the provisions of this chapter are exempt from levy and sale by virtue of any execution, and an execution or other judicial process is not a valid lien upon property of the authority held pursuant to the provisions of this chapter. The authority may not lease, sell or otherwise convey, or allow to be used, any of its real or personal property or easements in that property, franchises, buildings or structures, with access to any part of the turnpike or its approaches, for commercial purposes, with the exception of such intermodal transportation facilities, kiosks at rest areas, gasoline filling stations, service and repair stations, tourist-oriented retail facilities, state and tri-state lottery ticket agencies, automatic teller machines and

restaurants as it determines necessary to service the needs of the traveling public while using the turnpike, except that the authority may erect or install or permit the erection or installation of electric power, telegraph, telephone, communications, water, sewer or pipeline facilities; and provided also that the leasehold interests in such intermodal transportation facilities, kiosks, gasoline filling stations, service and repair stations, tourist-oriented retail facilities, state and tri-state lottery ticket agencies, automatic teller machines and restaurants are subject to taxation as provided in section 1971. In accordance with rules adopted pursuant to section 1965, subsection 1, paragraph U, the authority may erect and maintain or allow to be erected and maintained signs that contain names, symbols, trademarks, logos or other identifiers of specific commercial enterprises. As used in this section, "tourist-oriented retail facilities" means facilities that promote tourism in this State by selling products that are made or primarily made in this State or to which value is added in this State.

See title page for effective date.

**CHAPTER 481**

**S.P. 434 - L.D. 1248**

**An Act To Authorize Load Aggregation for Consumer-owned Electric Utilities**

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

**Sec. 1. 35-A MRSA §3202, sub-§1**, as amended by PL 1997, c. 316, §3, is amended to read:

**1. Right to purchase generation.** Beginning on March 1, 2000, all consumers of electricity have the right to purchase generation services directly from competitive electricity providers, except as provided in subsection 7.

**Sec. 2. 35-A MRSA §3202, sub-§7** is enacted to read:

**7. Exception; load aggregation by consumer-owned utilities.** The commission may authorize a consumer-owned transmission and distribution utility to aggregate its load for the purpose of purchasing generation services on behalf of its customers. The commission shall adopt rules to implement the provisions of this subsection. The rules must specify the process and requirements for a consumer-owned transmission and distribution utility to obtain approval under this subsection and allowable exceptions under which customers of consumer-owned transmission and distribution utilities that have received such approval may continue to purchase generation services directly from competitive electricity providers. Rules adopted

under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 482**

**S.P. 749 - L.D. 1955**

**An Act Regarding Certain Positions at the Public Utilities Commission**

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

**Sec. 1. 2 MRSA §6-A, sub-§3-A**, as amended by PL 1987, c. 631, §1, is further amended to read:

**3-A. Other employees; range 35.** The salaries of the following employees ~~shall be~~ are within salary range ~~80~~ 35:

- A. Assistant administrative director; ~~and~~
- ~~B. Assistant to the director of consumer assistance; and~~
- ~~C. Administrative assistant to the administrative director.~~

**Sec. 2. 5 MRSA §931, sub-§1, ¶J**, as amended by PL 1997, c. 586, §1, is further amended to read:

- J. Staff attorney, ~~financial analyst, chief utility accountant, utility accountant III~~ utility analyst and assistant administrative director positions at the Public Utilities Commission;

**Sec. 3. 5 MRSA §949, sub-§1, ¶D**, as amended by PL 1985, c. 618, §4, is further amended to read:

- D. Director of Technical Analysis; ~~and~~

**Sec. 4. 5 MRSA §949, sub-§1, ¶D-1** is enacted to read:

- D-1. Director of Energy Programs; and

**Sec. 5. 35-A MRSA §107, sub-§1, ¶A**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

- A. An administrative director, a director of finance, a director of technical analysis, a director of energy programs and a director of consumer assistance;

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC UTILITIES COMMISSION**

**Public Utilities - Administrative Division 0184**