

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.

Penmor Lithographers
Lewiston, Maine
2008

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 enacted 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;
- ~~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

Initiative: Transfers funds from "All Other" to "Personal Services" to fund a pay range increase for one Assistant Administrative Director position.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$0	\$13,418
All Other	\$0	(\$13,418)
<hr/>		
OTHER SPECIAL	\$0	\$0
REVENUE FUNDS TOTAL		

See title page for effective date.

CHAPTER 483

H.P. 1561 - L.D. 2191

**An Act To Designate Certain
Application and Licensing
Information Provided to the
State Harness Racing
Commission as Confidential**

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

Whereas, materials included in an application for a commercial race track are of a proprietary nature; and

Whereas, a designation of confidentiality expedites the submission of records and the application review process; and

Whereas, timely decisions by the State Harness Racing Commission on applications for licensing commercial race tracks are beneficial to all sectors of the harness racing industry; 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. 8 MRSA §270-A is enacted to read:

§270-A. Confidentiality of records and information

For the purposes of Title 1, section 402, subsection 3, the types of records and information listed in section 1006, subsection 1 when collected by or provided to the commission are designated as confidential and may not be disclosed except as provided in section 1006, subsection 2. This section applies to information or records included in an application or materials re-

quired by the commission for issuance of a commercial track license, including records obtained or developed by the commission related to an applicant or licensee.

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

Effective February 28, 2008.

CHAPTER 484

H.P. 1560 - L.D. 2190

**An Act To Designate Certain
Rules Proposed by the Board
of Pesticides Control as Major
Substantive Rules**

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 rule-making authority of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control is essential to ensuring the benefits derived from proper use of pesticides while safeguarding public health; and

Whereas, designation of certain rules as major substantive rules enhances that assurance; 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. 7 MRSA §604, sub-§25-A is enacted to read:

25-A. Plant-incorporated protectant. "Plant-incorporated protectant" means a pesticidal substance that is produced and used in a living plant through genetic engineering and the genetic material necessary for the production of the pesticidal substance.

Sec. 2. 7 MRSA §610, sub-§6, as enacted by PL 2007, c. 145, §1, is amended to read:

6. Major substantive rules. Rules proposed for adoption by the board after July 1, 2007 that pertain to topics specified in paragraphs A to E are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Rules in effect on July 1, 2007 that pertain to topics specified in paragraphs A to E continue in effect, except that proposed amendments to those rules are major substantive rules and must be reviewed