

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

**§505. Audit of accounts**

The commission shall provide for the examination and audit of all accounts and all items ~~shall~~ must be allocated to the accounts in the manner prescribed by the commission.

**1. Consumer-owned water utilities.** Except as provided in this subsection, the commission may not require under this section that a qualified small water utility cause to be conducted an annual audit of its accounts. For purposes of this subsection, "qualified small water utility" means a consumer-owned water utility with gross annual revenues that do not exceed \$250,000.

A. A qualified small water utility with gross annual revenues of \$50,000 or less shall for any year used as a test year for rate-making purposes cause to be conducted, in accordance with generally accepted auditing standards, an audit of its accounts by an independent certified public accountant licensed to practice in the State.

B. A qualified small water utility with gross annual revenues greater than \$50,000:

(1) Shall cause to be conducted, in accordance with generally accepted auditing standards, an annual review of its accounts by an independent certified public accountant licensed to practice in the State; and

(2) Not less than once every 5 years and for any year used as a test year for rate-making purposes, shall cause to be conducted, in accordance with generally accepted auditing standards, an audit of its accounts by an independent certified public accountant licensed to practice in the State.

Nothing in this subsection limits or affects any other reporting, review, auditing or other requirement imposed by a creditor of the qualified small water utility or by any other applicable law or government authority.

See title page for effective date.

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**CHAPTER 78**

**H.P. 410 - L.D. 527**

**An Act To Bring Maine's  
Minimum Financial  
Responsibility Laws Pertaining  
to Rental Vehicles into  
Conformity with Privately  
Owned Vehicles**

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

**Sec. 1. 29-A MRSA §1611, sub-§2, ¶A,** as affected by PL 1995, c. 65, Pt. A, §153 and amended by Pt. B, §18 and affected by Pt. C, §15, is further amended to read:

A. Except as provided in paragraph E, there is a \$350,000 combined single limit for ~~rental vehicles~~, emergency vehicles and for-hire transportation vehicles for transporting freight or merchandise but not passengers in intrastate-exempt service or service exempted by the ~~Interstate Commerce Commission~~ federal Department of Transportation, Surface Transportation Board.

**Sec. 2. 29-A MRSA §1611, sub-§2, ¶F** is enacted to read:

F. For rental vehicles, the requirements are the same as under section 1605, subsection 1, paragraph C.

See title page for effective date.

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**CHAPTER 79**

**S.P. 133 - L.D. 429**

**An Act To Clarify the Role of  
the Public Advocate**

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

**Sec. 1. 5 MRSA §12004-I, sub-§92,** as enacted by PL 2007, c. 657, §1, is repealed.

**Sec. 2. 35-A MRSA §1702, sub-§§9 and 10** are enacted to read:

**9. Other advocacy forums.** The Public Advocate, consistent with the priorities established in section 1702-A and the requirements of this chapter, may represent and promote the interests of the using and consuming public:

A. In appropriate proceedings of the Legislature; and

B. In regional or national forums, including but not limited to any proceeding of an independent system operator or the Federal Energy Regulatory Commission.

**10. Independent representation of the interests of the using and consuming public.** The Public Advocate, when taking a position on any matter in any proceeding or forum pursuant to the Public Advocate's authority under this chapter, shall exercise independent judgment to ensure the position:

A. Is consistent with the priorities established in section 1702-A and the requirements of this chapter; and

B. Promotes stabilization and lowering of prices paid by those members of the using and consuming public whose interests the Public Advocate is representing.

**Sec. 3. 35-A MRSA §1712**, as enacted by PL 2007, c. 657, §2, is repealed.

See title page for effective date.

## CHAPTER 80

### H.P. 379 - L.D. 486

#### An Act To Clarify the Uniform Arbitration Act

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

**Sec. 1. 4 MRSA §152, sub-§5, ¶Q**, as enacted by PL 1989, c. 392, §1 and amended by c. 919, §§1 and 18, is further amended to read:

Q. Actions in which the equitable relief is sought through an equitable defense, a counterclaim, a cross-claim or other responsive pleading or reply permitted by the Maine Rules of Civil Procedure; ~~and~~

**Sec. 2. 4 MRSA §152, sub-§5, ¶R**, as enacted by PL 1989, c. 919, §§2 and 18, is amended to read:

R. Actions to enforce access to health care under Title 22, section 1715-~~;~~ and

**Sec. 3. 4 MRSA §152, sub-§5, ¶S** is enacted to read:

S. Actions under the Uniform Arbitration Act, Title 14, chapter 706.

**Sec. 4. 14 MRSA §5928, sub-§3**, as enacted by PL 1967, c. 430, is amended to read:

**3. Arbitration where action pending.** If an issue referable to arbitration under the alleged agreement is involved in an action or proceeding pending in a court having jurisdiction to hear applications under subsection 1, the application ~~shall~~ must be made therein. Otherwise and subject to section 5944, the application may be made in the Superior Court or the District Court.

**Sec. 5. 14 MRSA §5943**, as enacted by PL 1967, c. 430, is amended to read:

#### §5943. Court, jurisdiction

The term "court" means the Superior Court or the District Court of this State. The making of an agreement described in section 5927 providing for arbitration in this State confers jurisdiction on the court to enforce the agreement under this chapter and to enter

judgment on an award ~~thereunder~~ under the agreement.

**Sec. 6. 14 MRSA §5944**, as enacted by PL 1967, c. 430, is amended to read:

#### §5944. Venue

~~An~~ If the action is to be heard in the Superior Court, an initial application shall must be made to the Superior Court of the county in which the agreement provides the arbitration hearing shall must be held or, if the hearing has been held, in the county in which it was held. Otherwise the application shall must be made in the county where the adverse party resides or has a place of business or, if he the adverse party has no residence or place of business in this State, to the court of any county. All subsequent applications shall must be made to the court hearing the initial application unless the court otherwise directs.

If the action is to be heard in the District Court, an initial application must be made to the division of the District Court in which the agreement provides the arbitration hearing must be held or, if the hearing has been held, in the division in which it was held. Otherwise the application must be made in the division where the adverse party resides or has a place of business or, if the adverse party has no residence or place of business in this State, to any District Court. All subsequent applications must be made to the court hearing the initial application unless the court otherwise directs.

See title page for effective date.

## CHAPTER 81

### S.P. 178 - L.D. 595

#### An Act To Allow for Timely Credit for Driver's License Suspensions Imposed by a Court

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

**Sec. 1. 29-A MRSA §2411, sub-§5-A**, as enacted by PL 1995, c. 368, Pt. AAA, §9, is amended to read:

**5-A. Notice and custody.** The court shall give notice of a license suspension and shall take physical custody of the driver's license, except when the defendant demonstrates that the defendant's license was previously restored by the Secretary of State following an administrative suspension under section 2453 for operating under the influence based on the same facts and circumstances giving rise to the court-ordered suspension.