

# MAINE STATE LEGISLATURE

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Date: 4/26/19

L.D. 372  
(Filing No. H-171)

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**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
FIRST REGULAR SESSION**

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COMMITTEE AMENDMENT "A" to H.P. 281, L.D. 372, Bill, "An Act To Increase the Safety of Municipal Residents by Allowing Municipalities To Address Downed Wires in Extended Power Outages"

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Amend the bill by striking out the title and substituting the following:

**'An Act To Increase the Safety of Maine Residents in Extended Power Outages'**

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Amend the bill by striking out everything after the enacting clause and inserting the following:

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**'Sec. 1. 35-A MRSA §3144 is enacted to read:**

**§3144. Emergency response plans**

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The commission, by rule or order, shall require each investor-owned transmission and distribution utility to establish an emergency response plan for recovery and restoration in response to an emergency in accordance with this section. The plan must be based on the United States Department of Homeland Security, Federal Emergency Management Agency's National Incident Management System publication, issued on October 17, 2017, or an updated version published subsequent to that date. For the purposes of this section, "emergency" means an event in which widespread outages have occurred in the service territory of the investor-owned transmission and distribution utility due to weather events or other causes beyond the control of the utility.

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1. Priorities. The prioritization process under the emergency response plan required by this section must follow the statewide comprehensive emergency management plan under Title 37-B, chapter 13 in coordination with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, as established in Title 37-B, section 701, and county emergency management agencies and must include consideration of steps to ensure the safety of electric facilities, road opening and service restoration. Priorities for service restoration must consider facilities critical to protection of life, health and safety.

**COMMITTEE AMENDMENT**

A. of S.

1        **2. Plan requirements.** The emergency response plan required by this section must  
2 detail a coordinated approach to providing an effective and efficient emergency response.  
3 The plan must include, but is not limited to:

4        A. Priorities for emergency response and service restoration, consistent with  
5        subsection 1;

6        B. Provisions for internal and external staffing, including identification of  
7        management staff roles and responsibilities and identification of field employee roles  
8        and responsibilities, for utility operations during an emergency, for ensuring  
9        sufficient local knowledge of the system and for implementation of the emergency  
10       response plan, including a process for acquiring additional external resources  
11       required to address the emergency;

12       C. Provisions for communication and coordination with the Department of Defense,  
13       Veterans and Emergency Management, Maine Emergency Management Agency, as  
14       established in Title 37-B, section 701, and relevant municipal, interjurisdictional,  
15       county and regional emergency management agencies, as described in Title 37-B,  
16       section 781, during an emergency, including designation of staff responsible for these  
17       efforts. These provisions must address, but are not limited to, communication and  
18       coordination concerning emergency conditions, road opening and service restoration;

19       D. Systems for customer communications during an emergency, including the  
20       provision for information regarding estimated time of service restoration;

21       E. Procedures for deployment of internal and external resources during an  
22       emergency, including field employees, supplies and equipment needed; and

23       F. Provisions to ensure the safety of the employees and external contractors engaged  
24       in emergency response efforts.

25       **3. Filing of plan; commission review; public records exception.** An investor-  
26 owned transmission and distribution utility shall submit to the commission, no later than  
27 May 15th of each even-numbered year, the emergency response plan required by this  
28 section. The commission shall review the emergency response plan for compliance with  
29 this section and rules adopted or orders issued pursuant to this section. If, based on its  
30 review, the commission finds that a utility's emergency response plan does not comply  
31 with this section and rules adopted or orders issued pursuant to this section, the  
32 commission shall direct the utility to amend and resubmit the plan. An investor-owned  
33 transmission and distribution utility shall provide a copy of the emergency response plan  
34 and any amendments to the plan to the Department of Defense, Veterans and Emergency  
35 Management, Maine Emergency Management Agency. The Maine Emergency  
36 Management Agency shall provide a copy of the plan to each county emergency  
37 management agency. In accordance with section 1311-A, the commission may designate  
38 portions of the emergency response plan as confidential through issuance of a protective  
39 order.

40       **4. Emergency response performance review.** After an emergency, the commission  
41 may open an investigation to review the emergency response performance of an investor-  
42 owned transmission and distribution utility. If, after investigation, the commission finds  
43 that the utility failed to implement its emergency response plan in a prudent manner, the  
44 commission shall take any action the commission determines appropriate under this Title

1 to remedy that failure, including but not limited to denying the recovery through rates of  
2 all, or any part of, the emergency response and service restoration costs.

3 5. Annual report to Legislature. The commission shall include in its annual report  
4 pursuant to section 120, subsection 7 to the joint standing committee of the Legislature  
5 having jurisdiction over public utilities matters information regarding the activities  
6 conducted by the commission pursuant to this section and the performance of investor-  
7 owned transmission and distribution utilities in meeting the requirements of this section.'

8 **SUMMARY**

9 This amendment replaces the bill. The amendment establishes requirements for an  
10 investor-owned transmission and distribution utility to establish emergency response  
11 plans for recovery and restoration in response to an event where widespread outages have  
12 occurred due to weather events or other causes beyond the utility's control. It requires  
13 that the prioritization process under the plan follow the statewide comprehensive  
14 emergency management plan and include consideration of steps to ensure safety of  
15 electric facilities, road opening and service restoration. The amendment requires the plan  
16 to detail a coordinated approach that includes: priorities for emergency response and  
17 service restoration, staffing, communication and coordination with emergency  
18 management agencies, customer communications, resource deployment and safety.

19 The amendment requires each investor-owned transmission and distribution utility to  
20 file the plan with the Public Utilities Commission on a biannual basis and to provide a  
21 copy of the plan to the Department of Defense, Veterans and Emergency Management,  
22 Maine Emergency Management Agency. The amendment allows the commission to  
23 designate portions of the emergency response plan as confidential through the issuance of  
24 a protective order.

25 The amendment also authorizes the commission to open an investigation to review  
26 the emergency response performance of an investor-owned transmission and distribution  
27 utility after an emergency event. If the commission, through investigation, finds that the  
28 utility failed to implement its emergency response plan in a prudent manner, the  
29 commission is required to take action to remedy the failure, which may include denying  
30 the recovery through rates of the costs of emergency response and service restoration.

31 Finally, the amendment requires the commission to include in its annual report to the  
32 Legislature information regarding its activities and the performance of investor-owned  
33 transmission and distribution utilities in relation to emergency response plans.

34 **FISCAL NOTE REQUIRED**

35 **(See attached)**



Approved: 04/16/19 *MAC*

# 129th MAINE LEGISLATURE

LD 372

LR 78(02)

**An Act To Increase the Safety of Municipal Residents by Allowing Municipalities To Address Downed Wires in Extended Power Outages**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (H-171)**  
**Committee: Energy, Utilities and Technology**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund  
Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

Additional costs to the Department of Defense, Veterans and Emergency Management or the Public Utilities Commission associated with this legislation can be absorbed within existing budgeted resources.