

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
UTILITIES

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

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2. This bill corrects parallel drafting errors that appear in the Maine Revised Statutes, Title 35-A, section 3132, subsection 11, section 3133, subsection 10 and section 3133-A, subsection 5. This bill divides section 3132, subsection 11 into 2 distinct parts, creating a new subsection 11-A, which relates to the renewal of contracts that were originally subject to approval by the Public Utilities Commission, and subsection 11-B, which relates to the renewal of contracts that were not subject to commission approval. This bill divides section 3133, subsection 10 into 2 distinct parts, creating a new subsection 10-A, which relates to the renewal of contracts that were originally subject to commission approval, and subsection 10-B, which relates to the renewal of contracts that were not subject to commission approval. This bill divides section 3133-A, subsection 5 into 2 distinct parts, creating a new subsection 5-A, which relates to the renewal of contracts that were originally subject to commission approval, and subsection 5-B, which relates to the renewal of contracts that were not subject to commission approval.
3. The bill deletes the reference to "consumer-owned" water utilities in the Maine Revised Statutes, Title 35-A, section 6102, subsection 2, paragraph D. The change makes section 6102, subsection 2, paragraph D consistent with all other parts of section 6102, which refers only to water utilities.
4. The bill corrects 2 obsolete references in the Maine Revised Statutes, Title 35-A, section 3154, subsection 1.

LD 801

An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority

P & S 28

SPONSOR(S)
BERUBE

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-337 CHONKO
S-103

SUMMARY

This bill amends the Charter of the Lewiston-Auburn Water Pollution Control Authority to:

1. Conform the charter to federal law regarding the implementation and enforcement of the Industrial Pretreatment Program, by providing that the Authority may adopt regulations establishing pretreatment standards;
2. Conform the charter to state law regarding the qualifications of the treatment plant superintendent; and
3. Correct an omitted reference to the 7th member of the Lewiston-Auburn Water Pollution Control Authority.

The bill proposed to allow the Authority to impose administrative penalties for violations of pretreatment standards.

The committee amendment (S-103) strikes that portion of the bill providing for administrative penalties for violations of pretreatment standards. Under the amendment, the Lewiston-Auburn Water Pollution Control Authority is explicitly authorized to seek injunctive relief and civil penalties under the Maine Revised Statutes, Title 38, section 1252 against industrial users who violate the authority's pretreatment standards. The board of the authority is also authorized to assess administrative penalties of up to \$1,000 per day for each violation of any pretreatment standards or requirements administered by

the authority. The board is required to follow the Maine Administrative Procedure Act in assessing any fines.

The House amendment (H-337) adds a mandate preamble to the bill.

LD 818 An Act to Modify the Fuel Clause for Electric Utilities

VETO SUSTAINED

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
CLARK	OTP-AM	MAJ	H-472
	ONTP	MIN	

SUMMARY

The current fuel adjustment clause law mandates a fuel adjustment clause for major electric utilities and requires the Public Utilities Commission to adopt rules for the recovery of fuel costs for small electric utilities. This bill proposed to preserve the current law for small electric utilities, but to give the commission discretion to adopt, by rule or order, an adjustment mechanism for fuel or purchased power costs to the State's major electric utilities. This modification would have allowed the commission discretion in providing for the treatment of fuel and purchased power costs in the rates of the State's major electric utilities. The transition language would have provided for the amortization of past overcollection and undercollection of prudently incurred fuel or purchased power costs.

LD 830 An Act Amending the Charter of the Brewer Water District

P & S 44
EMERGENCY

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
RUHLIN	OTP-AM	H-250
		H-555 CLARK
		S-177 VOSE

SUMMARY

The Brewer Water District is required, pursuant to the federal Safe Drinking Water Act, to ensure a continued supply of potable water from Hatcase Pond. This bill prohibits bathing, and washing articles of clothing in Hatcase Pond; prohibits boating and fishing within 2,000 feet of the intake valve of Brewer Water District; and authorizes the district to adopt bylaws consistent with the general laws of this State to prevent pollution of the water of Hatcase Pond. The bill proposed to prohibit swimming in the pond. This bill also proposed to exempt Brewer Water District property from property tax regardless of its location.

The committee amendment (H-250) strikes the tax exemption portion of the bill, preserving the current tax exempt status of the district.

The House amendment (H-555) makes a technical change.

The Senate amendment (S-177) removes the restriction that prohibits all swimming in Hatcase Pond. Under the amendment, swimming is only banned within 3,000 feet from the intake of the Brewer Water District. The amendment also clarifies that the Brewer Water District may not adopt bylaws that are more strict than the 3,000-foot swimming limitation, but allows the Brewer Water District to prescribe penalties for violations of this limitation.