

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
UTILITIES AND ENERGY**

JULY 1997

MEMBERS:

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Sen. John J. Cleveland

Sen. Philip E. Harriman

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ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

election dates in the Town of Gorham, the Town of Cape Elizabeth, the Town of Scarborough, the City of South Portland and the City of Westbrook to coincide with regular municipal elections. The law is effective on April 25, 1997.

LD 735

An Act to Permit the Public Utilities Commission to Suspend Rate Regulation of Certain Telephone Utilities

PUBLIC 276

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES K	OTP-AM MAJ	H-291
CAREY	OTP-AM MIN	

LD 735 proposed to allow the Public Utilities Commission to suspend rate regulation of telephone utilities that have insignificant market control if that action would not result in unjust or unreasonable rates for customers. Any such telephone utility would still be required to file its rates with the Public Utilities Commission, but those rates would not be subject to prior commission approval.

Committee Amendment "A" (H-291), the majority report of the committee, proposed to replace the bill. This amendment proposed to permit the Public Utilities Commission to adopt rules under which it could exempt a telephone utility or group of telephone utilities from the provisions of the Maine Revised Statutes, Title 35-A, chapters 9 and 11 and sections 307 and 310. These provisions relate to regulation of telephone utility rates, issuance of long-term debt, the selling of property useful in the performance of public duties, mergers with other utilities, acquisition of stock of other utilities and abandonment of service. The amendment proposed to provide that the commission could grant exemptions only to the extent that they are in the public interest.

This amendment also proposed:

1. To require the Public Utilities Commission, by December 1, 1997, to issue a report to the Joint Standing Committee on Utilities and Energy concerning deregulation of telecommunications services;
2. To prohibit the Public Utilities Commission from granting any exemptions pursuant to Title 35-A, section 307-A, 912 or 1105 until February 1, 1998; and
3. To authorize the Joint Standing Committee on Utilities and Energy to report out legislation concerning regulation or deregulation of telecommunications services to the Second Regular Session of the 118th Legislature.

Committee Amendment "B" (H-292), the minority report of the committee, proposed to replace the bill. This amendment proposed to permit the Public Utilities Commission to adopt rules under which it could exempt a telephone utility or group of telephone utilities from the provisions of the Maine Revised Statutes, Title 35-A, chapters 9 and 11 and sections 307 and 310. The amendment also proposed to provide that the commission could grant exemptions only to the extent that they are in the public interest.

Enacted law summary

Public Law 1997, chapter 276 permits the Public Utilities Commission to adopt rules under which it may exempt a telephone utility or group of telephone utilities from the provisions of the Maine Revised Statutes,

Title 35-A that relate to regulation of telephone utility rates, issuance of long-term debt, the selling of property useful in the performance of public duties, mergers with other utilities, acquisition of stock of other utilities and abandonment of service. The law provides that the commission may grant exemptions only to the extent that they are in the public interest. The commission may, for good cause, revoke any exemption granted. The law also: (1) requires the Public Utilities Commission, by December 1, 1997, to issue a report to the Joint Standing Committee on Utilities and Energy concerning deregulation of telecommunications services; (2) prohibits the Public Utilities Commission from granting any exemptions pursuant to Title 35-A, section 307-A, 912 or 1105 until February 1, 1998; and (3) authorizes the Joint Standing Committee on Utilities and Energy to report out legislation concerning regulation or deregulation of telecommunications services to the Second Regular Session of the 118th Legislature.

LD 767 An Act to Clarify Sanitary District and Sewer District Authority to Adopt Impact Fees ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEXTER	ONTP MAJ OTP-AM MIN	

LD 767, which was initially referenced to and reported out of the Natural Resources Committee, was re-referred to this committee. The bill proposed to require that impact fees established by sewer or sanitary districts conform to the requirements of law that apply to impact fees established by municipalities.

Committee Amendment "B" (H-548), the minority report of the committee, proposed that impact fees collected by sewer and sanitary districts be subject to regulation by the Public Utilities Commission.

LD 783 An Act to Allow Certain Public Utilities to Extend Their Service into Areas Serviced by Other Public Utilities ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD	ONTP MAJ OTP MIN	

LD 783 proposed to overturn the ruling of the Public Utilities Commission, confirmed by the Law Court, that a public utility acquire commission approval prior to extending its service into another utility's service territory beyond the area the first utility was serving on October 8, 1967.

**LD 805 An Act to Create the Oquossoc Standard Water District P & S 21
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENOIT BARTH	OTP-AM	S-112