

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Utilities and Energy*

July 2003

Members:

*Sen. Christopher G. L. Hall, Chair
Sen. Lynn Bromley
Sen. Edward M. Youngblood*

*Rep. Lawrence Bliss, Chair
Rep. Herbert Adams
Rep. Albion D. Goodwin
Rep. Peter L. Rines*

*Rep. Jacqueline A. Lundeen
Rep. Donald P. Berry, Sr.
Rep. Philip A. Cressey, Jr.
Rep. Kenneth C. Fletcher
Rep. Stanley A. Moody
Rep. Maitland E. Richardson*

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 considered by the committees. It is arranged alphabetically by committee name 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 PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd 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>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</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>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Utilities and Energy

the e-mail. Each unsolicited commercial e-mail sent to a recipient in violation of these provisions would be considered an unfair trade practice.

This bill was virtually identical to the committee amendment to LD 2041 which ultimately died between the bodies in the 2002 session.

Committee Amendment "A" (H-70), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to add a provision to the bill to prohibit a person from sending an unsolicited commercial e-mail that uses another person's Internet address or domain name without permission or that contains false routing information.

Enacted Law Summary

Public Law 2003, chapter 327 restricts unsolicited commercial e-mail ("spam"), defined as e-mail that is sent for the purpose of advertising or conveying information about real property, goods or services or extending credit or soliciting contributions, by requiring the e-mail to contain a valid return e-mail address maintained by the sender to which the recipient may respond indicating that the recipient does not wish to receive further unsolicited commercial e-mail from the sender. The restriction does not apply to e-mail sent to persons with whom the sender has a prior relationship or who have requested the information from the sender. Unsolicited commercial e-mail must include in the subject line a label, as specified, so that recipients are made aware of the nature of the e-mail. The law prohibits a person from sending an unsolicited commercial e-mail that uses another person's Internet address or domain name without permission or that contains false routing information. Each unsolicited commercial e-mail sent to a recipient in violation of this law is considered an unfair trade practice.

LD 265

An Act To Promote Affordable Telephone Service for Business and Residential Customers in Rural Maine

**PUBLIC 101
EMERGENCY**

Sponsor(s)
HALL
GROSE

Committee Report
OTP-AM

Amendments Adopted
S-21

LD 265 proposed to require the Public Utilities Commission to balance the potentially conflicting access rate and toll rate policies and to prohibit the PUC from implementing access rate reductions when the effect would compel an increase in local rates or the Universal Service Fund of more than 10%.

Current law requires that intrastate access rates be equal to or less than interstate access rates. The Public Utilities Commission has directed the full reduction in access rates for Verizon but has given the independent local exchange carriers more time to phase in the rate reductions. The commission has directed that the local exchange carriers achieve the reductions by May 31, 2003, which will result in substantial local rate increases for these companies.

Committee Amendment "A" (S-21) proposed to provide for a 2-year delay in the reduction of intrastate access rates to the interstate level as of January 1, 2003. The amendment also proposed to provide that if further reductions occur in interstate access rates, the commission may further reduce intrastate access rates provided that in any 2-year period the further reductions do not result in an increase of more than 50% in the price of local telephone service or in the collection rate for the state universal service fund.

Enacted Law Summary

Joint Standing Committee on Utilities and Energy

Public Law 2003, chapter 101 requires the Public Utilities Commission to balance the potentially conflicting access rate and toll rate policies. The law provides for a 2-year delay in the reduction of intrastate access rates to the interstate level as of January 1, 2003. The amendment also provides that if further reductions occur in interstate access rates, the commission may further reduce intrastate access rates provided that in any 2-year period the further reductions do not result in an increase of more than 50% in the price of local telephone service or in the collection rate for the state universal service fund.

Public Law 2003, chapter 101 was enacted as an emergency measure effective May 2, 2003.

LD 298 **An Act To Define Standard-offer Service as a Service of Last Resort** **ONTP**

<u>Sponsor(s)</u> BERRY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 298 proposed to require the Public Utilities Commission to establish a single standard-offer service as a service of last resort for all customers that are unable or elect not to purchase their electricity from a competitive electricity provider.

LD 302 **An Act To Make Adjustments to the Renewable Energy Portfolio** **ONTP**

<u>Sponsor(s)</u> BERRY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 302 proposed to amend the energy portfolio requirements of the electric restructuring law.

Under current law, renewable resources that qualify under the portfolio requirement include any facility that qualifies as a small power production facility under the Federal Energy Regulatory Commission rules and generators of less than 100 megawatts that rely on renewable resources. LD 302 proposed to remove the 100 megawatt limitation.

Under current law, 30% of a competitive electricity provider's portfolio of supply sources for retail electricity sales in this State must be accounted for by eligible resources, as defined by the law. LD 302 proposed to reduce this percentage to 20%.

LD 306 **An Act To Ensure Recovery of Extraordinary, Terrorism-related Security Costs for Public Utilities** **ONTP**

<u>Sponsor(s)</u> BERRY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 306 proposed to require the Public Utilities Commission to adjust rates to allow public utilities to collect security-related expenditures.