

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Utilities and Energy*

August 2005

Members:

*Sen. Philip L. Bartlett II, Chair
Sen. Scott W. Cowger
Sen. Carol Weston*

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

*Rep. Christopher W. Babbidge
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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

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

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 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Utilities and Energy

LD 207 **An Act To Require Electric Utilities To Permit Customers To Pay Electric Utility Bills in Their Communities** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY BRYANT B		

LD 207 proposed to direct the Public Utilities Commission to ensure that residential customers have the option of paying their electric bills at local, easily accessible and convenient locations such as shopping centers.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 230 **An Act Establishing a Role for the Public Advocate in Promoting Railroad Service Quality** **PUBLIC 248**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOTHAM SAVAGE	OTP-AM	H-182 S-188 DAMON

LD 230 proposed to authorize the Public Advocate to initiate and intervene or appear in proceedings before state and federal agencies and courts on behalf of customers of a railroad.

Committee Amendment "A" (H-182) proposed to replace the bill. It proposed to direct the Public Advocate to seek to promote and enhance railroad freight service quality. The amendment proposed:

1. To direct the Public Advocate to collect data on the quality of railroad freight service in this State, to organize that data in accordance with a performance matrix developed in consultation with the Department of Transportation and shippers and to provide to the Department of Transportation regular reports on the quality of railroad freight service;
2. To authorize the Public Advocate:
 - A. To provide information to federal, regional or state agencies, groups or organizations;
 - B. To provide advice and assistance to shippers;
 - C. With the consent of the parties, to facilitate or mediate railroad freight service disputes; and
 - D. To take any other appropriate actions consistent with the purposes of this legislation;
3. To provide for confidential treatment of the identity of shippers who provide service quality information to the Public Advocate;
4. To provide \$20,000 each year from the railroad excise tax to fund these activities of the Public Advocate;

Joint Standing Committee on Utilities and Energy

5. To require the Public Advocate to report annually to the Joint Standing Committee on Utilities and Energy with regard to activities taken under this legislation and recommendations for any modifications to the legislation, including funding levels;
6. To repeal all these provisions 90 days after the adjournment of the Second Regular Session of the 123rd Legislature but to authorize the Joint Standing Committee on Utilities and Energy to report out legislation in that session regarding the subject matter of this legislation; and
7. To authorize the Joint Standing Committee on Utilities and Energy to report out legislation concerning railroad freight service to the Second Regular Session of the 122nd Legislature.

Senate Amendment "A" to Committee Amendment "A" (S-188) proposed to amend the committee amendment to require the Public Advocate to make the Advocate's annual report on the subject matter of the legislation to both the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on Transportation. The amendment proposed to remove the authority of the Joint Standing Committee on Utilities and Energy to report out legislation on railroad service quality and to replace it with authorization for the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on Transportation jointly to report out legislation concerning railroad freight service to the Second Regular Session of the 122nd Legislature and the Second Regular Session of the 123rd Legislature.

Enacted law summary

Public Law 2005, chapter 248 directs the Public Advocate to seek to promote and enhance railroad freight service quality. It accomplishes the following:

1. Directs the Public Advocate to collect data on the quality of railroad freight service in this State, to organize that data in accordance with a performance matrix developed in consultation with the Department of Transportation and shippers and to provide to the Department of Transportation regular reports on the quality of railroad freight service;
2. Authorizes the Public Advocate to provide information to federal, regional or state agencies, groups or organizations; to provide advice and assistance to shippers; with the consent of the parties, to facilitate or mediate railroad freight service disputes; and to take any other appropriate actions consistent with the purposes of this legislation;
3. Provides for confidential treatment of the identity of shippers who provide service quality information to the Public Advocate;
4. Provides \$20,000 each year from the railroad excise tax to fund these activities of the Public Advocate;
5. Requires the Public Advocate to report annually to the Utilities and Energy Committee and the Transportation Committee with regard to activities taken under this legislation and recommendations for any modifications to the legislation, including funding levels;
6. Repeals all the provisions 90 days after the adjournment of the Second Regular Session of the 123rd Legislature but authorizes the Utilities and Energy Committee and the Transportation Committee jointly to report out legislation in that session regarding the subject matter of this legislation; and

Joint Standing Committee on Utilities and Energy

7. Authorizes the Utilities and Energy Committee and the Transportation Committee jointly to report out legislation concerning railroad freight service to the Second Regular Session of the 122nd Legislature.

The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

LD 244

An Act To Standardize Water Lien Provisions

PUBLIC 7

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON E DAVIS P	OTP	

LD 244 proposed to expand current law with regard to the collection of unpaid water utility rates. Currently, water districts created by private and special law have a lien on property served by the district to secure payment of unpaid rates. This bill proposed to provide that all consumer-owned water utilities, which includes municipal water departments, have such liens.

The bill proposed to preserve current law that provides that when a landlord has applied for and is granted water utility service to a multiunit residential rental property, a water utility, which includes any private water company, public water district, or municipal water department, has a lien on the property and on any interest the landlord has in the multiunit residential rental property to secure payment for the water utility's service to that property.

Enacted law summary

Public Law 2005, chapter 7 expands current law with regard to the collection of unpaid water utility rates. Currently, water districts created by private and special law have a lien on property served by the district to secure payment of unpaid rates. Public Law 2005, chapter 7 provides that all consumer-owned water utilities, which includes municipal water departments, have such liens.

Public Law 2005, chapter 7 preserves current law that provides that when a landlord has applied for and is granted water utility service to a multiunit residential rental property, a water utility, which includes any private water company or public water district or municipal water department, has a lien on the property and on any interest the landlord has in the multiunit residential rental property to secure payment for the water utility's service to that property.

LD 276

An Act To Provide Fair and Equitable Local Calling Service for the People of the State

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY NASS J	ONTP	

LD 276 proposed to require the commission to amend its basic service calling area rule to provide a flat-rate-unlimited-calling area option that includes both contiguous exchanges and abutting municipalities. The current