

# 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  
Rep. John R. Brautigam  
Rep. Kenneth C. Fletcher  
Rep. Maitland E. Richardson  
Rep. Philip A. Curtis  
Rep. Stacey Allen Fitts  
Rep. Everett W. McLeod, Sr.*

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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***

3. Gives the commission general authority to adopt rules to implement the damage prevention laws;
4. Makes all Public Utilities Commission rules implementing the dig safe law major substantive rules. It provides that all existing rules of the commission remain in effect but that any amendments to those rules are subject to legislative review as major substantive rules;
5. Provides that when an underground facility is discovered during an excavation and the location of that facility was, prior to the discovery, unknown or unclear to the underground facility operator, the commission may direct that operator to determine and map the location of the facility for a reasonable distance, as determined by the commission, from the point of discovery; and
6. Requires the commission to adopt major substantive rules establishing standards for when and at what level penalties must be assessed for violations of the dig safe law. In developing the rules, the commission is directed to include consideration of evidence of the past record of successful excavations as well as the seriousness of the current violation.

**LD 352**

**An Act To Assist Cellular Telephone Users**

**ONTP**

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

LD 352 proposed to require cellular telephone providers to provide a service that allows a customer to learn, by calling a telephone number, the exact amount of calling minutes available to that customer in the current billing month. The provider would not be allowed to charge the customer for accessing or using this service.

**LD 355**

**An Act To Amend the Mexico Water District Charter**

**P & S 7**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOTHAM	OTP-AM	H-140
BRYANT B		

LD 355 proposed to increase the compensation a trustee of the Mexico Water District receives from \$300 to \$600 per year and to increase the amount a trustee receives for each meeting attended from \$15 to \$25.

**Committee Amendment "A" (H-140)** proposed to replace the bill and make clear that trustees of the Mexico Water District receive compensation established in accordance with the general law (Title 35-A, section 6410, subsection 7) that governs water district trustee compensation.

***Enacted law summary***

Private and Special Law 2005, chapter 7 makes clear that trustees of the Mexico Water District receive compensation as established in accordance with the provision of the Maine Revised Statutes that governs water district trustee compensation.