

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Utilities and Energy*

July 2006

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Maine State Legislature



Office of Policy and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second 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 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/billsumm.htm).

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:

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
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED (Pocket Veto).....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

Joint Standing Committee on Utilities and Energy

LD 635

An Act Relating to Community Sanitary Districts

PUBLIC 556

<u>Sponsor(s)</u> KOFFMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-908
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LD 635 proposed to amend the Maine Sanitary District Enabling Act to authorize the creation of decentralized community sanitary districts.

Committee Amendment “A” (H-908) proposed to replace the bill. This amendment proposed to authorize the creation of community sanitary districts to manage one or more subsurface wastewater collection, treatment and disposal systems to accommodate residential development. These districts would be established in the same manner as sanitary districts, except that the Board of Environmental Protection would be required to make certain findings before approving the creation of a community sanitary district. A community sanitary district would have many of the powers and duties of a sanitary district, with certain modifications to achieve the limited purposes of a community sanitary district.

This amendment also proposed to provide that if a municipality has constructed a sewer system composed of one or more subsurface wastewater collection, treatment and disposal systems, it must, after the establishment of a district to serve the area where that sewer system is located, sell to the district all assets and rights identified by the municipality as related to that sewer system in consideration of the assumption by the district of any outstanding debts and liabilities related to that sewer system. The municipality and the district would be authorized to arrange for the transfer of any other assets or liabilities that the municipality and the district determine necessary or appropriate to allow the district efficiently and effectively to carry out its purposes under this chapter. The amendment proposed specifically to authorize a municipality to construct such a system in anticipation of the creation of a district, to which the municipality would then transfer the system. This would allow a system to be established prior to any occupancy of a cluster or other compact development and then, when a suitable number of residences have become occupied, allow a vote among the residents to establish a district to run the system.

Enacted law summary

Public Law 2005, chapter 556 amends the Maine Sanitary District Enabling Act to authorize the creation of community sanitary districts to manage one or more subsurface wastewater collection, treatment and disposal systems to accommodate residential development. These districts are established in the same manner as sanitary districts, except that the Board of Environmental Protection must make certain findings before approving the creation of a community sanitary district. A community sanitary district has many of the powers and duties of a sanitary district, with certain modifications to achieve the limited purposes of a community sanitary district.

Public Law 2005, chapter 556 provides that if a municipality has constructed a sewer system composed of one or more subsurface wastewater collection, treatment and disposal systems, it must, after the establishment of a district to serve the area where that sewer system is located, sell to the district all assets identified by the municipality as related to that sewer system in consideration of the assumption by the district of any outstanding liabilities identified by the municipality as related to that sewer system. The municipality and the district are authorized to arrange for the transfer of any other assets or liabilities that the municipality and the district determine necessary or appropriate to allow the district efficiently and effectively to carry out its purposes under this chapter. A municipality may construct such a system in anticipation of the creation of a district, to which the municipality will then transfer the system; this allows a system to be established prior to any occupancy of a

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cluster or other compact development and then, when a suitable number of residences have become occupied, allows a district to be established to run the system.

LD 637 **Resolve, To Address the Telecommunications Needs of Federally Qualified Health Centers** **RESOLVE 141**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	ONTP MAJ OTP-AM MIN	H-740

LD 637, which was carried forward from the First Regular Session, proposed to add “qualified health centers” to the entities eligible to receive funding from the telecommunications education access fund (MTEAF). The MTEAF funds would be available to fund the telecommunications services needed to support electronic health records and telemedicine in medically underserved areas.

The committee, by letter dated June 1, 2005, requested that the Public Utilities Commission examine the issues raised by the bill. In a report dated December 19, 2005, the commission supplied to the committee its findings and recommendations on the matter.

Committee Amendment “A” (H-740), which was the minority report of the committee, proposed to replace the bill with a resolve. The amendment proposed to direct the Public Utilities Commission to allocate \$75,000 from the state universal service fund to hire a consultant to conduct a needs assessment and to assist federally qualified health centers in applying for funds from the federal Universal Service Fund to meet their telecommunications services needs. The amendment proposed to require the Public Utilities Commission to report, no later than March 1, 2007, to the joint standing committee of the Legislature having jurisdiction over telecommunications matters on the results of the needs assessment and applications for federal funds. The amendment proposed to authorize the committee to report out a bill on this subject to the First Regular Session of the 123rd Legislature after review of the report.

The chairs of the committee sent a letter to the Public Utilities Commission in anticipation of the passage of the bill as amended by the minority report; the letter indicated the chairs’ expectation that the commission would work with federally qualified health centers (FQHCs) to find an appropriate means by which FQHCs that receive funds from the federal Universal Service Fund would reimburse the state universal service fund.

Enacted law summary

Resolve 2005, chapter 141 directs the Public Utilities Commission to allocate \$75,000 from the state universal service fund to hire a consultant to conduct a needs assessment and to assist federally qualified health centers in applying for funds from the federal Universal Service Fund to meet their telecommunications services needs. The amendment requires the Public Utilities Commission to report, no later than March 1, 2007, to the joint standing committee of the Legislature having jurisdiction over telecommunications matters on the results of the needs assessment and applications for federal funds. The amendment authorizes the committee to report out a bill on this subject to the First Regular Session of the 123rd Legislature.