

# 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  
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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*

**LD 860**

**An Act To Efficiently Use Funds of the Public Utilities Commission**

**P & S 6  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM	H-141

LD 860 proposed to allow the Public Utilities Commission to carry forward and use 100% of surplus funds from both FY 05 and 06. See LD 868, which relates to the same matter.

**Committee Amendment "A" (H-141)** proposed to incorporate a fiscal note.

*Enacted law summary*

Private and Special Law 2005, chapter 6 authorizes the Public Utilities Commission to carry forward to the next fiscal year 100% of unexpended funds in fiscal year 2005 and fiscal year 2006. Currently, under 35-A MRSA §116(5), the commission is authorized to carry forward up to 5% of the total annual assessment. Amounts in excess of this must either be presented to the Legislature for allocation to the commission or used to reduce the assessment in the following year. (Note: LD 868, which became Public Law 2005, chapter 135, makes this authorization permanent.)

Private and Special Law 2005, chapter 6 was enacted as an emergency and took effect on May 12, 2005.

**LD 864**

**An Act To Streamline Sewer District Borrowing and Amend Laws  
Governing Water District Borrowing To Ensure Consistency**

**PUBLIC 192  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES BARTLETT	OTP-AM	H-184

LD 864 proposed to allow sanitary and sewer districts to increase their debt limit through a local referendum process instead of having to go through the legislative process to change their charter.

**Committee Amendment "A" (H-184)** proposed to make certain technical changes to the language of the bill. The amendment also proposed to remove section 1 of the bill, which proposed to provide a referendum option for increasing the debt limits of sanitary districts; since the sanitary district enabling law does not include a debt limit, there is no need for a process to change a sanitary district debt limit; the sanitary district law currently provides for a voter petition process to call for a referendum on certain debt issuances. The amendment also proposed to make explicit that a referendum to increase a sewer district debt limit can be held outside the territory of the district if the usual voting place is located outside the territory of the district; it proposed to make this same change to the laws authorizing water districts to raise their debt limits through referenda. This amendment also proposed to change the title and add an emergency preamble and emergency clause to the bill.

*Enacted law summary*