

# 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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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> BLISS BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-141
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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> RINES BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-184
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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*

## *Joint Standing Committee on Utilities and Energy*

Public Law 2005, chapter 192 allows sewer districts to increase their debt limits through a local referendum process instead of having to go through the legislative process to change their charters. This mirrors a current provision relating to use of referenda by water districts to increase their debt limits. Public Law 2005, chapter 192 makes it clear that a referendum held by a water or sewer district can be held outside the territory of the district if the usual voting place is located outside the territory of the district. This law does not affect the sanitary district enabling law, since that law does not establish a debt limit for sanitary districts; the sanitary district enabling law does currently provide for a voter petition process to call for a referendum on certain debt issuances.

Public Law 2005, chapter 192 was enacted as an emergency and took effect on May 20, 2005.

**LD 868**

**An Act To Ensure Equity in Funding**

**PUBLIC 135  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM	H-198

LD 868 proposed to change the apportionment of the assessment on public utilities to fund the Public Utilities Commission. It did not propose to change the total amount of the assessment. Currently the assessment is apportioned statutorily between transmission and distribution utilities (T&Ds) and all other public utilities (\$3,772,000 from T&Ds; \$1,733,000 from all other utilities) and among utilities within these categories based on each utility's in-state gross operating revenues. The bill proposed to apportion the assessment between each category of utility (T&Ds, gas utilities, telephone utilities, water utilities, and the Casco Bay Ferry Service) based on time spent by the commission on each; apportionment among utilities within each category would be based on each utility's in-state gross operating revenues.

The bill also proposed to require the Office of the Public Advocate to use the same method in apportioning its assessment.

The bill proposed to direct the Public Utilities Commission to account for time spent on energy supply issues and report the accounting by March 1, 2006 to the Joint Standing Committee on Utilities and Energy. The committee would be authorized to report out a bill based on the results of the study.

**Committee Amendment "A" (H-198)** proposed to strike and replace the bill. It proposed to

1. Apportion the assessment on public utilities to fund the Public Utilities Commission and the Office of the Public Advocate based on an accounting of resources devoted by each agency to matters related to the various categories of utilities. Within each utility category, the assessment would be based on gross intrastate operating revenues;
2. Provide that all unspent funds derived from the Public Advocate assessment and Public Utilities Commission assessment do not lapse but are carried forward to the next fiscal year (LD 860 relates to this same matter);
3. Clarify that the Public Advocate assessment does not produce revenues to fund the State Nuclear Safety Advisor, a position that is separately funded;