

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. Kenneth C. Fletcher
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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.

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standards would be required to include a penalty of 1% market value or twice monthly rent for each year a building is out of compliance.

Committee Amendment "A" (H-487) proposed to replace the resolve. The amendment proposed to direct the Public Utilities Commission and the Maine State Housing Authority to coordinate discussions among interested stakeholders concerning the energy efficiency of and appropriate efficiency standards for rental properties. It also proposed to direct the Public Utilities Commission and the Maine State Housing Authority to develop a disclosure form by which landlords inform prospective renters whether the rental units meet mandatory or model state energy efficiency codes or standards and of the renters' ability under the Maine Revised Statutes, Title 14, chapter 710-C to discover the units' previous energy consumption and utility costs. The Public Utilities Commission and the Maine State Housing Authority would be required to submit a report on these activities no later than January 31, 2006. The Joint Standing Committee on Utilities and Energy would be authorized to report out legislation relating to the subject matter of the resolve to the Second Regular Session of the 122nd Legislature.

Enacted law summary

Resolve 2005, chapter 109 directs the Public Utilities Commission and the Maine State Housing Authority to coordinate discussions among interested stakeholders concerning the energy efficiency of and appropriate efficiency standards for rental properties. It also directs the Public Utilities Commission and the Maine State Housing Authority to develop a disclosure form by which landlords inform prospective renters whether the rental units meet mandatory or model state energy efficiency codes or standards and of the renters' ability under the Maine Revised Statutes, Title 14, chapter 710-C to discover the units' previous energy consumption and utility costs. The Public Utilities Commission and the Maine State Housing Authority are required to submit a report on these activities no later than January 31, 2006. The Joint Standing Committee on Utilities and Energy is authorized to report out legislation relating to the subject matter of the resolve to the Second Regular Session of the 122nd Legislature.

LD 1101

An Act To Designate Pay Phone Locations in the Public Interest

PUBLIC 131

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS DAMON	OTP-AM	H-199

LD 1101 proposed to direct the Public Utilities Commission to adopt routine technical rules to identify locations in the state for public-interest payphones. It proposed to establish certain locations where public-interest pay phones could be designated by the commission, such as where other forms of communication are not available, certain security settings (e.g., jails), or locations for which citizens petition for designation. It proposed to require, prior to removal of a public-interest pay phone, 30-day notice to the commission by the owner of the phone. It proposed that costs of public-interest pay phones be paid through an assessment on owners of pay phones in the State.

Committee Amendment "A" (H-199) proposed to replace the bill. It proposed to direct the Public Utilities Commission to establish by rule a process for providing for public-interest pay phones. The commission would be directed to establish procedures for citizens to petition for public-interest pay phones and standards for reviewing such petitions. A proposed public-interest pay phone would be required to fulfill a public health, safety or welfare policy objective, and the commission would be required to find that a pay phone would not otherwise remain or be placed at a proposed public-interest pay phone location by the operation of the competitive

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marketplace. Funding for these pay phones would be limited to \$50,000 per year and would come from the state universal service fund.

The amendment proposed to require the Public Utilities Commission to provide annual reports to the Joint Standing Committee on Utilities and Energy on public-interest pay phones, and to authorize the committee to report out legislation on the subject to the First Regular Session of the 123rd Legislature.

Enacted law summary

Public Law 2005, chapter 131 directs the Public Utilities Commission to establish by rule a process for providing for public-interest pay phones. The commission is directed to establish procedures for citizens to petition for public-interest pay phones and standards for reviewing such petitions. A proposed public-interest pay phone must fulfill a public health, safety or welfare policy objective, and the commission must find that a pay phone would not otherwise remain or be placed at a proposed public-interest pay phone location by the operation of the competitive marketplace. Funding for these pay phones is limited to \$50,000 per year and is provided from the state universal service fund.

The Public Utilities Commission is required to provide annual reports to the Joint Standing Committee on Utilities and Energy on public-interest pay phones. The committee is authorized to report out legislation on the subject to the First Regular Session of the 123rd Legislature (2007).

LD 1113

An Act To Create the Fryeburg Water District

**P & S 14
EMERGENCY**

<u>Sponsor(s)</u> MUSE HASTINGS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-251
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LD 1113 proposed to create the Fryeburg Water District.

Committee Amendment "A" (H-251) proposed to change the bill to:

1. Modify the description of the territory of the proposed Fryeburg Water District to ensure that no portion extends beyond the borders of this State;
2. Clarify the authority of the district to arrange for continued service to customers of the Fryeburg Water Company located outside the territory of the district;
3. Clarify the authority of the district to sell water to bulk water exporters;
4. Provide that the district may take by eminent domain the property and franchise of the Fryeburg Water Company located within the territory of the district and remove an unneeded eminent domain provision that appeared in the bill;
5. Clarify the referendum provision of the bill and provide for one unified referendum question rather than 2 separate referendum questions; and