

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
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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

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>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MUSE HASTINGS	OTP-AM	H-251

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

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6. Add an emergency preamble and an emergency clause to the bill.

Enacted law summary

Private and Special Law 2005, chapter 14 creates the Fryeburg Water District. The territory of the district runs to but does not extend beyond the borders of this State. The district is authorized to arrange for continued service to customers of the Fryeburg Water Company located outside the territory of the district, including those located in New Hampshire, provided appropriate arrangements can be made. It provides that the district may sell water to bulk water exporters in accordance with applicable laws. It provides that the district may take by eminent domain the property and franchise of the Fryeburg Water Company located within the territory of the district.

Private and Special Law 2005, chapter 14 was enacted as an emergency and took effect on May 20, 2005 but only for the purpose of permitting its submission to the voters of the district in a referendum.

LD 1128

An Act Directing the State Planning Office To Study Municipal Capabilities To Become Providers of Internet Services

P & S 19

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ ONTP MIN	S-162

LD 1128 proposed to provide that the authority of a municipality to amend its charter under home rule authority does not restrict a municipality's authority to become a provider of wireless Internet services.

The bill also proposed to require the State Planning Office, in conjunction with the Public Utilities Commission and the Department of Economic and Community Development, to study the economic, technological and funding issues associated with municipalities providing wireless Internet services to their communities. The bill proposed to require the State Planning Office to submit a report of its findings to the Joint Standing Committee on Utilities and Energy and authorize the committee to report out a bill after reviewing the report.

Committee Amendment "A" (S-162), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to remove section 1 of the bill concerning municipal authority to become a provider of wireless Internet service. Municipalities appear currently to have this authority under their home rule authority. The amendment also proposed to change the reporting deadline for the study required by the bill from September 12, 2005 to September 12, 2006.

Related bills: LD 789 and LD 1440.

Enacted law summary

Private and Special Law 2005, chapter 19 requires the Executive Department, State Planning Office, in conjunction with the Public Utilities Commission and the Department of Economic and Community Development, to study the economic, technological and funding issues associated with municipalities providing wireless Internet services to their communities. The bill requires the State Planning Office to submit a report on its findings to the Utilities and Energy Committee by September 12, 2006 and authorizes the committee to report out a bill to the 1st Regular Session of the 123rd Legislature.