

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*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  
Rep. Maitland E. Richardson  
Rep. Philip A. Curtis  
Rep. Stacey Allen Fitts  
Rep. Everett W. McLeod, Sr.*

**Staff:**

*Jon C. Clark, Senior Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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

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 1<sup>st</sup> Regular Session of the 123<sup>rd</sup> Legislature.