

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

collection from carriers to 0.5% of retail charges for telecommunications services. This bill proposed to increase the collection limit to 0.8% for fiscal years 2005-06 and 2006-07 and to 0.6% in fiscal year 2008 and beyond. The increases would allow the Public Utilities Commission to cover costs associated with delays in federal E-rate discounts and to fund up to \$500,000 per year to pay for the digital library at the University of Maine (MARVEL).

Committee Amendment "A" (S-116) proposed to do the following:

1. Replace the provision of the bill that would increase the cap on the amount collected for the MTEAF by different amounts in different years. The amendment proposed simply to increase it to 0.7% of intrastate retail charges;
2. Add a provision requiring the Public Utilities Commission to provide a report to the Joint Standing Committee on Utilities and Energy detailing the status of available revenues and expenditures, including federal funds, for the schools and libraries program supported by the MTEAF;
3. Authorize the Joint Standing Committee on Utilities and Energy to report out legislation to the Second Regular Session of the 122nd Legislature concerning the subject of the Public Utilities Commission report; and
4. Add an emergency preamble and an emergency clause to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-201) proposed to remove the emergency preamble and the emergency clause.

Enacted law summary

Public Law 2005, chapter 251 increases the amount the Public Utilities Commission may collect from carriers for contributions to the telecommunications education access fund. The current law limits the collection from carriers to 0.5% of retail charges for telecommunications services. Public Law 2005, chapter 251 increases the amount collected to 0.7% of intrastate retail charges, allowing the commission to cover costs while recipients await E-rate discounts and to fund up to \$500,000 per year to pay for electronic databases. The Public Utilities Commission is required to provide a report to the Utilities and Energy Committee detailing the status of available revenues and expenditures, including federal funds, for the schools and libraries program supported by the telecommunications education access fund.

LD 1282

An Act To Clarify the Process To Enforce Dig Safe Requirements

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	ONTP	

LD 1282 proposed to prohibit the Public Utilities Commission from imposing fines or requiring participation in a dig safe educational requirements for violations of the "dig safe" law if 3 standards are met: fewer than 2% of the violator's excavations in the last year resulted in violations; the cost to repair the facility damaged by the current violation is less than \$5,000; and there were no injuries as a result of the violation.

Joint Standing Committee on Utilities and Energy

Related issues were presented in LD 331.

LD 1290 **An Act To Improve Funding for Telecommunications Relay Services** **PUBLIC 305**

<u>Sponsor(s)</u> BLISS BARTLETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-559
--	--	-----------------------------------	--	------------------------------------

LD 1290 proposed to move funding for telecommunications relay services from its current embedded subsidy in local exchange carrier bills into the state universal service fund, which is funded by assessments on all intrastate telecommunications providers. The bill proposed to provide that the Telecommunications Relay Services Advisory Council recommend funding level requirements; the Public Utilities Commission would ultimately authorize funding levels based on a determination of what is reasonable. The bill proposed certain guidelines for determining a reasonable level of funding.

Committee Amendment "A" (H-559) proposed to remove a provision in law currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund to cover amounts authorized to be transferred from that fund to the Communications Equipment Fund. The Communications Equipment Fund provides funding for telecommunications equipment for deaf and hard-of-hearing persons. The amendment also proposed to make a technical correction to avoid a conflict.

Enacted law summary

Public Law 2005, chapter 305 moves the funding source for telecommunications relay services from its current embedded subsidy in local exchange carrier bills into the state universal service fund, which is funded by assessments on all intrastate telecommunications providers. It provides that the Telecommunications Relay Services Advisory Council must develop recommended funding level requirements; the Public Utilities Commission then makes the final decision on funding levels.

Public Law 2005, chapter 305 removes a provision in law currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund in order to cover amounts authorized to be transferred from that fund to the Communications Equipment Fund. The Communications Equipment Fund provides funding for telecommunications equipment for deaf and hard-of-hearing persons.

LD 1342 **An Act Reducing Oversight Expense for Decommissioning Nuclear Power Plants To Benefit Electric Ratepayers** **PUBLIC 254**

<u>Sponsor(s)</u> BARTLETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-227
-------------------------------	--	-----------------------------------	--	------------------------------------

LD 1342 bill proposed to implement portions of a recent Federal Energy Regulatory Commission settlement, approved in August 2004, related to decommissioning Maine Yankee. The bill proposed to establish fixed annual fees to cover all State fees, costs and assessments with respect to Maine Yankee, other than compliance costs