

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON UTILITIES AND
ENERGY**

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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:

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 (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
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 that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Utilities and Energy

and terms of the loan. The bill requires the Finance Authority of Maine to consult with the Public Utilities Commission in developing rules to implement the program and requires the authority to report annually on the program to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters.

LD 1063 An Act Regarding Cable Television Service Outages

PUBLIC 104

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS	OTP-AM	H-111

This bill reduces from 6 hours to 2 hours the amount of cable service outage time after which customers can receive a prorated reimbursement for the time lost. This bill also makes the reimbursement for lost time automatic by eliminating the requirement that the customer request reimbursement for lost time.

Committee Amendment "A" (H-111)

This amendment replaces the bill. The amendment requires cable television franchisees to provide a notice on subscriber bills of the right to a credit or rebate for interruption of service for 6 or more consecutive hours.

Enacted Law Summary

Public Law 2007, chapter 104 requires cable television franchisees to provide a notice on subscriber bills of the right to a credit or rebate for interruption of service for 6 or more consecutive hours.

LD 1068 An Act To Enhance Maine's Energy Independence and Security

ONTP

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

This bill amends the section of law that establishes targets for the State to increase the proportion of electricity supplied by new renewable generating capacity. It specifies that each competitive electricity provider must demonstrate that no less than 1% of the portfolio of supply sources for retail electricity sales is accounted for by new capacity resources beginning in 2008 and increasing 1 percentage point per year to reach a goal of 10% in 2017. It provides a preventive mechanism that would permit the Public Utilities Commission to suspend all or part of the new capacity resources portfolio requirement if new investment is not being stimulated.

LD 1071 An Act Regarding Energy-generating Facilities

PUBLIC 160

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS BARTLETT	OTP-AM	H-134

This bill amends the laws governing the state permit process and requirements for hydropower projects to address their application to hydropower projects that use tidal energy to produce electricity. The bill requires that the Department of Environmental Protection conduct an adjudicatory hearing prior to the approval or disapproval of a tidal power project. The bill also clarifies the existing hydropower project approval criteria to account for the potential impacts of tidal power projects on marine resources and submerged or intertidal lands. The bill requires the Department of Environmental Protection to lead a review of laws and rules governing the permitting of hydropower projects to make recommendations to amend these laws and rules to reflect the legal, policy and

Joint Standing Committee on Utilities and Energy

technical issues presented by the development of tidal energy projects and issue a report by January 1, 2008. The bill authorizes the Joint Standing Committee on Utilities and Energy to submit legislation related to the permitting of tidal power projects to the Second Regular Session of the 123rd Legislature following its review of the report. Finally, this bill also adds references to submerged lands in the natural resources protection laws.

Committee Amendment "A" (H-134)

This amendment replaces the bill. It amends the definition of "hydropower project" in the Maine Waterway Development and Conservation Act to clarify that the definition includes hydropower projects that use tidal energy or wave energy to produce electricity. It also clarifies that the requirement to obtain a permit for structural alteration of a hydropower project is not limited to those projects that include a dam.

Enacted Law Summary

Public Law 2007, chapter 160 amends the definition of "hydropower project" in the Maine Waterway Development and Conservation Act to clarify that the definition includes hydropower projects that use tidal energy or wave energy to produce electricity. It also clarifies that the requirement to obtain a permit for structural alteration of a hydropower project is not limited to those projects that include a dam.

LD 1079 *Resolve, Establishing the Commission To Study Biofuel Use in School Districts*

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST SNOWE-MELLO	ONTP	

This resolve establishes the Commission to Study Biofuel Use in School Districts. The resolve requires the commission to report to the Second Regular Session of the 123rd Legislature by January 15, 2008, with recommendations and suggested legislation to encourage the use of biofuels by school systems in the State.

The Joint Standing Committee on Utilities and Energy, by letter dated 4/13/07, requested that the Governor's Office on Energy Independence and Security address the issues presented in LD 1079 and LD 409 and report back to the committee by January 15, 2008.

LD 1098 *An Act To Promote Electricity Transmission Independence*

CARRIED OVER

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

This bill allows the Public Utilities Commission to order the transfer or divestiture of a transmission and distribution utility's transmission or transmission-related assets if the commission finds it will lower costs of electricity to consumers in the State, will not have a negative impact on the operation of the transmission system and is in the public interest, or if the commission finds that the utility constructed a transmission line without approval from the commission, that is, without obtaining a certificate of public convenience and necessity.

The bill provides that if the commission orders such a transfer or divestiture, it may order that the transmission assets be sold or transferred to an independent transmission company. The terms of the transfer or divestiture must be approved by the commission and provide fair compensation, and the transfer or divestiture must occur within 12 months of the order.

This bill was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.