

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

**JOINT STANDING COMMITTEE ON UTILITIES AND
ENERGY**

May 2008

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STATE OF MAINE
123RD LEGISLATURE
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**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Utilities and Energy

Committee Amendment "A" (S-407)

This amendment adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2007, chapter 482 makes changes to certain positions at the Public Utilities Commission. It changes the pay range for the Assistant Administrative Director position. It also adds statutory references to the Director of Energy Programs position that was created in 2004 to manage the Efficiency Maine program and deletes references to position titles that are no longer used and replaces them with the current titles in use at the commission.

LD 1989 An Act To Clarify Maine's "Do Not Call" Laws

**PUBLIC 489
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-413

This bill provides an exemption from the application of the telephone solicitation law (also known as the do-not-call law) for telephone sales calls made to any person with whom the telephone solicitor has an established business relationship. The bill also provides that it is an affirmative defense if the telephone solicitor has established and implemented reasonable practices and procedures to prevent violations of the telephone solicitation law.

Committee Amendment "A" (S-413)

This amendment clarifies the definition of "established business relationship" to bring the definition into conformity with the Federal Communications Commission regulations with respect to how such a relationship is terminated. The amendment also revises the provision in the bill regarding telephone solicitation violations to conform to the language in the federal do-not-call regulations administered by the Federal Trade Commission regarding liability exceptions. The amendment also adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 489, provides an exemption from the application of the State's telephone solicitation laws, or do-not-call laws, for telephone sales calls made to any person with whom the telephone solicitor has an established business relationship and provides a definition of an established business relationship that is consistent with federal regulations. The bill also provides that it is an affirmative defense if the telephone solicitor has established and implemented reasonable practices and procedures to prevent violations of the telephone solicitation law.

Public Law 2007, chapter 489 was enacted as an emergency measure effective March 7, 2008.

LD 2002 An Act To Protect Electricity Consumers of Maine

PUBLIC 575

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-521

This bill expands the requirement to obtain a certificate of public convenience and necessity (CPCN) for a transmission line to include any line operating at 69 kilovolts or more. It also prohibits the Public Utilities Commission from issuing a CPCN if it finds that electricity rates will increase as a foreseeable direct consequence of the operation of the transmission line. The bill removes a transmission and distribution utility's right of eminent domain for lands or easements associated with siting, permitting, construction or operation of a transmission line

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that would adversely affect the utility's ratepayers. It specifies that a transmission and distribution utility is not authorized to distribute electricity in a way that adversely affects the utility's ratepayers. It amends private and special laws of the State to prohibit Central Maine Power, Maine Public Service and Bangor Hydro-Electric from affiliating with an owner or operator of any transmission infrastructure that adversely affects the interest of the utility's ratepayers; from participating in planning, construction, operation of transmission infrastructure that adversely affects the interest of the utility's ratepayers; and from participating in being a member of an organization whose practices or procedures adversely affect the interests of the utility's ratepayers. Finally, the bill directs the Public Utilities Commission to solicit proposals for the Northern Maine Long-term Standard Offer, which is defined as the Maine Public Service Company's standard offer for the 10-year period 2009 to 2019, and specifies certain requirements that the proposal must address.

Committee Amendment "A" (S-521)

This amendment retains the provision in the bill that lowers the threshold for requiring a certificate of public convenience and necessity for the construction of a transmission line to any line operating at 69 kilovolts or more and removes a confusing reference in the bill to a higher-rated transmission line. The amendment strikes all other provisions in the bill. The amendment also adds a provision to allow the Public Utilities Commission to direct all investor-owned transmission and distribution utilities to enter into long-term contracts for capacity resources and associated energy. Current law limits the commission to directing investor-owned transmission and distribution utilities serving more than 50,000 customers to enter into such contracts.

Enacted Law Summary

Public Law 2007, chapter 575 lowers the threshold for requiring a certificate of public convenience and necessity for the construction of a transmission line to 69 kilovolts. The law also authorizes the Public Utilities Commission to direct all investor-owned transmission and distribution utilities to enter into long-term contracts for capacity resources and associated energy. Current law limits the commission to directing investor-owned transmission and distribution utilities serving more than 50,000 customers to enter into such contracts.

LD 2041 An Act To Decrease Energy Costs on Swans Island and Frenchboro

P & S 36

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM MAJ ONTP MIN	H-708

This bill allows the Swan's Island Electric Cooperative, Inc. to sell wholesale generation service to reduce its cost of providing retail electric service.

Committee Amendment "A" (H-708)

This amendment is the majority report of the committee. The amendment limits the authority of the Swans Island Electric Cooperative, Inc. to sell electricity in the wholesale market by placing a 3-megawatt limit on the production capacity of any generation resource operated by the cooperative. The amendment also requires that the cooperative obtain the approval of its membership by a majority vote in a referendum prior to constructing or acquiring any generation resource to be used in the sale of wholesale generation service.

Enacted Law Summary

Private and Special Law 2007, chapter 36 allows the Swan's Island Electric Cooperative, Inc. to sell wholesale generation service to reduce its cost of providing retail electric service. The law limits the cooperative's authority to sell electricity in the wholesale market by placing a 3-megawatt limit on the production capacity of any generation resource operated by the cooperative and requires that the cooperative obtain the approval of its membership by a majority vote in a referendum prior to constructing or acquiring any generation resource to be used in the sale of wholesale generation service.