

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

MEMBERS:

SEN. PHILIP L. BARTLETT, II, CHAIR
SEN. BARRY J. HOBBS
SEN. DOUGLAS M. SMITH

REP. LAWRENCE BLISS, CHAIR
REP. HERBERT ADAMS
REP. PETER L. RINES
REP. RICHARD D. BLANCHARD
REP. SETH A. BERRY
REP. JON HINCK
REP. KENNETH C. FLETCHER
REP. PHILIP A. CURTIS
REP. STACEY ALLEN FITTS
REP. MICHAEL THIBODEAU

STAFF:

LUCIA A. NIXON, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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



**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

LD 2061 An Act To Clarify the Qualifications of Installers under the Solar Energy Rebate Program

PUBLIC 493
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM	H-691

This bill makes changes to the solar energy rebate program in relation to the installation of solar thermal systems that heat water. The bill amends the statutory definition of "solar thermal system" and requires the Public Utilities Commission to make corresponding changes to the definition in rules. The bill also requires the commission to make additional changes to the rules governing the solar energy rebate program to:

1. Amend the definition of "qualified solar thermal water system installer" in order to allow certain licensed technicians other than licensed plumbers to be qualified installers;
2. Require a licensed plumber to install or sign off on a solar thermal water system installed by a qualified installer if it is designed to heat potable water; and
3. Require that an application for a solar thermal system rebate be accompanied by a copy of a certificate of competency issued by the commission to the qualified installer and, if the system incorporates the heating of potable water, also include a copy of the master plumber's license or license number.

Committee Amendment "A" (H-691)

This amendment replaces the bill. The amendment makes necessary changes to the laws governing the solar energy rebate program to change the qualifications of solar thermal system installers to be consistent with the intent of the bill. The amendment also directs the Public Utilities Commission to make several corresponding changes to its rules governing the solar energy rebate program.

Enacted Law Summary

Public Law 2007, chapter 493 changes the qualification requirements for installers of solar thermal water systems under the solar energy rebate program in order to allow certain licensed technicians in addition to master plumbers to be qualified installers of these systems. The law also amends the rebate requirements for a solar thermal system designed to heat water to require that it be installed by a qualified installer and, if designed to heat potable water, that it be installed by a qualified installer who is a master plumber or who is working in conjunction with a master plumber. The law directs the Public Utilities Commission to make corresponding changes to its rules governing the solar energy rebate program.

Public Law 2007, chapter 493 was enacted as an emergency measure effective March 12, 2008.

LD 2076 An Act To Amend the Charter of the Norway Water District

P & S 32
EMERGENCY

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

This bill amends the charter of the Norway Water District in several ways. It clarifies the territorial limits of the Norway Water District. It changes the amount a trustee is entitled to receive for serving as trustee from \$50 to \$400 a year to reflect the current rate of compensation. The bill also amends the charter by changing the way the district sets its rates and authorizes the district to enter into contracts with the Oxford Water District and to provide water service to the residents on Alpine Street in South Paris who are customers of the Norway Water District.

Joint Standing Committee on Utilities and Energy

Enacted Law Summary

Private and Special Law 2007, chapter 32 amends the charter of the Norway Water District in several ways. It clarifies the territorial limits of the Norway Water District. The law also amends the amount a trustee is entitled to receive for serving as trustee from \$50 to \$400 a year to reflect the current rate of compensation. It amends the charter by changing the way the district sets its rates and authorizes the district to enter into contracts with the Oxford Water District and to provide water service to the residents on Alpine Street in South Paris who are customers of the Norway Water District.

Private and Special Law 2007, chapter 32 was enacted as an emergency measure effective February 14, 2008.

LD 2103 **Resolve, Directing the Public Utilities Commission To Study Existing Barriers to Digital Telephone Service Access in Rural Areas of the State** **ONTP**

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

This resolve directs the Public Utilities Commission to examine the issues associated with access in rural communities to digital telephone services, to identify existing barriers to such access and to develop a proposal to facilitate the provision of access to digital telephone service in rural areas of the State. The resolve directs the commission to submit a report, together with its recommendations and any necessary implementing legislation, no later than January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over utilities matters.

LD 2104 **An Act To Provide for Fairness and Accuracy in Utility Rate Setting** **PUBLIC 550**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY	OTP-AM MAJ ONTP MIN	H-732

This bill includes three provisions related to utility rate setting as follows:

1. It requires the Public Utilities Commission to apply a penalty against a regulated utility upon a finding that the utility made a material misrepresentation or omission or engaged in any other misconduct in the course of a previous rate proceeding. It requires that the penalty be calculated to recover, at a minimum, the excess revenues collected by the utility resulting from the misrepresentation, omission or misconduct and that the penalty be refunded to ratepayers in the form of a credit on customer bills;
2. It requires the commission to conduct a rate of return revenue requirement and earnings review before adopting, replacing or renewing an alternative form of regulation (AFOR) for a telephone utility; and
3. It requires the commission to determine whether rates charged for local telephone service provided by Verizon since 2000 have been excessive and, if the commission determines that rates have been excessive, to order a refund to customers.

Committee Amendment "A" (H-732)

This amendment is the majority report of the committee. The amendment removes the provision in the bill regarding penalties for utility misconduct and removes the provision in the bill regarding potential refunds to local telephone customers of Verizon if past rates are found to be excessive. The amendment adds a provision to the bill to repeal language in current law governing an alternative form of regulation (AFOR) that requires the Public Utilities