

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
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES
AND TECHNOLOGY**

October 2018

MEMBERS:

SEN. DAVID WOODSOME, CHAIR
SEN. ANDRE E. CUSHING III
SEN. MARK N. DION

REP. SETH A. BERRY, CHAIR
REP. DEANE RYKERSON
REP. JENNIFER DECHANT
REP. JANICE E. COOPER
REP. CHRISTINA RILEY
REP. HEATHER B. SANBORN
REP. NATHAN J. WADSWORTH
REP. LANCE EVANS HARVELL
REP. BETH A. O'CONNOR
REP. JEFFREY P. HANLEY

STAFF:

DEIRDRE SCHNEIDER, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Energy, Utilities and Technology

Committee Amendment "A" (H-633)

This amendment allows for the final adoption of portions of Chapter 101: ConnectME Authority, a major substantive rule of the ConnectME Authority, as long as the ConnectME Authority makes several changes, including the correction of a drafting error in the definitions section in order to provide a more comprehensive definition of "broadband service provider", clarification regarding the release of records of the issuance of a denial for a protective order, clarification of language regarding the gathering of additional information, and clarification of the timeframe for project completion and report submissions.

Enacted Law Summary

Resolve 2017, chapter 44 allows for the final adoption of portions of Chapter 101: ConnectME Authority, a major substantive rule of the ConnectME Authority, as long as the ConnectME Authority makes several changes, including the correction of a drafting error in the definitions section in order to provide a more comprehensive definition of "broadband service provider", clarification regarding the release of records of the issuance of a denial for a protective order, clarification of language regarding the gathering of additional information and clarification of the timeframe for project completion and report submissions.

Resolve 2017, chapter 44 was finally passed as an emergency measure effective April 8, 2018.

LD 1799

Resolve, Regarding Legislative Review of Portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 49
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-704

This resolve provides for legislative review of portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-704)

This amendment allows for the final adoption of portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators by the Public Utilities Commission as long as the Public Utilities Commission makes several changes, including:

1. The addition of a provision relating to complaints by individual generators of unreasonable, preferential, discriminatory or anticompetitive behavior on the part of a transmission and distribution utility;
2. The addition of a provision and definitions to make clear that a transmission and distribution utility may not have an affiliate that owns generation or generation-related assets that are directly interconnected to any facilities owned or operated by the transmission and distribution utility or if the point of interconnection of generation or generation-related assets of the affiliate is within the service territory of the transmission and distribution utility;
3. The clarification of the applicability of the rule to affiliated generators;
4. The addition of a standard that explicitly prohibits preferential, discriminatory or other anticompetitive conduct by a transmission and distribution utility;
5. The clarification that access to books and records is for the purpose of verifying compliance with the rule and that access to such books and records also applies to books and records that predate an affiliated generator's

Joint Standing Committee on Energy, Utilities and Technology

becoming subject to the rule; and

6. The clarification that training of employees to ensure compliance with the rule is limited to those employees that have access or may have access to the types of confidential information that is not to be shared.

Enacted Law Summary

Resolve 2017, chapter 49 allows for the final adoption of portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators by the Public Utilities Commission as long as the Public Utilities Commission makes several changes, including:

1. The addition of a provision relating to complaints by individual generators of unreasonable, preferential, discriminatory or anticompetitive behavior on the part of a transmission and distribution utility;
2. The addition of a provision and definitions to make clear that a transmission and distribution utility may not have an affiliate that owns generation or generation-related assets that are directly interconnected to any facilities owned or operated by the transmission and distribution utility or if the point of interconnection of generation or generation-related assets of the affiliate is within the service territory of the transmission and distribution utility;
3. The clarification of the applicability of the rule to affiliated generators;
4. The addition of a standard that explicitly prohibits preferential, discriminatory or other anticompetitive conduct by a transmission and distribution utility;
5. The clarification that access to books and records is for the purpose of verifying compliance with the rule and that access to such books and records also applies to books and records that predate an affiliated generator's becoming subject to the rule; and
6. The clarification that training of employees to ensure compliance with the rule is limited to those employees that have access or may have access to the types of confidential information that is not to be shared.

Resolve 2017, chapter 49 was finally passed as an emergency measure effective April 18, 2018.

LD 1810 An Act To Amend the Laws Governing Expedited Permitting for Wind Energy Development

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STETKIS J DAVIS P	ONTP OTP-AM	

This bill amends the laws governing expedited permitting for wind energy development by changing the definition of "expedited permitting area" to mean specified places that are identified by rule and the eastern portion of Aroostook County, specifically described as the Town of St. Francis, St. John Plantation, the Town of Fort Kent, the Town of Wallagrass, the Town of Eagle Lake, Winterville Plantation, T14 R6 W.E.L.S., the Town of Portage Lake, Nashville Plantation, Garfield Plantation, T10 R6 W.E.L.S., Oxbow Plantation, the portion of Aroostook County east of those municipalities and also all municipalities in Aroostook County that are wholly located south of the northernmost extent of Penobscot County, excluding Cary Plantation and Molunkus Township.

The bill changes from eight miles to 40 miles the farthest distance from a proposed expedited wind energy development for which a visual impact assessment for potentially affected scenic resources of state or national significance may be required.