

MAINE STATE LEGISLATURE

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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

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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

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.

Joint Standing Committee on Energy, Utilities and Technology

Committee Amendment "A" (H-707)

This amendment is the minority report of the committee. This amendment strikes from the bill language that changes the definition of "expedited permitting area" to mean specified places that are identified by rule and the eastern portion of Aroostook County. This amendment also provides that 15 miles, instead of 40 miles as proposed in the bill, is 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.

LD 1814 An Act To Amend the Charter of the Lisbon Water Department

P & S 13

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G MASON R	OTP	

This bill aligns the terms of office of the water commissioners of the Lisbon Water Department with those of the members of the Lisbon Town Council.

Enacted Law Summary

Private and Special Law 2017, chapter 13 aligns the terms of office of the water commissioners of the Lisbon Water Department with those of the members of the Lisbon Town Council.

LD 1830 An Act To Amend the Anson and Madison Water District Charter

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B WHITTEMORE R	ONTP	

This bill amends the charter of the Anson and Madison Water District to remove from the provision governing a quorum of the board of trustees the requirement that two trustees must be from Anson and two trustees must be from Madison.

LD 1848 An Act To Extend Arrearage Management Programs

PUBLIC 414

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

This bill is reported out by the Joint Standing Committee on Energy, Utilities and Technology pursuant to Maine Revised Statutes, Title 35-A, section 3214, subsection 2-A. The law required the Public Utilities Commission to provide the committee with a report assessing the effectiveness of arrearage management programs and provides the committee with the authority to report out a bill relating to the report.

This bill extends arrearage management programs and the requirement that the Efficiency Maine Trust provide access to a complementary low-income energy efficiency program for participants in arrearage management programs to September 30, 2021. It establishes a new reporting requirement for the Public Utilities Commission and gives the committee authority to report out a bill to the First Regular Session of the 130th Legislature based on the report. It also clarifies that rules adopted by the commission must ensure that a transmission and distribution utility recovers its prudent costs for third party assistance in administering an arrearage management program and