

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

must permit a transmission and distribution utility to recover its prudent costs for providing financial and budgetary guidance to participating customers, even if the transmission and distribution utility has a third party provide that guidance on its behalf.

Committee Amendment "A" (H-708)

This amendment makes implementation of an arrearage management program elective for consumer-owned transmission and distribution utilities. It also clarifies language regarding the recovery in rates of reasonable costs associated with an arrearage management program.

Enacted Law Summary

Public Law 2017, chapter 414 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 makes implementation of an arrearage management program elective for consumer-owned transmission and distribution utilities. 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 must permit a transmission and distribution utility to recover its prudent costs for providing financial and budgetary guidance to participating customers, even if the transmission and distribution utility has a third party provide that guidance on its behalf.

LD 1872

An Act To Enhance the Operations of the Telecommunications Relay Services Advisory Council

**PUBLIC 408
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-758

This bill is reported out by the Joint Standing Committee on Energy, Utilities and Technology pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 to implement the recommendations made by the Telecommunications Relay Services Advisory Council in its report provided to the committee pursuant to the State Government Evaluation Act.

This bill does the following.

1. It changes the name of the Telecommunications Relay Services Advisory Council to the Telecommunications Relay Services Council.
2. It establishes the Telecommunications Relay Services Council Fund.
3. It allows members and individuals to be reimbursed for costs associated with participation in conferences related to telecommunications relay services and telecommunications devices or technologies for the deaf and hard of hearing.
4. It removes the requirement that the Public Utilities Commission provide technical assistance to the council.
5. It allows the council to pay costs associated with scheduled meetings.
6. It explicitly defines duties of the council to include the ability to contract for intrastate telecommunications relay services and outreach services, to organize and fund projects to promote the use of telecommunications relay services and to develop, administer and fund pilot projects to provide access to telecommunications relay services.

Joint Standing Committee on Energy, Utilities and Technology

7. It changes the funding of the council to require that the council develop a yearly budget not to exceed \$600,000 instead of requiring that the commission determine the funding level for the council and requires that the budget amount be transferred by the commission into the Telecommunications Relay Services Council Fund.

Committee Amendment "A" (H-758)

This amendment is the majority report of the committee and it makes the following changes to the bill.

1. It adds an emergency preamble and emergency clause.
2. It specifies that the annual budget request of the Telecommunications Relay Services Council is to be transferred to the Telecommunications Relay Services Council Fund on a quarterly basis by the Public Utilities Commission.
3. It adds a conflict of interest provision.
4. It adds a reporting requirement that directs the council to submit an annual report to the Public Utilities Commission that details the activities of the council and council expenditures and vendor selections.

The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2017, chapter 408 does the following.

1. It changes the name of the Telecommunications Relay Services Advisory Council to the Telecommunications Relay Services Council.
2. It establishes the Telecommunications Relay Services Council Fund.
3. It allows members and individuals to be reimbursed for costs associated with participation in conferences related to telecommunications relay services and telecommunications devices or technologies for the deaf and hard of hearing.
4. It removes the requirement that the Public Utilities Commission provide technical assistance to the council.
5. It allows the council to pay costs associated with scheduled meetings.
6. It explicitly defines duties of the council to include the ability to contract for intrastate telecommunications relay services and outreach services, to organize and fund projects to promote the use of telecommunications relay services and to develop, administer and fund pilot projects to provide access to telecommunications relay services.
7. It changes the funding of the council to require that the council develop a yearly budget not to exceed \$600,000 instead of requiring that the commission determine the funding level for the council and requires that the budget amount be transferred by the commission on a quarterly basis, into the Telecommunications Relay Services Council Fund.
8. It adds a conflict provision specifying that a member of the council is prohibited from participating in any decision on any contract entered into by the council if that member has any interest, direct or indirect, in any firm, partnership, corporation or association that is party to the contract and that the interest must be disclosed to the council in writing and must be set forth in the minutes of the council.
9. It adds a reporting requirement that directs the council to submit an annual report to the Public Utilities Commission that details the activities of the council and council expenditures and vendor selections.

Joint Standing Committee on Energy, Utilities and Technology

Public Law 2017, chapter 408 was enacted as an emergency measure effective May 1, 2018.

LD 1895 An Act Regarding Energy Costs

**Died Between
Houses**

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

This bill was carried over from the Second Regular Session to the next special session by joint order S.P. 748. The bill was not referred to committee.

Current law requires the Public Utilities Commission to assess a gas utility an amount necessary to fund the natural gas conservation fund, a fund administered by the Efficiency Maine Trust, which must be used to promote the efficient use of natural gas. The assessment may be collected from consumers of the gas utility. The commission is required to return the value of any funds collected but not used after two years to consumers.

This bill requires the trust to remit any funds held in the fund more than two years after being collected to gas utilities. A gas utility receiving such funds may use those funds to assist residential or commercial consumers or potential consumers in using natural gas for heating. If a utility does not use or contract for the use of such funds within one year of receipt, the utility must return the funds to the trust and the commission is required to determine how to return those unexpended funds to consumers.

**LD 1896 An Act To Improve Efficiency through Electric Rate Design and
Advanced Technology**

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E FARRIN B	ONTP OTP-AM	

This bill requires the Public Utilities Commission to promote recovery of fixed transmission and distribution costs through fixed customer costs, to the extent practicable and economically efficient, and to examine and make appropriate changes to transmission and distribution utility rate class designations to the extent such changes would improve equity and economic efficiency. The bill further requires the commission to implement transmission and distribution rates that vary by time of day and season or other relevant cost drivers, to the extent practicable, to achieve economic efficiency.

The bill requires investor-owned transmission and distribution utilities to submit specific rate design proposals to the commission by January 1, 2019, and provides that such plans must include proposals for implementing cost-effective programs and load-control technologies to optimize distribution circuit and transmission system load profiles and rates or programs that encourage incremental usage if such uses would lower rates for all customer classes. The bill removes the requirement that transmission and distribution utilities' proposals include cost-effective conversions of electric space heat systems.

The bill also removes the requirement that rate design changes implemented pursuant to the Maine Revised Statutes, Title 35-A, section 3153-A be implemented on a temporary, pilot or experimental basis and requires the commission to implement policies and practices to encourage competitive electricity providers to offer residential and commercial customers supply prices reflective of real-time market price variations.