

MAINE STATE LEGISLATURE

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R.O.S.

L.D. 1162

DATE: 5/10/5

(Filing No. H-308)

UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 805, L.D. 1162, Bill, "An Act To Permit the Establishment of Regional Water Councils"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain grants may be immediately available to regional water councils that will facilitate the purposes of this Act, and the Legislature believes it is important that these funds be accessed and used as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill in section 1 in that part designated "§6802." in the first paragraph in the last line (page 1, line 22 in L.D.) by inserting after the following: "utilities." the following: 'A water utility is not required to become a member of a regional water council.'

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 805, L.D. 1162

Further amend the bill in section 1 in that part designated "~~§6804.~~" by striking out all of subsections 1 and 2 and inserting in their place the following:

'1. Powers. A regional water council may:

A. Study an issue common to 2 or more of the members of the regional water council that it considers appropriate, including, but not limited to, matters affecting water supply, watershed protection, water use policies, regional economic conditions and future development;

B. Promote cooperative arrangements and coordinate action among members of the regional water council, including, but not limited to, providing purchasing, billing, accounting and customer services;

C. Make recommendations for review and action to the members of the regional water council and other public agencies that perform functions within the region; and

D. Exercise its powers and authority as a nonprofit corporation under Title 13-B as necessary or desirable for dealing with issues of local or regional significance to its members, except that it may not exercise any power or authority that would cause the regional water council to become a water utility within this State.

2. Status. A regional water council is a nonprofit corporation and is not a governmental entity and is subject to all laws governing nonprofit corporations.'

Further amend the bill in section 1 in that part designated "~~§6807.~~" in subsection 2 in the first line (page 2, line 35 in L.D.) by inserting after the following: "Funds" the following: '; limitation'

Further amend the bill in section 1 in that part designated "~~§6807.~~" in subsection 2 by inserting at the end a blocked paragraph to read:

'A fund, grant, gift or service of the State or its departments, agencies or instrumentalities otherwise available to water utilities may not be made conditional on a water utility's membership in a regional water council.'

Further amend the bill in section 1 in that part designated "~~§6808.~~" by striking out all of subsection 1 and inserting in its place the following:

1003

2 '1. Public Utilities Commission. The commission may
3 receive, obtain and distribute state, federal or other funds
4 supporting regional water council tasks and may provide
5 assistance to regional water councils as appropriate. This
6 subsection does not require the commission to determine the
7 appropriate disbursement of state, federal or other funds among
8 members of a regional water council and does not prohibit a
9 regional water council from obtaining, receiving or disbursing
10 funds without commission involvement.

11 Nothing in this chapter limits the commission's jurisdiction or
12 authority over water utilities that are members of regional water
13 councils.'

14 Further amend the bill by inserting after section 1 the
15 following:

16 **'Emergency clause.** In view of the emergency cited in the
17 preamble, this Act takes effect when approved.'

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21 **SUMMARY**

22 This amendment makes various changes to the bill.

23
24 1. It clarifies that a water utility is not required to
25 become a member of a regional water council.

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27 2. It limits a regional water council's powers to those of
28 a nonprofit corporation and retains a prohibition on a regional
29 water council becoming a water utility.

30
31 3. It specifies that a regional water council may provide
32 purchasing, billing, accounting and customer services to its
33 members.

34
35 4. It specifies that a fund, grant, gift or service of the
36 State or its departments, agencies or instrumentalities otherwise
37 available to water utilities may not be made conditional on a
38 water utility's membership in a regional water council.

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40 5. It clarifies that a regional water council is a
41 nonprofit corporation and not a governmental organization.

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43 6. It removes the requirement that the Public Utilities
44 Commission serve as a coordinator between regional water councils
45 and the State and clarifies that available grant and other funds
46 are not required to pass through the commission to regional water
47 councils.

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2 7. It clarifies that water utilities that are members of a
regional water council remain fully subject to Public Utilities
Commission jurisdiction and authority.

4
6 8. It adds an emergency preamble and emergency clause.

8 **FISCAL NOTE REQUIRED**
(See attached)

COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 1162

LR 1283(02)

An Act To Permit the Establishment of Regional Water Councils

Fiscal Note for Bill as Amended by Committee Amendment *A*

Committee: Utilities and Energy

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

The additional costs associated with adopting rules and issuing an annual report regarding water utilities forming regional water councils can be absorbed by the Public Utilities Commission utilizing existing budgeted resources.