

MAINE STATE LEGISLATURE

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Date: 6/7/21

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 106, L.D. 245, "An Act Regarding Rural Water Districts"

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 22 MRSa §2610-A is enacted to read:

§2610-A. Small Consumer-owned Water Utility Infrastructure Fund

1. Establishment; administration. The Small Consumer-owned Water Utility Infrastructure Fund, referred to in this section as "the fund," is established as provided in this section.

A. The fund is established as a nonlapsing fund to provide grants, in accordance with subsection 2, for infrastructure needed by small consumer-owned water utilities.

B. The department shall administer the fund. The fund must be established and held separate from any other funds and used and administered exclusively for the purpose of this section. The fund consists of the following:

- (1) Funds that are appropriated by the Legislature;
- (2) Funds received from the Federal Government; and
- (3) Other funds from any public or private source received for use for any of the purposes under subsection 2.

2. Uses. The fund, to the extent funds are available, may be used for the following purposes:

A. To make grants to small consumer-owned water utilities, pursuant to this section, for infrastructure improvements; and

B. To pay the costs of the department associated with the administration of the fund, as long as no more than 5% of the aggregate of the highest fund balance in any fiscal year is used for this purpose.

COMMITTEE AMENDMENT

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3. Rules. The department shall adopt rules necessary to implement this section, including rules to determine how grants are awarded and to establish caps on grant amounts. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

For the purposes of this section, "small consumer-owned water utility" has the same meaning as in Title 35-A, section 6104-A, subsection 1, paragraph C.

Sec. 2. 35-A MRSA §6410-A is enacted to read:

§6410-A. Consumer-owned water utilities; lack of quorum

1. Appointment of receiver. If, after investigation, the commission determines that the board of trustees of a consumer-owned water utility, as defined in section 6101, subsection 1-A, lacks a sufficient number of duly elected trustees to constitute a quorum, the commission may appoint a receiver to oversee the operations of the utility. A receiver appointed by the commission pursuant to this subsection has all the authorities granted to a full board of trustees pursuant to this chapter until such time as the board of trustees for the utility includes a sufficient number of duly elected trustees to constitute a quorum.

2. Costs. The commission may include the cost of appointing receivers pursuant to subsection 1 in the assessment charged to consumer-owned water utilities in accordance with section 116, subsection 1.

3. Rules. The commission may adopt by rule standards and procedures necessary for the administration of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Transfer from General Fund unappropriated surplus; Small Consumer-owned Water Utility Infrastructure Fund. Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$200,000 on or before November 15, 2021 from the General Fund unappropriated surplus to the Small Consumer-owned Water Utility Infrastructure Fund established in the Maine Revised Statutes, Title 22, section 2610-A, unless an equivalent amount of coronavirus state and local fiscal recovery funds under the federal American Rescue Plan Act of 2021 are deposited into the fund prior to that date.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Small Consumer-owned Water Utility Infrastructure Fund N387

Initiative: Provides allocation to the Small Consumer-owned Water Utility Infrastructure Fund established in the Maine Revised Statutes, Title 22, section 2610-A.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$200,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$200,000	\$0

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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SUMMARY

This amendment replaces the bill, which is a concept draft. The amendment creates the Small Consumer-owned Water Utility Infrastructure Fund to provide grants for infrastructure improvements to small consumer-owned water utilities.

The amendment allows the Public Utilities Commission to appoint a receiver if after opening an investigation the commission determines that a consumer-owned water utility does not have a quorum of trustees necessary for continued operation. It allows the costs associated with appointing a receiver to be included in the yearly utility assessment. It allows the commission to adopt routine technical rules that include standards and procedures.

It also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



130th MAINE LEGISLATURE

LD 245

LR 537(02)

An Act Regarding Rural Water Districts

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-198)
 Committee: Energy, Utilities and Technology
 Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$200,000	\$0	\$0	\$0
Appropriations/Allocations				
Other Special Revenue Funds	\$200,000	\$0	\$0	\$0
Transfers				
General Fund	(\$200,000)	\$0	\$0	\$0
Other Special Revenue Funds	\$200,000	\$0	\$0	\$0

Fiscal Detail and Notes

The bill includes a one-time transfer from the unappropriated surplus of the General Fund to the Department of Health and Human Services of \$200,000 in fiscal year 2021-22 to the Small Consumer-Owned Water Utility Infrastructure Fund established in the Maine Revised Statutes, Title 22, section 2610-A on or before November 15, 2021. It also includes a matching allocation to allow expenditure of the transferred money.

Any additional costs to the Public Utilities Commission to implement the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.