

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

vehicles; and incentive payments to producers of alternative fuels;

3. Goals and criteria to guide the awarding of alternative fuel incentives, including, but not limited to: improvement of air quality; protection of the natural environment; economic development; promotion of indigenous resources; reduction of the State's dependence on petroleum products; cost-effective use of private and public funding; and the transfer and commercialization of alternative energy technologies;

4. Policy options for administrative responsibility and oversight of an alternative fuel incentive program; and

5. Policy options for funding alternative fuel incentives; and be it further

Sec. 2. Report. Resolved: That by January 15, 2008 the Executive Department, Office of Energy Independence and Security shall report its findings and recommendations to the Joint Standing Committee on Utilities and Energy. The report must include draft legislation to implement the recommendations; and be it further

Sec. 3. Authority to submit legislation. Resolved: That the Joint Standing Committee on Utilities and Energy may submit legislation relating to the subject matter of this resolve to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 52

H.P. 973 - L.D. 1381

Resolve, To Ensure the Success of Regional Climate Change Efforts

Sec. 1. Office of Public Advocate study. Resolved: That the Office of the Public Advocate shall, in consultation with the Public Utilities Commission, other state agencies and interested members of the public, convene a study group to review the status of the regional greenhouse gas initiative authorized by the Maine Revised Statutes, Title 38, section 579, referred to in this resolve as "the initiative"; to examine existing information and analyses regarding the impact of the initiative on electric rates for Maine electricity consumers; and to identify alternatives for reducing the cost of implementation of the initiative for Maine electricity consumers. The Public Advocate shall ensure that the study group meets sufficiently often to achieve these purposes. The Public Advocate shall, based on the work of the study group, prepare a report on identified impacts of the initiative on electricity costs and alternatives to reduce these costs and may include in the report proposed legisla-

tion designed to reduce identified costs and to ensure the successful implementation of the initiative. The report may include information provided to the Public Advocate from other sources regarding the effect of the initiative on Maine electricity consumers or the Maine economy. The report, including any proposed legislation, must be submitted to the Joint Standing Committee on Utilities and Energy by January 1, 2008. The committee may submit legislation to the Second Regular Session of the 123rd Legislature relating to the subject matter of this resolve.

See title page for effective date.

CHAPTER 53

H.P. 1314 - L.D. 1880

Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing the Safety of Children at Day Care Facilities with Swimming Pools

Sec. 1. Adoption of rules governing swimming pools at day care facilities. Resolved: That the Department of Health and Human Services shall adopt rules governing the use of swimming pools at day care facilities and the safety of the children using those swimming pools. Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

Sec. 2. Emergency rules. Resolved: That the Department of Health and Human Services is authorized to adopt major substantive rules on an emergency basis pursuant to the Maine Revised Statutes, Title 5, section 8073 during calendar year 2007 with regard to the use of swimming pools at day care facilities and the safety of the children using those swimming pools.

See title page for effective date.

CHAPTER 54

H.P. 329 - L.D. 413

Resolve, Regarding the Reentry of Electric Utilities into the Energy Supply Business

Sec. 1. Review of electric utility participation in energy supply and related issues. Resolved: That the Public Utilities Commission shall undertake a review of the issue of electric utilities'

participation in the energy supply business. The review must be conducted through a public investigative proceeding. For the purposes of this section, "energy supply business" includes owning, operating or having an interest in electric generation facilities, load management activities or demand-side management activities. The review must address, but is not limited to:

1. The laws and rules that would need to be changed to allow electric utilities to participate in the energy supply business;

2. Potential impacts of electric utility participation in the energy supply business on unregulated generators of electricity and on competitive electricity providers;

3. Potential impacts of electric utility participation in the energy supply business on consumers of electricity;

4. The relative advantages and disadvantages of various methods and options for allowing utility participation in the energy supply business;

5. Options for regulatory oversight and approval of electric utility participation in the energy supply business;

6. Options for restricting electric utility participation in the energy supply business in terms of the size or type of generation facility, total production, as measured in megawatts, and fuel source, including limiting production to renewable resources;

7. Specific issues presented by the participation of consumer-owned electric utilities in the energy supply business;

8. Options for obtaining additional benefits for electricity consumers as a result of the State's participation in regional arrangements and the State's role in siting new electricity generation facilities to serve the regional market; and

9. Potential stranded costs and the recovery of any stranded costs that may be associated with electric utility participation in the energy supply business; and be it further

Sec. 2. Report. Resolved: That, no later than January 15, 2008, the Public Utilities Commission shall report its findings and recommendations for further action and legislation to implement its recommendations to the Joint Standing Committee on Utilities and Energy; and be it further

Sec. 3. Authority to submit legislation. Resolved: That the Joint Standing Committee on Utilities and Energy may submit legislation relating to the subject matter of this resolve to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 55

H.P. 1175 - L.D. 1666

Resolve, To Promote Energy Conservation in Schools

Sec. 1. Plan for energy efficiency and conservation in schools. Resolved: That the Public Utilities Commission shall develop a plan to increase energy efficiency and conservation in school facilities in the State, to promote opportunities for school administrative units to participate in the Public Utilities Commission's Efficiency Maine programs and to encourage data collection on school energy consumption and costs. The commission shall report on the plan as part of the annual report required under the Maine Revised Statutes, Title 35-A, section 3211-A, subsection 11.

See title page for effective date.

CHAPTER 56

H.P. 847 - L.D. 1154

Resolve, Directing the Department of Transportation To Expend Funds for Fisheries and Waterfront Initiatives

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

Whereas, the 120th Legislature appropriated \$1,000,000 from the proceeds of the sale of the Portland Drydock for certain purposes identified in Public Law 2001, chapter 83, Part A, section 6; and

Whereas, the identified purposes included the establishment of a dredging and marine infrastructure loan fund; and

Whereas, the Department of Transportation executed a Letter of Agreement with Coastal Enterprises, Inc. granting to that entity \$1,000,000 to administer its working waterfront loan fund to be used in Portland Harbor; and

Whereas, the fund has never achieved the goals originally identified; and

Whereas, the original intent of the fund would be best served by expanding the availability of the funds to other users for other purposes; 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 preserva-