

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

tromagnetic pulse capable of disabling, disrupting or destroying a transmission and distribution system and identify potential mitigation measures. In its examination, the commission shall:

1. Identify the most vulnerable components of the State's transmission system;
2. Identify potential mitigation measures to decrease the negative impacts of a geomagnetic disturbance or electromagnetic pulse;
3. Estimate the costs of potential mitigation measures and develop options for low-cost, mid-cost and high-cost measures;
4. Examine the positive and negative effects of adopting a policy to incorporate mitigation measures into the future construction of transmission lines and the positive and negative effects of retrofitting existing transmission lines;
5. Examine any potential effects of the State adopting a policy under subsection 4 on the regional transmission system;
6. Develop a time frame for the adoption of mitigation measures; and
7. Develop recommendations regarding the allocation of costs to mitigate the effects of geomagnetic disturbances or electromagnetic pulse on the State's transmission system and identify which costs, if any, should be the responsibility of shareholders or ratepayers; and be it further

Sec. 2. Monitor federal efforts regarding mitigation measures. Resolved: That the Public Utilities Commission shall actively monitor the efforts by the Federal Energy Regulatory Commission, the North American Electric Reliability Corporation, ISO New England and other regional and federal organizations to develop reliability standards related to geomagnetic disturbances and electromagnetic pulse; and be it further

Sec. 3. Report. Resolved: That the Public Utilities Commission shall report the results of its examination required pursuant to section 1 and the progress of regional and national efforts to develop reliability standards under section 2 to the Joint Standing Committee on Energy, Utilities and Technology by January 20, 2014. The Joint Standing Committee on Energy, Utilities and Technology may submit a bill to the Second Regular Session of the 126th Legislature based on the report.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 10, 2013.

CHAPTER 46 H.P. 971 - L.D. 1363

Resolve, To Ensure Landfill Capacity and Promote Recycling

Sec. 1. Moratorium on licenses to expand solid waste disposal facilities. Resolved: That the Department of Environmental Protection may not issue a license to expand a solid waste disposal facility that is a landfill until after April 30, 2014. This section applies to any application to expand a solid waste disposal facility that is a landfill filed after the effective date of this section. As used in this section, "expand" has the same meaning as in the Solid Waste Management Rules, Chapter 400, section 1, paragraph WW, adopted by the Department of Environmental Protection and in effect on the effective date of this section. This section does not apply to generator-owned landfills.

See title page for effective date.

CHAPTER 47 S.P. 173 - L.D. 441

Resolve, Directing the Public Utilities Commission To Develop a Plan To Reform Regulation of Consumer-owned Water Utilities

Sec. 1. Regulatory reform plan. Resolved: That the Public Utilities Commission, referred to in this resolve as "the commission," shall develop a plan to reform regulation of consumer-owned water utilities in the State in accordance with the following.

1. The plan must be consistent with the following:
 - A. Regulatory burdens must be the minimum necessary to protect the public welfare;
 - B. Regulatory reform may not relieve any provider from complying with environmental obligations under either state or federal law, including but not limited to those relating to the safety of drinking water;
 - C. Regulatory reform may make distinctions between consumer-owned water utilities based on the utilities' available resources and expertise, as well as on the form of local governance;
 - D. Regulatory reform must ensure the continued adequacy of consumer protection regulation, including the maintenance of appropriate limitations

on disconnection and collection practices, and must ensure that consumers have adequate mechanisms available to them to resolve complaints fairly and promptly; and

E. Regulatory reform must provide a mechanism that ensures that the rates charged by each consumer-owned water utility are just and reasonable, pursuant to the standards of the Maine Revised Statutes, Title 35-A, section 301.

2. In developing the plan, the commission shall:

A. Seek input from interested parties representing diverse geographic areas of the State but is not required to conduct an adjudicatory proceeding;

B. Ensure that the interests of consumer-owned water utilities and their ratepayers are protected with regard to the provision of, and charges for:

- (1) Municipal fire protection;
- (2) Water main extensions; and
- (3) Consumer-owned water utilities' readiness to serve charges;

C. Examine the current regulatory structure in accordance with the requirements in subsection 1 and may not presume existing laws and rules are appropriately designed for the current environment and the needs of consumer-owned water utilities and their ratepayers;

D. Define and quantify the implications of the potential outcomes of implementing the plan; and

E. Consider stakeholder comments that are not supportive of regulation reform of consumer-owned water utilities and include those viewpoints as part of its report under subsection 3.

3. The commission shall submit its report including the plan to the Joint Standing Committee on Energy, Utilities and Technology no later than January 31, 2014. The report must describe necessary changes to law, rules or procedures and any other necessary actions to implement the plan. To the maximum extent practicable, the commission shall establish target dates for implementation of the elements of the plan no later than 90 days after the adjournment of the Second Regular Session of the 126th Legislature. The commission shall include with the report a draft of any legislation necessary to implement the plan and, consistent with the requirements of the Maine Revised Statutes, Title 5, chapter 375, changes to rules necessary to implement the plan.

The Joint Standing Committee on Energy, Utilities and Technology may report out a bill to reform regulation of consumer-owned water utilities to the Second Regular Session of the 126th Legislature; and be it further

Sec. 2. Action on filings. Resolved: That, consistent with the purposes of this resolve and the requirements in section 1, the commission shall process any filings submitted by consumer-owned water utilities for exemptions under the Maine Revised Statutes, Title 35-A with as much deliberate speed as possible, within the constraints of existing resources.

See title page for effective date.

CHAPTER 48

S.P. 195 - L.D. 505

Resolve, Directing the Commissioner of Agriculture, Conservation and Forestry To Conduct an Internal Review of the Snowmobile Trail Fund

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

Whereas, recreational snowmobiling in the State contributes more than \$350,000,000 per year to the State's economy and accounts for at least 3,100 full-time jobs in the State; and

Whereas, a large part of this economic activity takes place in rural areas of the State, thus providing an important source of economic activity in areas with limited economic development opportunities; and

Whereas, the State has an unrivaled statewide snowmobile trail system consisting of 13,500 miles of groomed snowmobile trails maintained by 290 snowmobiling clubs and 115 municipalities; and

Whereas, the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands, Off-road Recreational Vehicle Division uses a portion of resident and nonresident snowmobile registration fees to reimburse the clubs and municipalities for part of the local costs for capital equipment and trail maintenance and grooming; and

Whereas, increasing costs for capital equipment, fuel and trail maintenance and recent declines in snowmobile registrations are putting increasing financial pressure on the clubs and municipalities that must be resolved in order to ensure the quality of the trail system; and

Whereas, there has been no effort in the past to systematically investigate and identify opportunities for greater economic efficiencies within the Snowmobile Trail Fund to resolve questions of economic equity in funding clubs and municipalities and between the Snowmobile Trail Fund and other funds in the maintenance of state-owned trails; and