

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
UTILITIES

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

LD 734 An Act to Ensure Compliance with Existing Energy Efficiency Building Standards

PUBLIC 329

SPONSOR(S)
CLEVELAND

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-102
S-223 CLEVELAND

SUMMARY

This bill proposed to prohibit electric utilities from providing any electric service to a new commercial or institutional building that is subject to the mandatory energy standards set forth in existing law, or upgrading electric service as part of a renovation of an existing commercial or institutional building subject to those standards, unless an engineer or an energy auditor certifies that the building conforms to those energy standards. Current law defines renovation as the reconstruction, removal or replacement of any portion or element of an existing building that affects the heat loss or gain of the building, illumination of the building or the heating, ventilating or air conditioning of the building when the total cost of the renovation exceeds 75% of the assessed value of the building. Renovation does not include normal maintenance and repair and does not include the reconstruction, removal or addition of equipment that costs less than 75% of the assessed value of the building. This bill also proposed penalties for violations.

The committee amendment (S-102) strikes and replaces the bill. Under this amendment an electric utility must obtain from the owner or agent of the owner of a new commercial or institutional building a certification of compliance with existing mandatory energy efficiency building standards before the utility installs permanent electrical service to the building. Penalties are imposed on utilities that knowingly violate this requirement and on any owner who falsely certifies that a building complies with the mandatory standards.

Senate amendment "A" (S-223) narrows the application of the committee amendment. Under this amendment, a certification of compliance with existing building standards is required only for commercial and industrial buildings that are not owned or constructed by local units of government.

This amendment removes any possibility that the bill, as amended, could be considered a municipal mandate under the Constitution of Maine.

LD 780 An Act to Clarify Certain Statutes Relating to the Public Utilities Commission

PUBLIC 91

SPONSOR(S)
AIKMAN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED

SUMMARY

This bill makes the following nonsubstantive changes to 6 existing sections in the Maine Revised Statutes, Title 35-A.

1. The bill deletes the words "or both" from the Maine Revised Statutes, Title 35-A, section 2305. It appears that the words "or both" are a vestige from Title 35, section 2344, which dealt with both gas and electric lines. Under Title 35-A, the pertinent gas pipeline language is codified as section 2304 and electric line language is contained in section 2305.

2. This bill corrects parallel drafting errors that appear in the Maine Revised Statutes, Title 35-A, section 3132, subsection 11, section 3133, subsection 10 and section 3133-A, subsection 5. This bill divides section 3132, subsection 11 into 2 distinct parts, creating a new subsection 11-A, which relates to the renewal of contracts that were originally subject to approval by the Public Utilities Commission, and subsection 11-B, which relates to the renewal of contracts that were not subject to commission approval. This bill divides section 3133, subsection 10 into 2 distinct parts, creating a new subsection 10-A, which relates to the renewal of contracts that were originally subject to commission approval, and subsection 10-B, which relates to the renewal of contracts that were not subject to commission approval. This bill divides section 3133-A, subsection 5 into 2 distinct parts, creating a new subsection 5-A, which relates to the renewal of contracts that were originally subject to commission approval, and subsection 5-B, which relates to the renewal of contracts that were not subject to commission approval.
3. The bill deletes the reference to "consumer-owned" water utilities in the Maine Revised Statutes, Title 35-A, section 6102, subsection 2, paragraph D. The change makes section 6102, subsection 2, paragraph D consistent with all other parts of section 6102, which refers only to water utilities.
4. The bill corrects 2 obsolete references in the Maine Revised Statutes, Title 35-A, section 3154, subsection 1.

**LD 801 An Act to Amend the Charter of the Lewiston-Auburn Water
Pollution Control Authority**

P & S 28

SPONSOR(S)
BERUBE

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-337 CHONKO
S-103

SUMMARY

This bill amends the Charter of the Lewiston-Auburn Water Pollution Control Authority to:

1. Conform the charter to federal law regarding the implementation and enforcement of the Industrial Pretreatment Program, by providing that the Authority may adopt regulations establishing pretreatment standards;
2. Conform the charter to state law regarding the qualifications of the treatment plant superintendent; and
3. Correct an omitted reference to the 7th member of the Lewiston-Auburn Water Pollution Control Authority.

The bill proposed to allow the Authority to impose administrative penalties for violations of pretreatment standards.

The committee amendment (S-103) strikes that portion of the bill providing for administrative penalties for violations of pretreatment standards. Under the amendment, the Lewiston-Auburn Water Pollution Control Authority is explicitly authorized to seek injunctive relief and civil penalties under the Maine Revised Statutes, Title 38, section 1252 against industrial users who violate the authority's pretreatment standards. The board of the authority is also authorized to assess administrative penalties of up to \$1,000 per day for each violation of any pretreatment standards or requirements administered by