

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
UTILITIES

MAY 1994

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

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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, 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:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

2. Permit licensing authorities to require as a condition of a permit that the applicant agree to indemnify the licensing authority for claims arising out of the applicant's negligent use of the public way.
3. Create immunity for licensing authorities from all liability for damage to any facilities in the public way, regardless of when installed, caused by negligent act or omission of the licensing authority or its employees or agents.
4. Clarify and modify the authority of municipalities to reconsider permit decisions; extend the deadline for county commissioners to complete a decision on an appeal of a municipal decision; specify a right of appeal from a decision of the county commissioners; require persons issued a permit to build facilities in the public way to provide to the licensing authority plans of the facilities as built within 30 days of construction; allow more time for a licensing authority to approve or deny a permit application; and require the Public Utilities Commission to resolve disputes in which a licensing authority and a public utility applying for a permit cannot agree on terms of a permit.

LD 1765 An Act to Protect Ratepayer Investments

ONTP

SPONSOR(S)
GWADOSKY

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have given an electric utility the authority to terminate its power purchase contracts with a self-generator if the self-generator ceased purchasing electricity from the electric utility. The bill also proposed to require any customer who has received any demand-side management subsidies from an electric utility to repay those subsidies if the customer purchased less of its electrical requirements from the utility than the customer had purchased during the prior year.

LD 1797 An Act to Amend the Charter of the Madison Water District

P & S 69

SPONSOR(S)
KETTERER

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-760

SUMMARY

This bill makes certain changes in the charter of the Madison Water District concerning the terms, elections and compensation of the board of trustees, requirements of any person serving as treasurer, the submission of an annual report and the keeping of certain records. In the main, these changes are consistent with 35-A MRSA ch. 63 which governs the creation of new districts.

COMMITTEE AMENDMENT "A" (H-760) adds a municipal mandate preamble, makes a technical correction and adds a fiscal note to the bill.

LD 1799 An Act to Expand the Powers of the Great Salt Bay Sanitary District

P & S 85
EMERGENCY

SPONSOR(S)
KILKELLY
BEGLEY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-825
H-919 CLARK

SUMMARY

This bill proposed to create the Great Salt Bay Utility District.

COMMITTEE AMENDMENT "A" (H-825) replaces the bill. The amendment expands the powers of the Great Salt Bay Sanitary District in order to allow it to provide water utility services. This amendment also amends the title to reflect the changes made to the bill.

The committee amendment is designed to achieve the same purposes as the original bill. The amendment ensures that appropriate legal authority is granted to the existing sanitary district to achieve those purposes. The amendment also adds a municipal mandate preamble, an emergency preamble, an emergency referendum provision and a fiscal note.

As a result of a reorganization which occurred during the processing of this bill, the name of the water company currently serving the area changed to the Consumers Maine Water Company, Damariscotta and Newcastle Division. House Amendment "A" (H-919) amends the committee amendment to change all references to the water company to reflect this change. The amendment also provides that the current authority and powers of the Great Salt Bay Sanitary District continue, removes certain provisions dealing with procedures for exercising eminent domain and the adjustment of damages and removes language regarding jury determination of damages.

**LD 1804 An Act to Permit Scrutiny of Books and Records of
Nonutility Generators**

ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
DUTREMBLE D	ONTP	MAJ
VOSE	OTP	MIN
CLARK		

SUMMARY

This bill proposed to require disclosure to the Public Utilities Commission by qualifying facilities of books and records to the extent necessary for the commission to undertake its responsibilities under the federal Energy Policy Act of 1992 to evaluate purchases by electric utilities from exempt wholesale generators. Current State law does not permit commission scrutiny of those books and records. The Energy Act, however, provides federal authority to the commission to make an examination of these books and records for the proposes of carrying out the directives of the Energy Act.

An exempt wholesale generator is a legal entity, defined in the Energy Act, which enjoys certain exemptions from specific Securities and Exchange Commission regulations. Many, though not necessarily all, qualifying facilities satisfy the definition of an exempt wholesale generator. Utility subsidiaries of a certain type may also satisfy the definition.

LD 1830 An Act to Amend the Charter of the Canton Water District

P & S 75
EMERGENCY

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LUTHER	OTP-AM	S-431

SUMMARY

The Legislature in 1989 approved an increase in the debt limit of the Canton Water District to \$1,000,000. The referendum which was held to approve this debt increase, however, may have been defective and was challenged. The bill resolves any question regarding the authorized debt limit of the district by establishing a \$500,000 debt limit which is not subject to approval in referendum. This permits the district to borrow sufficient money to comply with the federal Safety Drinking Water Act.