

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

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.

The bill proposed to provide that any future changes to the district's debt limit be approved in a district referendum. Committee Amendment "A" (S-431) removes this language. The amendment also makes technical changes to conform existing law to current drafting standards.

LD 1839 An Act to Amend the Charter of the Berwick Sewer District

P & S 81
EMERGENCY

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MURPHY CARPENTER	OTP-AM	H-823 H-828 MURPHY

SUMMARY

Federal regulations require publicly owned treatment works, such as sewer districts, to adopt pretreatment programs for industrial users of the sewage treatment facilities. Those regulations include a requirement that the publicly owned treatment works have the authority to assess civil or criminal penalties in the amount of at least \$1,000 per day per violation upon industrial users who violate pretreatment standards or requirements. Those regulations also include a requirement that publicly owned treatment works such as sewer districts adopt pretreatment standards and requirements that are no less stringent than the federal regulating standards and requirements.

The bill amends the charter of the Berwick Sewer District to incorporate these 2 federal regulatory requirements. This bill specifies the district's authority to adopt rules and regulations consistent with state and federal law, to issue permits under those rules and regulations and to undertake enforcement action. This bill proposed to permit the district to recover civil monetary penalties in an amount of at least \$1,000 per day per violation. In addition, this bill authorizes the district to bring an administrative enforcement action.

COMMITTEE AMENDMENT "A" (H-823) modifies the bill to provide that the district may seek and assess penalties against industrial users who violate the district's pretreatment standards in an amount up to but not exceeding \$1,000 a day. This is consistent with general state law which grants all sewer districts this authority and meets the requirements of federal law. This amendment also provides that when the district assesses penalties it conduct its proceedings in accordance with the Maine Administrative Procedure Act. This amendment also adds a fiscal note to the bill.

HOUSE AMENDMENT "A" (H-828) adds an emergency preamble and emergency clause to the bill.

LD 1874 An Act to Reduce the Cost of Electricity and to Provide for Market Competition in the Production and Sales of Electricity

ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CLEVELAND	ONTP	

SUMMARY

This bill proposed to establish a process designed to result in divestiture by electric utility companies of generation assets.

Under this bill:

1. Electric utilities would have been required to submit to the Public Utilities Commission by June 1, 1995 a detailed plan for divestiture;