

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

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;

2. The commission would have been required to complete a review of the plans by June 1, 1996;
3. By January 1, 1997, the commission would have been required to hold hearings on the plans and to submit to the Legislature its report on divestiture. The bill would have required that the report include a plan for complete divestiture by January 1, 2000. The bill would have allowed the commission to include alternate plans if the commission found that complete divestiture by the year 2000 was imprudent; and
4. The Joint Standing Committee on Utilities would have been authorized to report out a bill to the First Regular Session of the 118th Legislature in 1997 to make the statutory changes required to achieve divestiture.

**LD 1879 An Act to Enhance the Effectiveness of the Office of the
Public Advocate**

PUBLIC 633

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
CARPENTER	OTP-AM	MAJ	S-445
	ONTP	MIN	S-514 VOSE

SUMMARY

This bill permits up to 10% of the Public Advocate's utility budget unspent at the end of a fiscal year to be carried forward for use in the following fiscal year. The bill proposed a complicated retroactivity provision. The bill also proposed to redesignate all employees of the office as confidential employees, thereby causing certain employment benefits that previously had been paid by the employees to be assumed by the office.

COMMITTEE AMENDMENT "A" (S-445), which was the majority report of the committee, changes the retroactive application of the Act to an effective date of June 30, 1994. The amendment also adds a fiscal note to the bill.

SENATE AMENDMENT "A" (S-514) removes the portion of the bill that proposed to make employees of the Public Advocate confidential, unclassified employees. The amendment also adds a new fiscal note to the bill.

**LD 1904 An Act to Establish the Maine Surplus Energy Auction
Program**

PUBLIC 662

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CARPENTER	OTP-AM	S-491
DONNELLY		

SUMMARY

This bill establishes the Maine Surplus Energy Auction Program within the Public Utilities Commission. The bill proposed to make surplus electricity available to the State's industrial and commercial users for 7 years at no less than marginal cost plus one cent. The bill also proposed to establish the surplus energy pool as 80% of the surplus electricity estimated to be available to the State's utilities.

COMMITTEE AMENDMENT "A" (S-491) preserves the basic features of the auction program established by the bill but alters the provisions of the bill as follows: