

MAINE STATE LEGISLATURE

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STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
UTILITIES AND ENERGY

AUGUST 1995

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

**SUMMARY OF LEGISLATION BEFORE
THE JOINT STANDING COMMITTEES**

AUGUST 1995

This document is a compilation of the bill summaries prepared by this office for the Joint Standing 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 publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, 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 categories of final action are abbreviated as follows:

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

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

LD 345 **An Act to Prohibit Regulatory Discrimination among Utilities** **ONTP**

SPONSOR(S) MORRISON	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
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SUMMARY

This bill proposed to require uniform treatment by the Public Utilities Commission of utilities providing the same type of service.

LD 362 **An Act to Expand the Boundaries of the Presque Isle Water District and the Presque Isle Sewer District** **P & S 11**

SPONSOR(S) DONNELLY KIEFFER	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED H-32
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SUMMARY

This bill expands the Presque Isle Water District territorial boundaries and the Presque Isle Sewer District territorial boundaries to the territorial limits of the City of Presque Isle.

COMMITTEE AMENDMENT "A" (H-32) makes technical and editorial changes to the bill in order to bring certain provisions of the charters of the Presque Isle Sewer District and the Presque Isle Water District into conformity with current standardized charter language.

This amendment also adds a fiscal note to the bill.

LD 387 **An Act to Repeal the Winter Harbor Water District** **ONTP**

SPONSOR(S) PINKHAM	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
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SUMMARY

This bill proposed to repeal the law authorizing the creation of the Winter Harbor Water District.

LD 415 **An Act to Amend the Charter of the Bangor Water District** **P & S 23
EMERGENCY**

SPONSOR(S) CAMPBELL RUHLIN	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED H-228 S-171 HANLEY
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SUMMARY

This bill proposed to permit public recreational access across shorelands owned by public water districts to the State's surface waters. Currently, a water district may purchase or take by eminent domain lands around its water sources and then exclude the public from those lands. This bill proposed to create a public right of ingress and egress across water district shoreland. A district would only have been permitted to restrict access for purposes of protecting public water supply, protecting public safety or protecting district property.

This bill would have preserved all protections against water district liability for injuries occurring on district land, which are provided under the Maine Revised Statutes, Title 14, section 159-A; the Tort Claims Act, Title 14, chapter 741; and any other law now in effect or subsequently enacted.

This bill also proposed to make uniform the tax status of all water districts in the State. Currently, many water districts have specific provisions in their charters regarding the tax status of the utilities' properties. In nearly all cases district property is to some extent tax exempt. However, there are some variations in the extent of the tax exemptions. The general law of the State, Title 36, section 651, provides a uniform tax-exemption scheme for water district properties. This bill would have made all water district properties tax exempt as provided under the general law and repeal all inconsistent charter provisions.

COMMITTEE AMENDMENT "A" (H-228) strikes and replaces the bill. This amendment also strikes and replaces the title of the bill, adds a mandate preamble and an emergency preamble and emergency clause to the bill and adds a fiscal note.

The amendment removes Spectacle pond and Beech Hill pond from the list of ponds from which the Bangor Water District may take water. The amendment changes the tax status of the district. Currently all of the district's property is tax exempt. Under this amendment, the district's property within the territory of the district remains tax exempt. Outside the territory of the district, under this amendment, only pipes, hydrants, treatment facilities and other fixtures are tax exempt. All other property of the district outside the territory of the district is subject to taxation.

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-171) replaces the fiscal note in the committee amendment.

**LD 433 An Act to Reduce the Cost of Electricity and to Provide
for Market Competition in the Production and Sales of
Electricity**

ONTP

SPONSOR(S)
CLEVELAND

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

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

The bill proposed that:

1. Electric utilities submit to the Public Utilities Commission by June 1, 1996 a detailed plan for divestiture;
2. The commission complete a review of the plans by June 1, 1997;
3. By January 1, 1998, the commission hold hearings on the plans and submit to the Legislature its report on divestiture. The report would have included a plan for complete divestiture by January 1, 2001; and
4. The Joint Standing Committee on Utilities be authorized to report out a bill to the Second Regular Session of the 118th Legislature in 1998 to achieve divestiture.