

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
UTILITIES AND ENERGY**

JUNE 1996

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Sen. Philip E. Harriman
Sen. John J. Cleveland*

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ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
June 1996

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are 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 finally passed 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>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

Joint Standing Committee on Utilities and Energy

LD 734 **An Act to Revise the Ogunquit Sewer District Charter** ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARLETON	ONTP	

LD 734, which was carried over from the 1st Regular Session, proposed to repeal the charter of the Ogunquit Sewer District and replace that charter. It proposed to rearrange and combine sections of the original charter and to make a number of changes to the charter.

LD 828 **An Act to Provide Affordable Access to Information Services in All Communities of the State through Enhanced Library and School Telecommunications** PUBLIC 631

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	H-832
	OTP-AM MIN	

LD 828, which was carried over from the 1st Regular Session, proposed to establish a new state policy to promote public access to new telecommunications technologies and information networks. It proposed to require the Public Utilities Commission to develop library access plans to promote affordable public access to advanced telecommunications technologies and networks. It would have required the commission to consider a variety of options, including:

1. Reduced telephone rates for qualified public libraries;
2. Reduced service and equipment charges for installation of telephone lines and other equipment installed by a telephone utility for qualified public libraries;
3. Option plans which allow qualified public libraries to purchase blocks of time or to enter into other payment arrangements with a telephone utility; and
4. The development of a special library access fund to which telephone utilities would be required to contribute and that would be available to qualified public libraries to assist in paying the costs of acquiring and using advanced telecommunications technologies.

Committee Amendment "A" (H-832) is the majority report. It replaced the bill and proposed to repeal an outdated provision requiring the Public Utilities Commission to submit a report. It proposed to establish a new state policy that affordable access to those information services that require a computer and rely on the use of the telecommunications network should be made available in all communities of the State without regard to geographic location. It also proposed to give the Public Utilities Commission the authority to do the following to carry out the goals of the State's telecommunications policy:

1. To require a telecommunications carrier offering intrastate telecommunications services to provide telecommunications services, including instruction and equipment related to such services, at reduced charges or at no charge to qualified libraries and schools for the establishment and use of a program providing access to information networks;

2. To require a telecommunications carrier offering intrastate telecommunications services to provide funds for qualified libraries and schools to obtain telecommunications services, including instruction and equipment related to such services, from other vendors; and
3. To establish a telecommunications access fund to which all telecommunications carriers offering telecommunications services in the State are required to contribute.

The amendment also proposed to impose limitations on the authority granted to the Public Utilities Commission by the Maine Revised Statutes, Title 35-A, section 7104-A, subsection 1. It proposed to require the Public Utilities Commission to limit the annual cost to each telecommunications carrier of all programs to not more than 1.5% of its intrastate revenues; to ensure that funds are collected in a competitively neutral manner; to attribute any amount collected from a telecommunications carrier as an offset to any required intrastate support mechanism to preserve and advance universal service; and not to exercise its authority with respect to any telecommunications carrier other than a local exchange carrier serving more than 100,000 lines until September 30, 1997, except to the extent required by federal law.

The amendment proposed to define "qualified library," "qualified school," "telecommunications carrier" and "telecommunications service." It also proposed to require the Public Utilities Commission to report annually to the joint standing committee of the Legislature having jurisdiction over utilities matters on the progress made in meeting the goal of information access established in Title 35-A, section 7101, subsection 4 and factors promoting or impeding the achievement of that goal.

The amendment proposed to provide for the repeal of the provision granting the Public Utilities Commission additional authority and the provision imposing limitations on that authority on February 1, 2001. The amendment also proposed to make the bill retroactive to May 1, 1995. Finally, the amendment proposed to clarify that the Public Utilities Commission's approval of NYNEX's plan to provide access to information networks and services to public schools and public libraries is authorized by this legislation.

The amendment also proposed to add a fiscal note to the bill.

Committee Amendment "B" (H-833) is the minority report. It replaced the bill and proposed to do the same as the majority report, except it would have permitted the Public Utilities Committee to carry out its new authority only with respect to NYNEX and would have limited the annual cost to NYNEX to the amount approved by the commission in Docket Numbers 94-123 and 94-254. It also proposed to repeal those provisions on December 31, 2000. (Not adopted)

Enacted law summary

Public Law 1995, chapter 631 repeals an outdated provision in the law requiring the Public Utilities Commission to submit a report. It establishes a new state policy that affordable access to those information services that require a computer and rely on the use of the telecommunications network should be made available in all communities of the State without regard to geographic location. It also gives the Public Utilities Commission the authority to do the following to carry out the goals of the State's telecommunications policy.

1. It may require a telecommunications carrier offering intrastate telecommunications services to provide telecommunications services, including instruction and equipment related to such services, at reduced charges or at no charge to qualified libraries and

schools for the establishment and use of a program providing access to information networks.

2. It may require a telecommunications carrier offering intrastate telecommunications services to provide funds for qualified libraries and schools to obtain telecommunications services, including instruction and equipment related to such services, from other vendors.
3. It may establish a telecommunications access fund to which all telecommunications carriers offering telecommunications services in the State are required to contribute.

The law imposes limitations on the authority granted to the Public Utilities Commission by the Maine Revised Statutes, Title 35-A, section 7104-A, subsection 1. The Public Utilities Commission shall limit the annual cost to each telecommunications carrier of all programs to not more than 1.5% of its intrastate revenues; the Public Utilities Commission shall ensure that funds are collected in a competitively neutral manner; the Public Utilities Commission shall attribute any amount collected from a telecommunications carrier as an offset to any required intrastate support mechanism to preserve and advance universal service; and the Public Utilities Commission may not exercise its authority with respect to any telecommunications carrier other than a local exchange carrier serving more than 100,000 lines until September 30, 1997, except to the extent required by federal law.

The law defines "qualified library," "qualified school," "telecommunications carrier" and "telecommunications service." It also requires the Public Utilities Commission to report annually to the joint standing committee of the Legislature having jurisdiction over utilities matters on the progress made in meeting the goal of information access established in Title 35-A, section 7101, subsection 4 and factors promoting or impeding the achievement of that goal.

The law provides for the repeal of the provision granting the Public Utilities Commission additional authority and the provision imposing limitations on that authority on February 1, 2001. It clarifies that the Public Utilities Commission's approval of NYNEX's plan to provide access to information networks and services to public schools and public libraries is authorized by the Act. Finally, the law is retroactive to May 1, 1995.

**LD 871 An Act Concerning the Calculation of Private Fire
Protection Charges**

ONTP

Sponsor(s)
ADAMS

Committee Report
ONTP

Amendments Adopted

LD 871, which was carried over from the 1st Regular Session, proposed to allow water utilities to establish rates for private fire protection that include recovery for a portion of the costs of the utilities' backup facilities, including mains, storage facilities and pumps.