

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 871 An Act Concerning the Calculation of Private Fire Protection Charges

CARRIED OVER

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
ADAMS

SUMMARY

This bill proposes 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.

LD 883 An Act to Enhance Networking Technology for Public Schools

ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
ADAMS
TREAT ONTP

SUMMARY

This bill proposed to require telephone utilities to install and maintain at cost modern telecommunication links to public schools. The bill proposed to require up to 2 links to be installed, upon the request of a school board, to secondary schools and one link to be installed, upon the request of a school board, to elementary schools. The bill proposed to permit schools and telephone utilities to petition the Public Utilities Commission to resolve any disputes arising from these provisions.

LD 886 An Act to Improve the Business Climate in the State by Making Power Available at a Lower Rate

ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
VIGUE ONTP

SUMMARY

This bill proposed to

1. Permit electric utilities to enter into contracts and to sell power to business entities in this State without review by the Public Utilities Commission;
2. Permit the Governor to require an electric utility to provide retail wheeling services to a business entity; and
3. Permit a utility to charge a fee for its transmission and wheeling services to cover direct costs only.

LD 911 An Act to Protect Existing Utility Service

ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
CARPENTER ONTP

SUMMARY

This bill proposed to change the effect of a law which was amended in 1984 concerning utility prescriptive rights to land through adverse possession.

Pre-1984, 35-A MRSA §2488 prohibited utilities from obtaining prescriptive easements on land on which their facilities are located.

In 1984, PL 1983, ch 605 was enacted; the law essentially repealed the prohibition on a utility obtaining prescriptive easements on land on which its facilities were located. Not addressed by that law was the status of land on which facilities were already located in 1984. Since the bill did not address the issue, one reasonable legal reading of the effect of the law was that the 20-year prescriptive easement clock began to tick on the effective date of the law in 1984.

This bill proposed statutorily to remove that interpretation of the effect of the 1984 law.

**LD 927 An Act to Prohibit Retrofits of Nuclear Power Plants
without Permission of the Public Utilities Commission**

**DIED BETWEEN
BODIES**

SPONSOR(S)

ADAMS

COMMITTEE REPORT

ONTP

MAJ

OTP-AM

MIN

AMENDMENTS ADOPTED

SUMMARY

This bill proposed to require Maine Yankee, before investing in a major retrofit, to first obtain a certificate of public convenience and necessity from the Public Utilities Commission. The certificate would have established the need for the retrofit and the prudence of the investment, considering the potential impact on ratepayers in this State.

COMMITTEE AMENDMENT "A" (H-435) was the minority report of the committee. The amendment proposed to replace the bill and change the title. Under this amendment, electric utilities would have been required, every five years, to file:

1. A copy of any current contract to purchase electric energy from a Maine nuclear power plant;
2. The utility's energy planning projection of the operational life of the nuclear power plant;
3. The average annual rate the utility projects it will be required to pay during each year of the expected operational life of the nuclear power plant; and
4. The utility's energy plan for the expected operational life of the nuclear power plant and how the purchase of electric energy from the nuclear power plant fits into that plan.

An electric utility would have been permitted to file updates to revise its filing if its projections and estimates changed. An electric utility would have been required to file an update if it entered a new contract or amended an existing contract with the nuclear power plant or if it expected to pay higher average annual rates for power from the plant than it projected in its most recent filing.

The Public Utilities Commission would have been required to hold a hearing on quinquennial utility filings and permit interveners in the proceedings. For the purposes of providing public information, the commission would have been permitted to issue an advisory order summarizing the filing and comments and to make nonbinding findings. The commission would not have been required to conduct proceedings on filings made between the quinquennial filings.