

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

MEMBERS:

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

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Staff:

Amy B. Holland, Legislative Analyst

Office of Policy and Legal Analysis

Room 101/107/135, 13 State House Station

Augusta, ME 04333

(207)287-1670



**Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

**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.

LD 1533 **An Act to Require the Public Utilities Commission to Ensure Telecommunications Service in Economic Development Areas** ONTP

<u>Sponsor(s)</u> DONNELLY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1533, which was carried over from the 1st Regular Session, proposed to direct the Public Utilities Commission to ensure that commercial and industrial customers located in economic development areas can obtain telecommunications services at rates comparable to rates charged in more economically advantaged areas.

LD 1565 **An Act to Create the Prospect Water Authority** ON

<u>Sponsor(s)</u> WHITCOMB	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1565, which was carried over from the 1st Regular Session, proposed to create the Prospect Water Authority.

LD 1567 **An Act to Facilitate Sewer and Water Main Extensions** PUBLIC 636

<u>Sponsor(s)</u> OTT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-796
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LD 1567, which was carried over from the 1st Regular Session, proposed to repeal the requirement that, prior to constructing an extension, a sewer district obtain written assurance from the municipality through which the extension will pass that the extension and the user of the extension are in conformance with the municipality's plans and ordinances. It proposed to require the sewer district to instead consult with the municipality's code enforcement officer to determine compliance. It also proposed to require the licensing authority to obtain a bond from a private installer of a sewer or water line.

Committee Amendment "A" (H-796) replaced the bill and proposed to amend the sanitary and sewer district laws that require a sanitary or sewer district to acquire from any municipality, prior to constructing a sewer extension, written assurance that the sewer extension is consistent with adopted municipal plans and ordinances regulating land use. It proposed to specify that it is the municipal officers or their designee who provides such written assurance and to require that they respond to a written request within 45 days or the written assurance would be deemed granted.

The amendment also proposed a procedure for appealing the decision of the municipal officers to the State Planning Office. It proposed that after a hearing, if the office determines that the sewer extension proposal is not inconsistent with the adopted municipal plans and ordinances, the office should issue written assurance that the proposal is consistent with the plans and ordinances, and the district could construct the sewer extension. It proposed that the decision of the State Planning Office constitutes final agency action.

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

House Amendment "A" to Committee Amendment "A" (H-889) proposed to authorize a sanitary or sewer district that serves more than one municipality to construct an extension if that extension eliminates large licensed overboard discharges of 30,000 gallons per day or more by diverting the septage into the district's treatment system. To restrict use of this provision, the amendment proposed that such an extension must be a forced main construction with no direct connections except to eliminate another overboard discharge of 30,000 gallons per day or more. Any service that does not meet these restrictions would need to receive the written assurance required by the Maine Revised Statutes, Title 38, section 1163, subsection 1 and section 1252, subsection 7. (Not adopted)

Enacted law summary

Public Law 1995, chapter 636 amends the sanitary and sewer district laws that require a sanitary or sewer district to acquire from any municipality, prior to constructing a sewer extension, written assurance that the sewer extension is consistent with adopted municipal plans and ordinances regulating land use. It specifies that it is the municipal officers or their designee who provides such written assurance and requires that they respond to a written request within 45 days or the written assurance is deemed granted.

The law also provides a procedure for appealing the decision of the municipal officers to the State Planning Office. After a hearing, if the office determines that the sewer extension proposal is not inconsistent with the adopted municipal plans and ordinances, the office shall issue written assurance that the proposal is consistent with the plans and ordinances, and the district may construct the sewer extension. The decision of the State Planning Office constitutes final agency action.

LD 1600 An Act to Amend the Charter of Milbridge Water District P & S 55

<u>Sponsor(s)</u> LAYTON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-690
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LD 1600 proposed to amend the charter of the Milbridge Water District to provide for the election of the district's trustees from among the district's customers. It also proposed to remove a provision from the charter regarding restrictions on the indebtedness of the district.

Committee Amendment "A" (H-690) proposed to require that each of the district's trustees must be 18 years of age or older, a resident of the district and reside in a household to which the district's service is provided. It also proposed to clarify that when a trustee ceases to be a resident of the district or reside in a household to which the district's service is provided, that trustee vacates the office.

Enacted law summary

Private and Special Law 1995, chapter 55 amends the charter of the Milbridge Water District to require that each of the district's trustees must be 18 years of age or older, a resident of the district and reside in a household to which the district's service is provided. It also clarifies that when a trustee ceases to be a resident of the district or reside in a household to which the district's service is provided, that trustee vacates the office. Finally, it removes a provision from the charter regarding restrictions on the indebtedness of the district.