

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

SECOND REGULAR SESSION  
AND  
SECOND SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
UTILITIES AND ENERGY

MAY 1998

*MEMBERS:*

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*Sen. John J. Cleveland*

*Sen. Philip E. Harriman*

*Rep. Kyle W. Jones, Chair*

*Rep. Carol A. Kontos*

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**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

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:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*.....House & Senate disagree; bill died
- DIED IN CONCURRENCE*.....One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died
- EMERGENCY*.....Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*.....Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*.....Bill imposing local mandate failed to get 2/3 vote
- INDEF PP*.....Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*.....Bill held by Governor
- VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

4. The authorization would be conditioned on the utility providing the law granting the right, privilege or immunity to the Public Utilities Commission and the commission making a written finding that the law does in fact grant rights, privileges or immunities that are generation assets or that are necessary to the ownership or operation of generation assets required to be divested.
5. The authorization would not exempt an electric utility from complying with other requirements of law, including obtaining Public Utilities Commission approval for the transfer of the assets.
6. The authorization would not extinguish or affect any lawful rights, privileges or immunities that any person, entity or the public may have in any property held or transferred by an electric utility.
7. The authorization would not permit the sale or transfer of any right of eminent domain and any right of eminent domain held by an electric utility would terminate upon the divestiture of assets to which the right relates.

***Enacted law summary***

Public Law 1997, chapter 710 grants a limited authorization to electric utilities to transfer certain rights, privileges or immunities that have been granted by law to the electric utilities which the utilities are required by law to divest.

The law also creates a definition of "excluded electric plant." Under this definition, ownership of excluded electric plant does not cause an entity to be considered an electric utility or to be subject to regulation as an electric utility under the Maine Revised Statutes, Title 35-A. Prior to March 1, 2000, "excluded electric plant" includes generators used to produce energy sold at wholesale, small power producers, cogenerators, electric generation enterprises and self generators. After February 29, 2000, "excluded electric plant" includes all generation assets, other than assets held by an electric utility, thereby largely deregulating generation service.

**LD 1937**

**An Act to Restore the Requirement That Certain Expenditures of the Waldoboro Utility District Be Approved by District Vote**

**P & S 60  
EMERGENCY**

Sponsor(s)  
SPEAR

Committee Report  
OTP

Amendments Adopted

LD 1937 proposed to restore language to the Waldoboro Utility District charter that requires any single expenditure in excess of \$100,000 be approved by district vote. This language was removed by P&SL 1997, chapter 18.

***Enacted law summary***

Private and Special Law 1997, chapter 60 restores language to the Waldoboro Utility District charter that requires any single expenditure in excess of \$100,000 be approved by district vote. Chapter 60 was enacted as an emergency measure effective March 5, 1998.

**LD 1957**

**An Act to Amend the Charter of the Sanford Sewerage District**

**P & S 74**

Sponsor(s)  
MACKINNON

Committee Report  
OTP-AM

Amendments Adopted  
S-499

LD 1957 proposed to amend the charter of the Sanford Sewerage District to allow the district to establish pretreatment standards and other regulations necessary for it to comply with Federal Clean Water Act requirements and to impose special civil and criminal penalties for violations of these. The bill also proposed to increase the indebtedness of the district from \$2,000,000 to \$4,000,000.

**Committee Amendment "A" (S-499)** proposed the following:

1. To delete provisions providing for special penalties; penalties under existing laws would be applicable;
2. To add a provision allowing the district to establish new debt limits by referendum; and
3. To make certain corrections and clarifications in the wording of the bill.

***Enacted law summary***

Private and Special Law 1997, chapter 74 amends the charter of the Sanford Sewerage District to allow the district to establish certain pretreatment standards and other regulations necessary for it to comply with Federal Clean Water Act requirements. The law increased the district's debt limit to \$4,000,000 and allows the district to set higher debt limits pursuant to a referendum procedure.

**LD 1960**

**An Act to Amend and Clarify Laws Concerning Nuclear Safety**

**PUBLIC 686  
EMERGENCY**

Sponsor(s)  
KILKELLY  
PEAVEY

Committee Report  
OTP-AM

Amendments Adopted  
S-578

LD 1960 proposed to alter certain definitions in law to provide that regulations and standards that applied to operating nuclear power plants continue to apply to a plant undergoing decommissioning.

**Committee Amendment "A" (S-578)** proposed:

1. To decrease the annual registration fee for a nuclear power plant from \$100,000 to \$25,000 in fiscal year 1998-99 and to eliminate the fee thereafter;
2. To increase the annual fee paid by a nuclear power plant to the Health and Environmental Testing Laboratory from \$90,000 to \$122,000 in fiscal year 1997-98. These funds would cover costs incurred in the purchase of equipment related to the decommissioning;
3. To require the Maine Yankee Atomic Power Company to reimburse the Department of Environmental Protection for costs incurred by the department related to the decommissioning of the plant, but to cap the reimbursement at \$70,000 in fiscal year 1997-98 and \$100,000 in fiscal year 1998-99; and
4. To add an emergency preamble, emergency clause and allocations to the bill.