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: Sen. Richard J. Carey, Chair Sen. John J. Cleveland Sen. Philip E. Harriman

Rep. Kyle W. Jones, Chair Rep. Carol A. Kontos Rep. Ronald E. Usher Rep. Gary O'Neal Rep. Patrick Colwell Rep. Charles C. LaVerdiere Rep. Joseph B. Taylor Rep. Henry L. Joy Rep. Donald P. Berry, Sr. Rep. John W. Vedral, III

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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, <u>History and Final Disposition of Legislative Documents</u>, 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).

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	
CONF CMTE UNABLE TO AGREE	
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
	Enacted law takes effect sooner than 90 days
	PASSAGEEmergency 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 Ought Not To Pass report accepted
ONTP	Ought Not To Pass report accepted
<i>OTP ND</i>	
<i>OTP ND/NT</i>	
P&S XXX	
RESOLVE XXX	
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.

LD 2025

An Act to Reduce Technical Violations of Maine's Laws Regarding the Protection of Underground Utilities

PUBLIC 631

Sponsor(s)	Committee Report	Amendments Adopted	
HARRIMAN	OTP-AM	S-507	
JONES SL			

LD 2025 proposed to exclude the Department of Transportation, the Maine Turnpike Authority and minor civil divisions from civil penalties for certain violations of the State's "dig safe" laws.

Committee Amendment "A" (S-507) proposed to replace the bill. The amendment proposed to provide for the issuance of annual written clearances by the "dig safe system," which would allow excavators to undertake excavations in clearly identified areas in which no underground facilities are located. Such clearances could be revoked or modified if new underground facilities were proposed for the area for which clearance had been issued.

Enacted law summary

Public Law 1997, chapter 631 provides for the issuance of annual written clearances by the "dig safe system," which will allow excavators to undertake excavations in clearly identified areas in which no underground facilities are located. Such clearances may be revoked or modified if new underground facilities are proposed for the area for which clearance has been issued.

LD 2029

An Act to Amend the Charter of the Van Buren Light and Power District

P & S 68

Sponsor(s)	Committee Report	Amendments Adopted	
PARADIS	OTP-AM	S-470	
SIROIS			

LD 2029 proposed to allow the Van Buren Light and Power District to provide fiber-optic cable service.

Committee Amendment "A" (S-470) proposed the following:

- 1. To clarify that the Van Buren Light and Power District's authorization to provide fiber-optic cable telecommunications services is limited to its current territorial limits;
- 2. To provide that the district may not take the property of another public utility used in providing service to the public or in performing a public duty unless the Public Utilities Commission finds that the taking is in the public interest.

Enacted law summary

Private and Special Law 1997, chapter 68 allows the Van Buren Light and Power District to provide fiber-optic cable service in its service territory. The law also provides that the district may not take the property of another

public utility used in providing service to the public or in performing a public duty unless the Public Utilities Commission finds that the taking is in the public interest.

LD 2043 An Act to Preserve Certain Electric Utility Billing Arrangements until Competition is Implemented

ONTP

Sponsor(s)	Committee Report	Amendments Adopted
LAVERDIERE	ONTP	

LD 2043 proposed to rewrite a provision of the law enacted during the First Regular Session of the 118th Legislature known as the "electric industry restructuring" law. The provision had the apparent effect of abrogating a net billing requirement applicable to electric utility arrangements with very small qualifying facilities. The requirement appears in Public Utilities Commission rules that implement the Maine Revised Statutes, Title 35-A, chapter 33. This bill proposed to reinstate the right of small qualifying facilities to sell power to electric utilities under net billing arrangements until the advent of retail competition, which will occur on March 1, 2000. The Public Utilities Commission addressed the issue raised by this bill in Chapter 360 of its rules, adopted March 10, 1998.

LD 2076 An Act to Require Certain Utilities to Report Transfers of Assets DIED BETWEEN BODIES

Sponsor(s)	Committee Report		Amendments Adopted
O'NEAL	OTP-AM	MAJ	
CAREY	ONTP	MIN	

LD 2076 proposed to require all public utilities to report transfers of any property funded in any manner from rate-payer funds. The bill proposed to require the commission to assess the value of these assets and to take this value into account in any determinations of stranded cost recovery.

The bill also proposed to require the commission to determine the amount and circumstances of all similar transfers that have occurred since the beginning of 1990 and to take these into account in determining stranded costs.

Committee Amendment "A" (H-906), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill and

- 1. To require investor-owned electric utilities to provide to the Public Utilities Commission written notice of transfers occurring after January 1, 1992 of significant interests in property financed or managed in any manner with rate-payer funds; and
- 2. To require the first notice of transfers occurring between January 1, 1992 and January 1, 1998 to occur within 30 days of the effective date of the Act.