

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

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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).

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.

Senate Amendment "B" (S-613) proposed to authorize unspent funds in the Public Advocate Regulatory Fund for fiscal year 1996-97 to be carried forward in their entirety for use in fiscal year 1997-98. This provision was in the Supplemental Budget but was moved into this bill when it was determined that the Supplemental Budget would not be passed as an emergency.

This amendment also proposed to reduce by \$50,000 the amount of the allocation to the Office of the Public Advocate proposed in the bill for fiscal year 1998-99.

Enacted law summary

Public Law 1997, chapter 719 authorizes unspent funds in the Public Advocate Regulatory Fund for fiscal year 1996-97 to be carried forward in their entirety for use in fiscal year 1997-98 and provides supplemental funding to the Office of the Public Advocate. Chapter 719 was enacted as an emergency measure effective April 7, 1998.

LD 2278 **An Act to Implement the Recommendations of the Minority of the Joint Standing Committee on Utilities and Energy Arising from its Government Evaluation Act Review of the Office of the Public Advocate** **DIED IN CONCURRENCE**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | OTP MIN | |

LD 2278, which was the minority report of the Joint Standing Committee on Utilities and Energy pursuant to its Government Evaluation Act review of the Office of the Public Advocate, proposed supplemental funding to the Office of the Public Advocate to fund salary increases for the Public Advocate and the Public Advocate's staff and to cover costs of consultants and expert witnesses to handle cases at the Public Utilities Commission involving electric industry restructuring and at the Public Utilities Commission and the Federal Energy Regulatory Commission involving issues related to Maine Yankee Nuclear Power Plant decommissioning. The funding level proposed was \$50,000 less than that proposed in the majority report (see LD 2277). This reduced amount was ultimately adopted by floor amendment to the majority report.

LD 2285 **An Act Relating to Electric Industry Restructuring** **PUBLIC 691 EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | | S-617 HARRIMAN |

LD 2285, which was reported by the Joint Standing Committee on Utilities and Energy pursuant to its authority under Public Law 1997, chapter 316, section 12, proposed the following.

1. To require Public Utilities Commission advisory staff and consultants to be subject to cross examination and discovery;
2. To requires the Public Utilities Commission, on the request of any party, to assign separate staff to rule on motions made by or directed to staff advisors;
3. To establish new standards for and limitations on the issuance of protective orders by the Public Utilities Commission;
4. To extend the deadline by which the Public Utilities Commission must select a standard-offer service provider from July 1, 1999 to December 1, 1999;
5. To exempt the Public Utilities Commission from the provisions of the Maine Revised Statutes, Title 5, section 1831 in conducting the competitive bidding process for choosing standard-offer service providers; and
6. To authorize the Public Utilities Commission to impose a special assessment on electric utilities to fund a consumer education program with respect to electric utility restructuring.

Senate Amendment "A" (S-617) proposed to provide for temporary exemptions from the licensing requirements for these utility employees who are hired by the buyers of these generation facilities and who continue to work in generation facilities. Electric utility employees working in generation facilities owned by the electric utilities are currently exempt from certain occupational licensing requirements. Under current law, electric utilities are required to divest these generation facilities

Enacted law summary

Public Law 1997, chapter 691:

1. Requires Public Utilities Commission advisory staff and consultants to be subject to cross examination and discovery; this provision applies to pending proceedings;
2. Requires the Public Utilities Commission, on the request of any party, to assign separate staff to rule on motions made by or directed to staff advisors; this provision applies to pending proceedings;
3. Establishes new standards for and limitations on the issuance of protective orders by the Public Utilities Commission; this provision applies to pending proceedings except that proceedings involving divestiture of generation assets by electric utilities are exempt from these new standards and limitations;
4. Extends the deadline by which the Public Utilities Commission must select a standard-offer service provider from July 1, 1999 to December 1, 1999;
5. Exempts the Public Utilities Commission from the provisions of the Maine Revised Statutes, Title 5, section 1831 in conducting the competitive bidding process for choosing standard-offer service providers;
6. Authorizes the Public Utilities Commission to impose a special assessment on electric utilities to fund a consumer education program with respect to electric utility restructuring; and

1. Provides limited exemptions from certain licensing requirements for electric utility employees. Utility employees working in generation facilities owned by the electric utilities are currently exempt from certain occupational licensing requirements. Under current law, electric utilities are required to divest these generation facilities. This amendment provides temporary exemptions from the licensing requirements for these utility employees who are hired by the buyers of these generation facilities and who continue to work in generation facilities. These exemptions are repealed on March 1, 2000.

Chapter 691 was enacted as an emergency measure effective April 3, 1998.

LD 2288

An Act Regarding Telecommunications Regulation

PUBLIC 692

Sponsor(s)

Committee Report

Amendments Adopted

LD 2288, which was reported by the Joint Standing Committee on Utilities and Energy pursuant to its authority under Public Law 1997, chapter 276, section 6, proposed to amend the laws relating to affordable telephone service. The bill proposed to require the Public Utilities Commission to establish rules to achieve state universal service goals and to permit the commission to establish a universal service program in which intrastate providers of telecommunications services would be required to contribute to a state universal service fund. These rules and any universal service requirements established by the commission would be required to be consistent with the federal Telecommunications Act of 1996.

Enacted law summary

Public Law 1997, chapter 692 amends the laws relating to affordable telephone service. The law requires the Public Utilities Commission to establish rules to achieve state universal service goals and permits the commission to establish a universal service program in which intrastate providers of telecommunications services would be required to contribute to a state universal service fund. These rules and any universal service requirements established by the commission must be consistent with the federal Telecommunications Act of 1996.

LD 2297

An Act Relating to the Taxation of Certain Federal Entities, the Business Equipment Tax Reimbursement Program, the Administration of the Tax Laws and to Make a Technical Correction

PUBLIC 729

Sponsor(s)

Committee Report

Amendments Adopted

LD 2297 was not referred to the Utilities and Energy Committee. However, a portion of the bill relates to utility issues; that portion is included here.