

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
119TH LEGISLATURE**

**FIRST REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
UTILITIES AND ENERGY**

**JULY 1999**

***MEMBERS:***

*Sen. Richard J. Carey, Chair  
Sen. Carol A. Kontos  
Sen. Betty Lou Mitchell*

*Rep. Thomas M. Davidson, Chair  
Rep. Patrick Colwell  
Rep. Charles C. LaVerdiere  
Rep. Bruce S. Bryant  
Rep. Monica McGlocklin  
Rep. William R. Savage  
Rep. Donald P. Berry, Sr.  
Rep. Harry G. True  
Rep. Richard H. Duncan  
Rep. Richard W. Rosen*

***Staff:***

*Jon Clark, 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 NINETEENTH LEGISLATURE**  
**FIRST REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing and Select Committees**  
**August 1999**

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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:

*CARRIED OVER*..... *Bill carried over to Second Regular Session*  
*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*  
*ENACTMENT FAILED*..... *Bill failed to get vote required for enactment or final passage*  
*NOT PROPERLY BEFORE THE BODY*..... *Ruled out of order by the presiding officers; bill died*  
*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 First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

4. Provide for electric utilities to arrange standard offer service in cases where the Public Utilities Commission determines there is a lack of sufficient bids; and
5. Make the rule consistent with other commission rules governing interactions between providers and electric utilities.

Chapter 37 was enacted as an emergency measure effective May 18, 1999.

**LD 769**

**Resolve, Regarding Legislative Review of Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, a Major Substantive Rule of the Public Utilities Commission**

**RESOLVE 36  
EMERGENCY**

Reported by  
DAVIDSON

Committee Report  
OTP-AM

Amendments Adopted  
H-329

LD 769 proposed approval of Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, a major substantive rule of the Public Utilities Commission.

**Committee Amendment "A" (H-329)** proposed to authorize the Public Utilities Commission to finally adopt its rule, Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, provided it made certain changes to the rule.

***Enacted law summary***

Resolve 1999, chapter 36 authorizes the Public Utilities Commission to finally adopt its rule, Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, provided it:

1. Modifies the rule to remove references to the release of customer proprietary information; this issue is the subject of LD 1214; and
2. Modifies the rule to clarify that nothing in the rule prevents a distribution utility from entering into a special contract offering a special rate to a customer or group of customers pursuant to a rate flexibility program approved by the Public Utilities Commission under the Maine Revised Statutes, Title 35-A, section 3195, subsection 6.

See also LD 2154 for other issues related to standards of conduct for transmission and distribution utilities.

Chapter 36 was enacted as an emergency measure effective May 18, 1999.

**LD 790**

**Resolve, Regarding Legislative Review of Chapter 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a Major Substantive Rule of the Public Utilities Commission**

**RESOLVE 42  
EMERGENCY**

Reported by  
DAVIDSON

Committee Report  
OTP-AM

Amendments Adopted  
H-400

LD 790 proposed approval of Chapter 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a major substantive rule of the Public Utilities Commission.

**Committee Amendment "A" (H-400)** proposed disapproval of final adoption of Chapter 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a major substantive rule of the Public Utilities Commission.

***Enacted law summary***

Resolve 1999, chapter 42 disapproves final adoption of Chapter 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a major substantive rule of the Public Utilities Commission. Issues associated with conservation programs are addressed in LD 1398.

Chapter 42 was enacted as an emergency measure effective May 20, 1999.

**LD 795                      An Act to Except Grading from Definition of Excavation in Dig Safe Law                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J JACOBS	ONTP	

LD 795 proposed to allow an excavator to grade the surface of a road or highway without having to get an excavation permit or to comply with the dig safe law if grading was the only activity performed by the excavator.

**LD 876                      An Act to Amend the Renewable Portfolio Standard to Promote Maine's Renewable Energy Facilities                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL MILLS	ONTP	

LD 876 proposed to amend the electric industry restructuring laws

1. To amend the definition of "renewable resource" to exclude cogeneration facilities that use fossil fuels; and
2. To change the renewable resource portfolio standard to require that at least 30% of a provider's portfolio of electricity supplies for each retail electricity product sold to consumers in this State is accounted for by renewable resources.

Issues associated with the renewable resource portfolio requirement were dealt with in LD 2154.

**LD 894                      An Act to Facilitate Price Comparisons for Utility Service                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D KONTOS	ONTP	