

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:

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Sen. Carol A. Kontos

Sen. Betty Lou Mitchell

Rep. Thomas M. Davidson, Chair

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Rep. Charles C. LaVerdiere

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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).

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.

LD 1265

An Act to Amend the Charter of the Tenants Harbor Standard Water District

**P & S 8
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE SKOGLUND	OTP-AM	S-46

LD 1265 proposed to revise the territorial limits of the Tenants Harbor Standard Water District.

Committee Amendment "A" (S-46) proposed to replace the bill. This amendment proposed to redraft the description of the expansion of the territorial limits of the Tenants Harbor Standard Water District and make technical corrections to the description of the existing territory of the district. It also proposed to provide authorization for the district to serve customers located outside the district, provided that the cost of extending facilities to those customers is funded by the Department of Environmental Protection.

Enacted law summary

Private and Special Law 1999, chapter 8 redrafts the description of the expansion of the territorial limits of the Tenants Harbor Standard Water District and makes technical corrections to the description of the existing territory of the district. It also provides authorization for the district to serve customers located outside the district, provided that the cost of extending facilities to those customers is funded by the Department of Environmental Protection.

Chapter 8 was enacted as an emergency measure effective April 16, 1999.

LD 1273

An Act to Encourage Utility Efficiency

ONTP

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

LD 1273 proposed to repeal the provision of the laws governing electric industry restructuring known as the “poison pill” provision that provides that if 10% or more of the stock of a distribution utility is purchased by an entity, the purchasing entity and any related entity may not sell or offer for sale generation service to any retail consumer of electric energy in this State.

LD 1276

An Act Relating to Utilities and Affiliated Interests

PUBLIC 158

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM	S-89

LD 1276 proposed to remove the requirement that when intangible assets of a utility, including good will or use of a brand name, are used by an affiliated interest of a utility, the utility must be paid by the affiliated interest for the use of those assets.

Committee Amendment "A" (S-89) proposed to replace the bill. The amendment proposed to remove a presumption established in a major substantive rule adopted by the Public Utilities Commission that good will used by an affiliate of a public utility has value in those cases where the business venture of the affiliate is regulated by the commission. The amendment proposed to require the commission to amend its major substantive rule accordingly.

This amendment also proposed to modify the provision of law that requires the Public Utilities Commission to settle complaints by competitors of a utility or affiliate concerning whether the utility affiliate has an undue competitive advantage in an unregulated business market. The amendment proposed to define "undue competitive advantage" as an advantage gained by a violation of standards of conduct or cost allocation requirements established by the commission by rule.

Enacted law summary

Public Law 1999, chapter 158 removes a presumption established in a major substantive rule adopted by the Public Utilities Commission that good will used by an affiliate of a public utility has value in those cases where the business venture of the affiliate is regulated by the commission. The commission remains directed to determine the value of good will used by such an affiliate, but it is not permitted to presume a value. The law requires the commission to amend its major substantive rule accordingly and exempts the conforming amendment from further legislative approval.

The law modifies the provision of law that requires the Public Utilities Commission to settle complaints by competitors of a utility or affiliate concerning whether the utility affiliate has an undue competitive advantage in an unregulated business market. The law defines "undue competitive advantage" as an advantage gained by a violation of standards of conduct or cost allocation requirements established by the commission by rule.

LD 1301

An Act to Conform State Law to Federal Nuclear Power Plant Requirements for Off-site Emergency Planning

PUBLIC 174

Sponsor(s)
BERRY D

Committee Report
OTP-AM

Amendments Adopted
H-209

LD 1301 proposed to repeal the Maine Nuclear Emergency Planning Act.

Committee Amendment "A" (H-209) proposed to clarify that the Maine Emergency Management Agency remains authorized to accept gifts, grants and research funds and to undertake contractual relationships with the Federal Government, other state and provincial governments, counties, municipalities, corporations, foundations and other legal entities to carry out the purposes for which it was created, including, without limitation, conducting emergency planning activities related to nuclear power facilities in adjacent states or provinces. The amendment also proposed to add an allocation section to move funds from the Radiological Emergency Preparedness Committee, which is repealed by this bill, to the Department of Defense, Veterans and Emergency Management to allow the department to continue its emergency planning related to nuclear facilities in adjacent states or provinces.

Enacted law summary

Public Law 1999, chapter 174 repeals the Maine Nuclear Emergency Planning Act. The law makes clear that the Maine Emergency Management Agency remains authorized to accept gifts, grants and research funds and to undertake contractual relationships with the Federal Government, other state and provincial governments, counties, municipalities, corporations, foundations and other legal entities to carry out the purposes for which it was created, including, without limitation, conducting emergency planning activities related to nuclear power facilities in adjacent states or provinces. The law reallocates funds from the Radiological Emergency Preparedness Committee, which is repealed by the law, to the Department of Defense, Veterans and Emergency Management to allow the department to continue its emergency planning related to nuclear facilities in adjacent states or provinces.