

# 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:***

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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](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.

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**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D	OTP-AM	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.