

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COWGER	OTP-AM	S-224

LD 1929 proposed the following:

1. To establish a mediation program for resolving disputes concerning use of easements held by natural gas pipeline companies;
2. To establish that an easement or other property interest for the construction, maintenance or operation of a natural gas pipeline does not become effective until seven business days after the date of the contract granting the easement or other property interest and to permit the landowner to cancel the easement in the seven-day period; and
3. To permit landowners to negotiate an annual fee for the use of easements held by natural gas pipeline companies.

**Committee Amendment "A" (S-224)** proposed to remove from the bill those sections proposing a seven-day delay in the effective date of certain easements or interests in property related to the construction, maintenance and operation of a natural gas pipeline and the provision proposing to allow a landowner granting an easement to negotiate an annual fee for the use of that easement or interest.

The amendment proposed to clarify that the mediation process established in the bill applies to any natural gas pipeline work regardless of whether or not that work was performed by a state or federally regulated natural gas pipeline. The amendment proposed to limit the scope of the mediation to property damages and to clarify that participation in the mediation process is voluntary for all parties and may not be compelled by the mediator or any other person.

The amendment also proposed to make several technical corrections to the bill.

***Enacted law summary***

Public Law 1999, chapter 346 establishes a mediation program for resolving disputes concerning property damages resulting from the use of easements held by natural gas pipeline companies.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENOIT GOOLEY	OTP-AM	S-148

LD 1977 proposed to create the Farmington Falls Standard Water District, to authorize the district to take the property and franchise of the Farmington Falls Water Company. The bill also proposed to repeal the Farmington Fall Water District, which was created by Private and Special Law 1981, chapter 86, but was never approved by referendum.

**Committee Amendment "A" (S-148)** proposed to make technical corrections to the bill.

***Enacted law summary***

Private and Special Law 1999, chapter 21 creates the Farmington Falls Standard Water District, authorizes the district to take the property and franchise of the Farmington Falls Water Company and repeals the Farmington Fall Water District, which was created by Private and Special Law 1981, chapter 86, but was never approved by referendum. The creation of the standard water district and the authorization for it to take the property of the water company are subject to approval in a local referendum.

Chapter 21 was enacted as an emergency measure effective May 19, 1999.

**LD 1998**

**An Act to Fulfill the Requirements of the Electric Restructuring Act**

**PUBLIC 43  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON CAREY	OTP-AM	H-112

LD 1998 proposed to exempt the transfer of property necessary to consummate a divestiture electric generation assets that results in a division of ownership of any lot or parcel of property from municipal and state agency approval pursuant to laws, ordinances or rules relating to land use, zoning, shoreland zoning or subdivision of property. The bill also proposed to specify that such a division of ownership does not constitute a violation of those laws, ordinances or rules.

**Committee Amendment "A" (H-112)** proposed to modify the language of that portion of the bill concerning regulatory reviews of subsequent regulated activities on lands whose ownership has been divided pursuant to a divestiture by an electric utility. The modifications proposed to clarify that such subsequent activities otherwise subject to regulatory review are in fact subject to such review and that the cumulative effect of that subsequent activity and the division of ownership accomplished pursuant to an exemption granted under the bill may be reviewed by the regulatory entity. However, activities that would not otherwise be subject to review would not trigger review of the division of ownership.

***Enacted law summary***

Public Law 1999, chapter 43 exempts the transfer of property necessary to consummate a divestiture electric generation assets that results in a division of ownership of any lot or parcel of property from municipal and state agency approval pursuant to laws, ordinances or rules relating to land use, zoning, shoreland zoning or subdivision of property. These exemptions are solely for the purpose of enabling a divestiture required by law. Any subsequent change of use, development, transfer of ownership or other use of or activity on the land is subject to all applicable regulatory reviews and approvals by a municipality or state agency. A municipality or state agency, in its review of any subsequent change of use, development, transfer of ownership or other use of or activity on land whose ownership has been divided, may consider that division of land ownership and may, in accordance with applicable standards established by law or ordinance, deny or condition its approval based on the cumulative effect of that division of ownership and the proposed use, development, transfer or other activity, as though both were occurring at the same time.

Chapter 43 was enacted as an emergency measure effective March 30, 1999.

**LD 2040**

**An Act to Amend the Charter of the Norridgewock Water District**

**P & S 30  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-297