

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

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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.

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> DAVIDSON CAREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-112
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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> MILLS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-297
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LD 2040 proposed to amend the charter of the Norridgewock Water District to change the residency requirement for a trustee from residency in the district to residency in the town, to change the term of the trustees, to eliminate the requirement that the annual meeting must be on March 1st, to eliminate the requirement that a quorum must be present to hold a meeting, to amend the compensation of the trustees and the treasurer and to make the residency requirement for the trustees and the salary of the treasurer retroactive to February 23, 1995.

Committee Amendment "A" (S-297) proposed to update the description of the territory of the district to clarify the boundaries of the district. This amendment also proposed to replace that portion of the bill addressing the salaries of trustees of the Norridgewock Water District. The amendment proposed to provide that the chair of the board may receive up to \$600 per year and the other trustees may receive up to \$500.

Enacted law summary

Private and Special Law, chapter 30 amends the charter of the Norridgewock Water District by:

1. Changing the residency requirement for trustees from residency in the district to residency in the town;
2. Changing the term of the trustees;
3. Eliminating the requirement that the annual meeting must be on March 1st;
4. Eliminating the requirement that a quorum must be present to hold a meeting;
5. Increasing the salary of the trustees;
6. Updating the description of the territory of the district to clarify the boundaries of the district; and
7. Making the residency requirement for the trustees and the salary of the treasurer retroactive to February 23, 1995.

Chapter 30 was enacted as an emergency measure effective June 3, 1999.

LD 2044

An Act to Repeal the Charter of the Pleasant River Standard Water District

P & S 22

<u>Sponsor(s)</u> CASSIDY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-149
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LD 2044 proposed to change the sources from which the Pleasant River Standard Water District may take water.

Committee Amendment "A" (S-149) proposed to replace the bill. The amendment proposed to repeal the charter of the Pleasant River Standard Water District. The creation of the district was not approved by local referendum and therefore the district has no legal existence. This amendment proposed to remove the charter from Private and Special Law. The amendment also proposed to amend the title of the bill to reflect the changes made by the amendment.

Enacted law summary

Private and Special Law 1999, chapter 22 repeals the charter of the Pleasant River Standard Water District. The creation of the district was not approved by local referendum and therefore the district has no legal existence.