

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

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

JULY 2000

MEMBERS:

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Sen. Carol A. Kontos
Sen. Betty Lou Mitchell***

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of 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:

- 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
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
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 Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
Offices Located in the State House, Rooms 101 & 107

<u>Sponsor(s)</u> DAVIDSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1025
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LD 2427 proposed to vest "dig-safe" enforcement responsibility for underground facilities with the Public Utilities Commission and to revise certain safety provisions. It also proposed to add a definition of "liquid gas system" and to clarify which gas utilities are subject to safety oversight by the commission

Committee Amendment "A" (H-1025) proposed to replace the bill. The amendment proposed:

1. to require the so-called "dig-safe" system to maintain adequate operations at all times to receive and process emergency notices;
2. to require an underground facility operator to mark facilities in a manner that does not extend more than 1 1/2 feet on each side of the underground facility;
3. to prohibit the use of mechanical means of excavation within 18 inches of marked underground facilities;
4. to require an excavator to undertake reasonable steps to notify the system and mark the excavation site prior to undertaking an emergency excavation;
5. to create exemptions, with certain limitations, from the notice requirements for excavations undertaken in conjunction with commercial timber harvesting activity or borrow pit operations;
6. to create exemptions from the notice requirements and the prohibition on the use of mechanical means of excavation for excavations undertaken in conjunction with timber harvesting activities if the excavator undertakes the excavation in accordance with written agreements with the underground facility owners;
7. to repeal provisions providing for one-year written clearances;
8. to authorize the Public Utilities Commission to impose penalties for violations of the "dig-safe" law and to seek injunctions to prevent unsafe excavations;
9. to modify the definition of "gas utility" in the Maine Revised Statutes, Title 35-A and Public Utilities Commission jurisdiction over gas utilities.

Enacted law summary

Public Law 1999, chapter 718 requires the so-called "dig-safe" system to maintain adequate operations at all times to receive and process emergency notices; establishes standards for the marking of underground facilities; prohibits the use of mechanical means of excavation within 18 inches of marked underground facilities; requires an excavator to undertake reasonable steps to notify the system and mark the excavation site prior to undertaking an emergency excavation; creates exemptions, with certain limitations, from the notice requirements for excavations undertaken in conjunction with commercial timber harvesting activity or borrow pit operations; creates exemptions from the notice requirements and the prohibition on the use of

mechanical means of excavation for excavations undertaken in conjunction with timber harvesting activities if the excavator undertakes the excavation in accordance with written agreements with the underground facility owners; repeals provisions providing for one-year written clearances; authorizes the Public Utilities Commission to impose penalties for violations of the "dig-safe" law and to seek injunctions to prevent unsafe excavations; and modifies slightly the definition of "gas utility" in the Maine Revised Statutes, Title 35-A and thus slightly the Public Utilities Commission's jurisdiction over gas utilities.

LD 2428 **An Act to Make Certain Public Utility Commission Rules Routine Technical Rules** **PUBLIC 577**

<u>Sponsor(s)</u> DAVIDSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2428 proposed to change the Public Utilities Commission rules governing divestiture of generation and provision of standard-offer service from major substantive rules to routine technical rules.

Enacted law summary

Public Law 1999, chapter 577 changes the Public Utilities Commission rules governing divestiture of generation and provision of standard-offer service from major substantive rules to routine technical rules.

LD 2446 **An Act to Encourage Energy Efficiency in Government Facilities** **PUBLIC 735**

<u>Sponsor(s)</u> DAVIDSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1098
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LD 2446 proposed to encourage the use of performance-based contracting to achieve energy efficiency in government facilities. The bill proposed to set a goal for governmental units of 25% reduction in energy consumption by 2010. The bill proposed to define the qualifications for an energy service company that may enter into a performance-based contract with a governmental unit and to establish terms of the contract. Governmental units would be required develop implementation plans for fulfilling the goals defined in this bill. Progress reports would be made every 2 years to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

Committee Amendment "A" (H-1098) proposed to replace the bill. This amendment proposed to establish an energy savings goal for state-owned facilities and to require the Department of Administrative and Financial Services:

1. To develop a pilot energy savings project using performance-based contracts with energy service companies to achieve significant energy savings at 10 state facilities;
2. To report annually to the Joint Standing Committee on Utilities and Energy on the status of plans or efforts to achieve the energy savings goal and of the pilot energy savings project; and