

# 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:***

***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***

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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](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:

- 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*  
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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

3. To provide a report to the Joint Standing Committee on Utilities and Energy by January 1, 2001 detailing how it has complied with the provisions of the existing Energy Conservation in Buildings Act in each year since the Act became effective, how it is currently assessing and addressing energy conservation in the buildings it manages and a proposed plan for achieving the goal established by the amendment.

***Enacted law summary***

Public Law 1999, chapter 735 establishes an energy savings goal for state-owned facilities. It also requires the Department of Administrative and Financial Services to develop a pilot energy savings project using performance-based contracts with energy service companies to achieve significant energy savings at 10 state facilities; 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 to provide a report to the Joint Standing Committee on Utilities and Energy by January 1, 2001 detailing how it has complied with the provisions of the Energy Conservation in Buildings Act in each year since the Act became effective, how it is currently assessing and addressing energy conservation in the buildings it manages and a proposed plan for achieving the energy savings goal established by this law.

**LD 2473**

**An Act to Promote the Use of an Advocate Staff**

**PUBLIC 602**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS COLWELL	OTP-AM	S-530

LD 2473 proposed to require the Public Utilities Commission to assign an advocate staff in an adjudicatory proceeding whenever all of the parties to the proceeding request an advocate staff. If a request were made by fewer than all of the parties to the proceeding, then the commission could decline to assign an advocate staff but only if the assignment of an advocate staff would have a materially adverse effect on the public interest.

**Committee Amendment "A" (S-530)** proposed to replace the bill. This amendment proposed to provide that if the Public Utilities Commission receives a written request from all of the parties in an adjudicatory proceeding that one or more staff advocates be appointed to facilitate a negotiated settlement in the proceeding, the commission must either grant the request or issue a written order explaining the reasons why the commission denies the request.

***Enacted law summary***

Public Law 1999, chapter 602 provides that if the Public Utilities Commission receives a written request from all of the parties in an adjudicatory proceeding that one or more staff advocates be appointed to facilitate a negotiated settlement in the proceeding, the commission must either grant the request or issue a written order explaining the reasons why the commission denies the request.