

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Utilities and Energy*

*August 2001*

**Members:**

*Sen. Norman K. Ferguson, Chair  
Sen. Sharon Anglin Treat  
Sen. David L. Carpenter*

*Rep. William R. Savage, Chair  
Rep. Monica McGlocklin  
Rep. Albion D. Goodwin*

*Rep. Lawrence Bliss*

*Rep. Christopher G. L. Hall*

*Rep. Peter L. Rines*

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*Rep. Richard H. Duncan*

*Rep. Royce W. Perkins*

*Rep. Richard A. Crabtree*

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**Maine State Legislature**  
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**120th Legislature**  
**First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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*  
*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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

*David E. Boulter, Director*  
Offices Located in the State House, Rooms 101/107/135

## Joint Standing Committee on Utilities and Energy

LD 157

### An Act to Clarify Marketing Standards for Telephone Utilities and Competitive Electricity Providers

PUBLIC 71

<u>Sponsor(s)</u> SAVAGE W	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-93
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LD 157 proposed to clarify that provisions regarding consumer protection contained in the Maine Revised Statutes, Title 35-A and in rules promulgated by the Public Utilities Commission, govern the practices of telephone utilities regulated by the Public Utilities Commission and competitive electricity providers licensed by the Public Utilities Commission and that the provisions of the consumer solicitation sales law and the transient seller law do not.

**Committee Amendment "A" (H-93)** proposed to replace the bill. This amendment proposed to remove a conflict of laws. Under this amendment, current provisions of law and implementing rules regulating the sale of electricity and the telephone practices known as "slamming" and "cramming" would be exempted from the provision of the consumer solicitation sales law that requires a consumer's written authorization to consummate certain sales made in person or over the phone. Under current provisions of law and implementing rules regulating the sale of electricity and the telephone practices known as "slamming" and "cramming," oral authorization obtained by an independent 3rd party and, in the case of the law regulating slamming, toll-free electronic authorization are also permitted. This amendment proposed to preserve these provisions. Other provisions of the consumer solicitation sales law would continue to apply in all these contexts. The amendment also proposed to add a fiscal note to the bill.

#### *Enacted law summary*

Public Law 2001, chapter 71 removes a conflict of laws. Under this law, current provisions of law and implementing rules regulating the sale of electricity and the telephone practices known as "slamming" and "cramming" are exempted from the provision of the consumer solicitation sales law that requires a consumer's written authorization to consummate certain sales made in person or over the phone. Under current provisions of law and implementing rules regulating the sale of electricity and the telephone practices known as "slamming" and "cramming," oral authorization obtained by an independent 3rd party and, in the case of the law regulating slamming, toll-free electronic authorization are also permitted. This amendment preserves these provisions. Other provisions of the consumer solicitation sales law continue to apply in all these contexts.

**LD 240**

### An Act to Permit an Unspent Balance in the Public Advocate Regulatory Fund to be Carried Forward in Full for Fiscal Years 2000-01 and 2001-02

PUBLIC 28

<u>Sponsor(s)</u> SAVAGE W FERGUSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-31
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LD 240 proposed to allow the Public Advocate to make use of the entire unspent balance from fiscal years 2000-01 and 2001-02. Only 10% of the unspent balance may be carried forward under current law.

## **Joint Standing Committee on Utilities and Energy**

**Committee Amendment "A" (H-31)** proposed to add a fiscal note to the bill.

# Joint Standing Committee on Utilities and Energy

## *Enacted law summary*

Public Law 2001, chapter 28 enables the Public Advocate to make use of an unspent balance carried forward from fiscal years 2000-01 and 2001-02 in full, rather than merely the 10% portion of that balance that is authorized under current law.

**LD 288**

**An Act to Clarify Access to Private Lines in a Public Way**

**PUBLIC 110  
EMERGENCY**

Sponsor(s)  
TRACY

Committee Report  
OTP-AM

Amendments Adopted  
H-142

LD 288 proposed to repeal the requirement that a person who is not a transmission and distribution utility must post a surety bond prior to constructing and maintaining its lines in, upon, along or under the roads, streets and public ways maintained by any municipality.

**Committee Amendment "A" (H-142)** proposed to replace the bill. This amendment proposed to accomplish the following:

1. To amend the law relating to the construction of private lines in the public way and to expand its application to state-regulated roads;
2. To refine the bonding requirement for persons building private lines in a public way;
3. To make the requirement that the Public Utilities Commission issue a finding that a private line is not a duplication of existing facilities and does not interfere with the adequate and safe delivery of electricity to others contingent upon a transmission and distribution utility's raising these issues as an objection to the construction of a private line;
4. To establish that a transmission and distribution utility may not refuse to energize a line if the line meets the utility's standards, provided the standards are the same as the standards the utility applies to its own lines, and the person owning the line reimburses the utility for connecting the line to the utility's system; and
5. To add an emergency preamble and emergency clause and a fiscal note to the bill.

## *Enacted law summary*

Public Law 2001, chapter 110 accomplishes the following.

1. It amends the law relating to the construction of private lines in the public way and expands its application to state-regulated roads.