

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

Rep. Donald P. Berry, Sr.

Rep. Richard H. Duncan

Rep. Royce W. Perkins

Rep. Richard A. Crabtree

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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).

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

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.

Joint Standing Committee on Utilities and Energy

2. It refines the bonding requirement for persons building private lines in a public way.
3. It makes 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. It establishes 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.

This law was enacted as an emergency measure effective on May 9, 2001.

LD 304 **An Act Regarding the Franchises of Transmission and Distribution Electric Companies** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FERGUSON SHERMAN	ONTP	

LD 304 proposed to provide that if a transmission and distribution utility furnishes service to another transmission and distribution utility and if it is not subject to regulatory limits on its rate of return, it would not require approval from the Public Utilities Commission to furnish service.

LD 314 **An Act to Require Notice to Telephone Customers in Maine Prior to Price Increases** **PUBLIC 29**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER	OTP-AM	S-7

Currently, there are no provisions in Maine law requiring a telephone utility offering intrastate toll services to provide notice of an increase or decrease in price. LD 314 proposed to establish such a requirement and direct the Public Utilities Commission to adopt rules for its implementation.

Committee Amendment "A" (S-7) proposed to replace the bill. This amendment proposed to require a telephone utility offering intrastate toll service to provide prior written notice of any increase in the price for such service or change in terms or conditions for such service that would result in an increase in costs for any customer. The amendment also proposed to require the utility to file a tariff revision with the Public Utility Commission identifying the new price or the change in the terms or conditions of service. The amendment proposed to specify that failure to provide such notice would result in the increase in price or change in terms or conditions becoming invalid. Customers who are not provided the notice would be able to withhold payment for the increased prices, and a telephone utility that fails to provide the required notice must refund the excess payments. The amendment also proposed to require telephone utilities to provide notice to customers of the