

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Utilities and Energy*

May 2002

Members:

*Sen. Norman K. Ferguson, Jr., 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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Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

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120th Legislature
Second Regular Session

Summary Of Legislation Before The Joint Standing Committees
May 2002

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 arranged alphabetically by committee name 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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

Patrick T. Norton, Interim Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Utilities and Energy

settle such disputes, and establish certain standards for contract interpretation by the commission and arbitrators in settling such disputes;

11. Require the commission to report on the feasibility of assuming the administration of existing conservation-related contracts;
12. Add an emergency preamble and emergency clause to the bill; and
13. Add an allocation section to the bill and a fiscal note.

Committee Amendment "B" (H-962), which was the minority report of the committee, proposed to replace the bill and change the title to reflect the content of the amendment. This amendment proposed to remove all funding for the electric energy conservation program and to eliminate the program. The amendment also proposed to add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 624, removes the responsibility for developing and monitoring the implementation of energy conservation programs from the State Planning Office; removes responsibility for administering new conservation programs from transmission and distribution utilities; directs the Public Utilities Commission to develop and administer conservation programs funded through assessments on transmission and distribution utilities; establishes goals and guidelines for the commission in undertaking its responsibilities with respect to conservation programs; directs the commission to secure relevant expertise in carrying out its conservation-related responsibilities; allows the commission to use a portion of the funds collected for conservation programs for administrative costs of the commission in carrying out its responsibilities; requires the commission to report annually to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on funds raised and spent and activities taken with respect to conservation programs; authorizes transmission and distribution utilities to create transition benefit plans for employees who are laid off as a result of the transfer to the commission of the administration of conservation programs; in order to facilitate start-up of conservation programs, authorizes the commission to implement on a short-term basis, without satisfying all the procedural requirements of the new law, conservation programs that the commission finds to be cost effective; requires the commission to adjudicate contract disputes relating to the administration of existing conservation-related contracts by transmission and distribution utilities, establishes an arbitration process to settle such disputes, and establishes certain standards for contract interpretation by the commission and arbitrators in settling such disputes; requires the commission to report on the feasibility of assuming the administration of existing conservation-related contracts.

Public Law 2001, chapter 624 was enacted as an emergency measure effective April 5, 2002.

LD 646

An Act to Establish the Energy Resources Council

PUBLIC 630

Sponsor(s)
MCKEE
TREAT

Committee Report
OTP-AM

Amendments Adopted
H-882

Joint Standing Committee on Utilities and Energy

LD 646, which was carried over from the First Regular Session, proposed to establish the Maine Energy Advisory Council to advise and make recommendations to the State Planning Office concerning energy issues.

Committee Amendment "A" (H-882) proposed to replace the bill. The amendment proposed to create the Energy Advisory Council to facilitate more effective interagency coordination of the State's activities regarding energy issues. The proposed Council would be comprised of the Director of the State Planning Office, Chair of the Public Utilities Commission, Commissioner of Environmental Protection, the Public Advocate, Commissioner of Transportation, Commissioner of Administrative and Financial Services, Commissioner of Economic and Community Development and the Director of the Maine State Housing Authority and staffed by the State Planning Office. The amendment proposed to change the title and add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 630 creates the Energy Advisory Council to facilitate more effective interagency coordination of the State's activities regarding energy issues. The Council is comprised of the Director of the State Planning Office, Chair of the Public Utilities Commission, Commissioner of Environmental Protection, the Public Advocate, Commissioner of Transportation, Commissioner of Administrative and Financial Services, Commissioner of Economic and Community Development and the Director of the Maine State Housing Authority.

LD 1139 **An Act to Ensure Access to Energy Markets for Maine's Small Hydroelectric Facilities** **ONTP**

<u>Sponsor(s)</u> EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1139, which was carried over from the First Regular Session, proposed to require transmission and distribution utilities to purchase power from hydroelectric energy facilities with a capacity of less than 5 megawatts at the average wholesale market clearing price for the period during which the electricity is metered.

LD 1412 **An Act Relating to the Transfer of Certain Privileges Bestowed by the Legislature upon Great Northern Paper, Inc. to Great Northern Energy, LLC** **ONTP**

<u>Sponsor(s)</u> MICHAUD MH STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1412, which was carried over from the First Regular Session, proposed to provide that the rights and privileges held by Great Northern Paper, Inc. that relate to the location, construction, operation or maintenance of dams used in the generation of electricity would be transferred to Great Northern Energy, LLC upon the acquisition by Great Northern Energy of the dams.