

# 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  
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Rep. Royce W. Perkins  
Rep. Richard A. Crabtree*

**Staff:**

*Jon Clark, Senior Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
 Telephone: (207) 287-1670  
 Fax: (207) 287-1275

**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](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:

<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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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

### *Enacted law summary*

Resolve 2001, chapter 81 requires the Public Utilities Commission to conduct a study of the advantages and disadvantages of the State's transmission and distribution utilities' participation in a regional transmission organization that includes northern Maine and Canada.

Resolve 2001, chapter 81 was finally passed as an emergency measure effective March 14, 2002.

**LD 2003**

### **An Act to Prepare Residential Electricity Customers for Competitive Electricity Markets in Maine**

**PUBLIC 528  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS EDMONDS	OTP-AM	H-819

LD 2003 proposed to advance by 2 years the deadline for the Public Utilities Commission investigation of the continued necessity of standard-offer service in the State's competitive electricity markets. The bill also proposed to specify certain matters that the commission must investigate with respect to the continuation of standard-offer service and proposed to require the commission to make recommendations to the Utilities and Energy Committee on appropriate changes in the laws governing standard-offer service.

**Committee Amendment "A" (H-819)** proposed to add language to the bill to clarify that the Public Utilities Commission is in no manner limited in its investigation of standard-offer issues to those described in the bill. The amendment also proposed to add a fiscal note to the bill.

### *Enacted law summary*

Public Law 2001, chapter 528 advances by 2 years the deadline for the Public Utilities Commission investigation of the value and continued necessity of standard-offer service in the State's competitive electricity markets. The bill also specifies certain matters that the commission must investigate with respect to the continuation of standard-offer service and requires the commission to make recommendations to the Utilities and Energy Committee on appropriate changes in the laws governing standard-offer service.

Public Law 2001, chapter 528 was enacted as an emergency and took effect on March 12, 2002.

**LD 2024**

### **An Act to Improve the Safety Provided by the Underground Facilities Protection Law**

**PUBLIC 577  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM	H-895

LD 2024 proposed to revise the law governing the so-called dig-safe system. The revisions proposed to provide limited exemptions for cemeteries and shoulder grading; require operators to mark inactive facilities, affirmatively respond to the dig-safe system and locate facilities to the point of service transfer; require the system to implement

## Joint Standing Committee on Utilities and Energy

a location-specific information capability; and require excavators to re-notify the system monthly. The bill also proposed to specify that the person who mechanically performs the excavation is responsible for verifying that notifications and locations have been performed and for locating facilities on private property under some circumstances. Finally, the bill proposed to remove the exemption for water utilities and for highway sign installation and to make some administrative changes.

**Committee Amendment "A" (H-895)** proposed to replace the bill. This amendment proposed to change the so-called dig-safe law by:

1. Establishing alternative procedures for shoulder-grading activities, allowing exemption from current hand-dig requirements;
2. Exempting excavations in cemeteries if certain precautions are taken;
3. Eliminating the current exemption for highway sign work;
4. Requiring underground facility operators to mark gas and electric facilities known to the operators located within a public way;
5. Establishing procedures to identify and locate abandoned facilities;
6. Requiring, in the case of subcontracting or multiple excavators, the excavator responsible for the actual excavation to ascertain whether required notices have been given;
7. Exempting private landowners from the definition of underground facility operator; and
8. Repealing the provision requiring architects and designers to make the location of underground facilities part of their plans.

### *Enacted law summary*

Public Law 2001, chapter 577 revises provisions of the law that govern the Dig Safe underground facilities protection program in the State by establishing alternative procedures for shoulder-grading activities that allow an exemption from current hand-dig requirements; exempting excavations in cemeteries if certain precautions are taken; eliminating the current exemption for highway sign work; requiring underground facility operators to mark gas and electric facilities known to the operators located within a public way; establishing procedures to identify and locate abandoned facilities; requiring, in the case of subcontracting or multiple excavators, the excavator responsible for the actual excavation to ascertain whether required notices have been given; exempting private landowners from the definition of underground facility operator; and repealing the provision requiring architects and designers to mark the location of underground facilities on their plans.

Public Law 2001, chapter 577 was enacted as an emergency measure effective March 28, 2002.