

# 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*

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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](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

**Committee Amendment "A" (H-818)** proposed to make further changes to the charter of the Portland Water District relating to the timing and manner of trustee elections to make them consistent with the reapportionment of the district's trustees and to add clarifying language to the portion of the bill dealing with transition.

**House Amendment "A" (H-893)** This amendment proposed replace the bill with new provisions to require the Public Utilities Commission to develop a plan, to be reviewed by the Legislature, redistricting the representation of the trustees of the Portland Water District based upon water consumption. The number of trustees would remain at 11 but the commission would be required to make recommendations regarding the length of the terms of the trustees. The amendment proposed to require the commission to review the district boundaries for the trustees every 5 years.

### *Enacted law summary*

Private and Special Law 2001, chapter 56 amends the charter of the Portland Water District to reapportion the 11 trustees among the 10 member communities based on 2000 census data. The reapportionment will be phased in as the terms of current trustees expire beginning in November 2002.

Private and Special Law 2001, chapter 56 was enacted as an emergency measure effective March 21, 2002.

### **LD 2085**

### **An Act Relating to the Transfer to GNE, LLC of Certain Privileges Bestowed by the Legislature upon Great Northern Paper, Inc.**

**P & S 45  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM MAJ	S-404
STANLEY	OTP-AM MIN	

LD 2085 was a concept draft pursuant to Joint Rule 208. LD 2085 proposed to facilitate the pending sale of Great Northern Paper, Inc.'s hydroelectric facilities and to provide for economic development in the Katahdin region.

**Committee Amendment "A" (S-404)**, which was the majority report of the committee, proposed to facilitate the pending sale of Great Northern Paper, Inc.'s hydroelectric facilities by allowing Great Northern Paper, Inc. and its successors to transfer to 3rd parties any or all charter rights related to Great Northern Paper, Inc.'s hydroelectric facilities; it also proposed to confirm Great Northern Paper, Inc.'s authority to sell power on the same basis as any other person engaged in the business of selling electricity and to clarify that the purchaser of Great Northern Paper, Inc.'s dams and hydroelectric and related facilities would have that ability. The amendment also proposed to require notification to and an opportunity to meet with the Governor and area Legislators upon the transfer of the hydropower facilities or the facility licenses or the closure of either of the Millinocket mills.

The amendment proposed to require certain payments to be made to the economic development body serving the Katahdin region if, during a defined 15-year period, certain new transmission lines are built and either of the paper mills are closed. The amendment proposed to prohibit any agreement or understanding between the owner of the hydropower facilities and the owner of either paper mill under which the owner of a mill receives revenue from the sale of electricity from the hydropower facilities and there is a paper mill closing for the purpose of allowing or increasing the sale of the electricity from the hydropower facilities to any other purchaser or entity or into the wholesale electric market.

## Joint Standing Committee on Utilities and Energy

The amendment proposed to repeal certain obsolete provisions of Private and Special Law relating to authorizations for certain entities to sell power or transmit energy from the hydropower facilities.

**Committee Amendment "B" (S-405)**, which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed the same provisions as the majority report but also proposed to require certain reports to be made to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and to authorize the committee to report out legislation relating to the hydropower facilities to the 125th and 126th Legislatures.

**Senate Amendment "A" (S-406)** proposed to remove the emergency preamble and emergency clause from the amendment, add a provision making the legislation retroactive to January 25, 2002 and add a provision requiring that if any part of the Act is held invalid, the entire Act is invalidated.

### *Enacted law summary*

Private and Special Law 2001, chapter 45 allows Great Northern Paper, Inc. and its successors to transfer to 3rd parties any or all charter rights related to Great Northern Paper, Inc.'s hydroelectric facilities and confirms Great Northern Paper, Inc.'s authority to sell power on the same basis as any other person engaged in the business of selling electricity and to clarify that the purchaser of Great Northern Paper, Inc.'s dams and hydroelectric and related facilities will have that authority. The law also requires notification and an opportunity to meet with the Governor and area Legislators, upon the occurrence of certain events that would affect the Katahdin region. The law requires certain payments to be made to the economic development body serving the Katahdin region if, during a defined 15-year period, certain new transmission lines are built and there is a paper mill closing. The law prohibits any agreement or understanding between the owner of the hydropower facilities and the owner of either paper mill under which the owner of a mill receives revenue from the sale of electricity from the hydropower facilities and there is a paper mill closing for the purpose of allowing or increasing the sale of the electricity from the hydropower facilities to any other purchaser or entity or into the wholesale electric market. The law repeals certain obsolete provisions of Private and Special Law relating to authorizations for certain entities to sell power or transmit energy from the hydropower facilities.

Private and Special Law 2001, chapter 45 was enacted as an emergency measure effective January 28, 2002.

**NOTE:** LD 2083 (the "Errors Bill"), sections E-5 and E-6 as enacted (PL 2001, ch. 667) retroactively added new provisions to the Private and Special Law 2001, chapter 45. The new language exempts from Public Utilities Commission regulation the sale and transmission of electricity generated by the hydroelectric facilities formerly owned by Great Northern Paper, Inc. to any persons to which Great Northern Paper, Inc. formerly supplied or sold such electricity between July 1, 1997 and January 28, 2002 unless the commission determines that a person to whom the electricity is sold, provided or transmitted has reasonable access to the electrical grid of a regulated transmission and distribution utility or for any other reason finds that continuance of the exemption is not in the public interest.