

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Utilities and Energy*

*July 2003*

**Members:**

*Sen. Christopher G. L. Hall, Chair  
Sen. Lynn Bromley  
Sen. Edward M. Youngblood*

*Rep. Lawrence Bliss, Chair  
Rep. Herbert Adams  
Rep. Albion D. Goodwin  
Rep. Peter L. Rines*

*Rep. Jacqueline A. Lundeen  
Rep. Donald P. Berry, Sr.  
Rep. Philip A. Cressey, Jr.  
Rep. Kenneth C. Fletcher  
Rep. Stanley A. Moody  
Rep. Maitland E. Richardson*

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# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> Regular Session</i>
<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>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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
Offices located in Room 215 of the Cross Office Building

## *Joint Standing Committee on Utilities and Energy*

2. Requires that approval by the State Board of Education of state-funded school construction be withheld unless the local school authority shows that it has duly considered the most energy-efficient and environmentally efficient designs suitable;
3. Requires the Department of Administrative and Financial Services, Bureau of General Services, by July 1, 2004, to adopt rules regarding state-funded construction to require planning and design for such construction to include a life-cycle cost analysis and an energy-use target that exceeds by at least 20% the energy efficiency values established in the state building energy standards;
4. Requires any agency responsible for approving state-funded construction to withhold such approval unless the agency or other entity proposing the construction can show that it has duly considered the most energy-efficient and environmentally efficient designs suitable; and
5. Directs the Public Utilities Commission, in consultation with the Energy Resources Council, to form a working group to review current state building energy standards and their enforcement and submit a report to the Joint Standing Committee on Energy and Utilities not later than February 1, 2004 and authorizes the committee to report out legislation on energy policy to the Second Regular Session of the 121<sup>st</sup> Legislature.

**LD 238**

### **An Act to Amend the Energy Resources Council Membership**

**PUBLIC 9**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE BRYANT	OTP	

LD 238 proposed to expand the membership of the Energy Resources Council to include the Commissioner of Conservation.

#### *Enacted Law Summary*

Public Law 2003, chapter 9 expands the membership of the Energy Resources Council to include the Commissioner of Conservation.

**LD 255**

### **An Act to Control Internet "Spam"**

**PUBLIC 327**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN TREAT	OTP-AM    MAJ ONTP      MIN	H-70

LD 255 proposed to restrict unsolicited commercial e-mail ("spam"), defined as e-mail that is sent for the purpose of advertising or conveying information about real property, goods or services or extending credit or soliciting contributions. The bill proposed to require such e-mail to contain a valid return e-mail address to which the recipient may respond indicating that the recipient does not wish to receive further unsolicited commercial e-mail from the sender. The sender would be prohibited from sending further unsolicited commercial e-mail to a recipient that had so indicated. The restriction would not apply to e-mail sent to persons with whom the sender has a prior relationship or who have requested the information from the sender. The bill also proposed to require unsolicited commercial e-mail to include in the subject line specified labels, so that recipients are made aware of the nature of

## *Joint Standing Committee on Utilities and Energy*

the e-mail. Each unsolicited commercial e-mail sent to a recipient in violation of these provisions would be considered an unfair trade practice.

This bill was virtually identical to the committee amendment to LD 2041 which ultimately died between the bodies in the 2002 session.

**Committee Amendment "A" (H-70)**, which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to add a provision to the bill to prohibit a person from sending an unsolicited commercial e-mail that uses another person's Internet address or domain name without permission or that contains false routing information.

### *Enacted Law Summary*

Public Law 2003, chapter 327 restricts unsolicited commercial e-mail ("spam"), defined as e-mail that is sent for the purpose of advertising or conveying information about real property, goods or services or extending credit or soliciting contributions, by requiring the e-mail to contain a valid return e-mail address maintained by the sender to which the recipient may respond indicating that the recipient does not wish to receive further unsolicited commercial e-mail from the sender. The restriction does not apply to e-mail sent to persons with whom the sender has a prior relationship or who have requested the information from the sender. Unsolicited commercial e-mail must include in the subject line a label, as specified, so that recipients are made aware of the nature of the e-mail. The law prohibits a person from sending an unsolicited commercial e-mail that uses another person's Internet address or domain name without permission or that contains false routing information. Each unsolicited commercial e-mail sent to a recipient in violation of this law is considered an unfair trade practice.

**LD 265**

**An Act To Promote Affordable Telephone Service for Business and Residential Customers in Rural Maine**

**PUBLIC 101  
EMERGENCY**

Sponsor(s)  
HALL  
GROSE

Committee Report  
OTP-AM

Amendments Adopted  
S-21

LD 265 proposed to require the Public Utilities Commission to balance the potentially conflicting access rate and toll rate policies and to prohibit the PUC from implementing access rate reductions when the effect would compel an increase in local rates or the Universal Service Fund of more than 10%.

Current law requires that intrastate access rates be equal to or less than interstate access rates. The Public Utilities Commission has directed the full reduction in access rates for Verizon but has given the independent local exchange carriers more time to phase in the rate reductions. The commission has directed that the local exchange carriers achieve the reductions by May 31, 2003, which will result in substantial local rate increases for these companies.

**Committee Amendment "A" (S-21)** proposed to provide for a 2-year delay in the reduction of intrastate access rates to the interstate level as of January 1, 2003. The amendment also proposed to provide that if further reductions occur in interstate access rates, the commission may further reduce intrastate access rates provided that in any 2-year period the further reductions do not result in an increase of more than 50% in the price of local telephone service or in the collection rate for the state universal service fund.

### *Enacted Law Summary*