

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*Second Regular Session and  
Second Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Utilities and Energy*

*May 2004*

**Staff:**

*Jon Clark, Senior Analyst*

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

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*Maine State Legislature*



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

*121st Maine Legislature  
Second Regular Session and  
Second Special 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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:

- 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
- P&S XXX..... Chapter # of enacted Private & Special Law
- PASSED..... Joint Order passed in both bodies
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

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

*Joint Standing Committee on Utilities and Energy*

**LD 1157**

**An Act To Promote Clean and Efficient Energy**

**ONTP**

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

LD 1157, which was carried forward from the First Regular Session, was a concept draft pursuant to Joint Rule 208.

LD 1157 proposed to support clean and efficient energy in Maine by:

1. Increasing funding for energy efficiency by establishing a single, statewide system benefit charge for Maine's electricity efficiency program of .15 cents per kilowatt hour in 2003, .25 cents per kilowatt hour in 2006 and .30 cents per kilowatt hour starting in 2008;
2. Establishing new appliance and equipment energy standards for 15 products not currently covered by federal standards;
3. Increasing renewable energy production in Maine by amending the State's renewable energy portfolio standard to gradually increase the percentage of electricity products sold in Maine that are composed of clean, new renewable energy; and
4. Increasing energy efficient building construction by requiring that the so-called "LEED Green Building Standards" be established as the new residential building code in Maine and requiring the State to use this standard for all new state buildings and renovations of state buildings. The bill also proposed to increase enforcement of building codes to ensure compliance.

**LD 1201**

**An Act To Require the Owner or Operator of a Casino To Improve or Replace Utilities and Infrastructure in the Vicinity of the Casino**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	ONTP MAJ	
WESTON	OTP-AM MIN	

LD 1201, which was carried forward from the First Regular Session, proposed to provide that an owner or operator of a facility at which casino-style gambling is conducted is responsible for the costs to improve or replace utilities and infrastructure located within a 25-mile radius of the facility.

**Committee Amendment "A" (H-645)**, which was the minority report of the Joint Standing Committee on Utilities and Energy proposed to replace the bill. This amendment proposed to allow a state agency or any municipality or county located within 25 miles of a casino facility to assess the facility for all costs incurred by the agency or the town or county directly or indirectly resulting from the construction or operation of the facility. It also proposed to make the facility responsible for all costs incurred by any utility that serves the facility. It proposed to define "casino" so as to grandfather the so-called racinos that were approved by voters on November 3, 2003.

## *Joint Standing Committee on Utilities and Energy*

**House Amendment "A" (H-687)** proposed to amend the bill. It proposed to preserve the requirement that an owner or operator of a facility at which casino-style gambling is conducted be responsible for the improvement or replacement of utilities and infrastructure in the vicinity of the casino. The amendment proposed to extend this requirement of financial responsibility for infrastructure improvements to the owners or operators of solid waste disposal facilities.

**LD 1261**                      **Resolve, To Direct the Public Utilities Commission To Examine**                      **RESOLVE 119**  
**Certain Issues Relating to Energy Efficiency**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM    MAJ	S-424
BLISS	OTP-AM    MIN	

LD 1261, which was carried forward from the First Regular Session, proposed to:

1. Establish minimum energy efficiency standards for certain products, such as ceiling fans, illuminated exit signs, traffic signal lights and digital cable television boxes.
2. Increase the assessment imposed by the Public Utilities Commission on transmission and distribution utilities to 0.2¢ per kilowatt-hour to fund energy conservation programs;
3. Impose an additional assessment on transmission and distribution utilities of 0.1¢ per kilowatt-hour to fund the Clean Energy Fund to be established in the Public Utilities Commission to encourage the development, construction and operation of new renewable energy resources projects, defined as electrical generation powered by fuel cells using renewable fuels; tidal, ocean or wave power; solar arrays and installations; wind power; and geothermal power;
4. Establish goals for increasing new renewable energy generation; and
5. Establish the Clean Energy Advisory Committee to review and assess the progress of the State in promoting the development of new renewable energy and in meeting the goals set for increasing new renewable energy generation.

**Committee Amendment "A" (S-424)**, which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill with a resolve relating to a major subject of the bill: energy-efficient product standards. It proposed to replace the title to reflect this change. It proposed to direct the Public Utilities Commission to undertake an examination of the feasibility and possible design of a program that would provide incentives for residential and commercial consumers to purchase and install energy-efficient appliances or that would establish energy efficiency standards. The amendment proposed to direct the commission to submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 30, 2005.

**Committee Amendment "B" (S-425)**, which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill and change the title to reflect the content of the amendment. The amendment proposed to: