

# 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  
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*Rep. Jacqueline A. Lundeen  
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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*

LD 1317

An Act To Strengthen Maine's "Do Not Call" List

ONTP

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

LD 1317 proposed to regulate telephone solicitation by consolidating various laws regarding telemarketers found in different sections of the Maine Revised Statutes. The bill also proposed the following:

1. To change the scope of the application of telemarketing laws to include all telemarketers, regardless of their place of business. Calls made by nonprofit charitable organizations and political organizations would be exempt;
2. To prohibit a telemarketer from blocking the display of its phone number from the consumer being called (See LD 331);
3. To continue the current restrictions on the use of automated telephone calling devices to make telemarketing calls;
4. To require telemarketers making solicitations via facsimile to provide the name and address of the person making the solicitation, as well as a toll-free telephone number that must be answered by an individual on weekdays between the hours of 9 a.m. and 5 p.m. or that automatically deletes the specified telephone number of the caller from the telemarketer's database;
5. To require the Attorney General to establish, either in-house or through a contract with a private vendor, the Maine do-not-call list, a database of names, addresses and telephone numbers of consumers in this State who object to receiving unsolicited telemarketing or telephone calls;
6. To allow telemarketers to purchase the Maine do-not-call list from the Attorney General for a fee not to exceed \$75 and prohibit telemarketers from calling consumers listed on the Maine do-not-call list;
7. To allow an action to be brought against a telemarketer by the Attorney General, by a state agency that licenses the telemarketer or by the affected consumer. A violation would be punishable by a civil penalty or administrative penalty of up to \$3,000 for each violation; and
8. To require the Attorney General to report to the Legislature every 2 years regarding the Maine do-not-call list, complaints and enforcement actions and any suggested changes for improving the regulation of telemarketing.

(See LD 1360.)

**LD 1321**

An Act Regarding Energy Efficiency Standards

PUBLIC 151

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS HALL	OTP-AM	H-179

## *Joint Standing Committee on Utilities and Energy*

LD 1321 proposed to update references to ASHRAE standards in Maine laws pertaining to energy efficiency and indoor air quality in new construction or substantial renovation of conditioned space in commercial or industrial buildings and residential buildings of more than 2 dwelling units.

**Committee Amendment "A" (H-179)** proposed to make technical corrections to the bill to make the effective date of the ASHRAE standards consistent (January 1, 2004).

### *Enacted Law Summary*

Public Law 2003, chapter 151 updates Maine law pertaining to energy efficiency standards and indoor air quality. After January 1, 2004 new construction or substantial renovations of conditioned space in residential buildings of more than 2 dwelling units must conform to the 2001 ASHRAE standards.

**LD 1359**

**An Act To Establish the Locally Governed Water District Act**

**INDEF PP**

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

LD 1359 proposed to create a 4-year pilot program under which the Public Utilities Commission would designate up to 10% of the state's consumer-owned water utilities, including at least one large district, one medium-sized district, and one small district, to opt out of regulation by the Public Utilities Commission with respect to their rates, terms of service and most other affairs. The pilot program would expire on June 1, 2007. The bill proposed to require the Public Utilities Commission to submit a report on the success of the pilot program by October 31, 2006 to the joint standing committee of the Legislature having jurisdiction over public utilities matters.

**Committee Amendment "A" (S-131)** proposed to make the following changes to the bill. It proposed to:

1. Clarify that municipal water departments may participate in the local governance pilot project;
2. Require participants in the pilot project to continue to pay Public Utilities Commission and Public Advocate assessments;
3. Provide that sale of land by a pilot project participant remains subject to Public Utilities Commission oversight;
4. Remove the provision of the bill authorizing a pilot project participant to adopt a local appeal process and replace it with a directive that the Public Utilities Commission establish procedures to review customer complaints concerning denial or termination of service, terms and conditions of service, billing, metering or collection for service and any other matters the commission determines appropriate; and
5. Provide that a pilot project participant may take advantage of any authorization under existing law for a consumer-owned water utility to enter a lease and leaseback transaction, subject to Public Utilities Commission approval. (See LD 1252.) (Not adopted)

**House Amendment "A" to Committee Amendment "A" (H-536)** proposed to prohibit a consumer-owned water utility from participating in the pilot project unless participation in the pilot project has been approved by the consumers of the utility's service territory at a local referendum. (Not adopted)