

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).

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 2nd 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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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

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House Amendment "B" to Committee Amendment "A" (H-541) proposed to require a water utility district that wishes to participate in the local governance pilot project to first undergo an independent management audit. (Not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-248) proposed to change the service size requirement under the provision requiring inclusion of a large water district in the pilot project from a service size of more than 100,000 people to a service size of more than 25,000 people. It proposed to reduce the number of participants in the pilot project from 10% of the consumer-owned water utilities operating in the State to 8 utilities. The amendment proposed, in the case of a locally governed water district's selling water to an adjacent water utility at wholesale, to maintain the Public Utilities Commission jurisdiction to establish fair rates for the sale of water by the locally governed water districts. (Not adopted)

LD 1360

An Act To Create a No-contact List and Prohibit Unsolicited E-mail CARRIED OVER

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

LD 1360 proposes to regulate telephone solicitation by consolidating various laws regarding telemarketers found in different sections of the Maine Revised Statutes and do the following:

1. Change the scope of the application to include all telemarketers, regardless of their place of business. Calls made by nonprofit charitable organizations and political organizations would be exempt;
2. Prohibit a telemarketer from blocking the display of its phone number from the consumer being called. (see LD 331);
3. Continue the current restrictions on the use of automated telephone calling devices to make telemarketing calls. (see LD 392);
4. 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. (current law prohibits unsolicited fares);
5. Require the Attorney General to establish, either in-house or through a contract with a private vendor, the Maine no-contact list, a database of names, addresses, telephone numbers and e-mail addresses of consumers in this State who object to receiving unsolicited telemarketing or telephone calls or commercial e-mail. The Attorney General would be required to provide information about the list and forms for enrolling on the list. The Attorney General would be permitted to charge a fee of no more than \$3 for inclusion on the list; a consumer would remain on the list for 3 years or until the consumer is assigned a new number or e-mail address;
6. Allow telemarketers and commercial e-mail senders to purchase the Maine no-contact list from the Attorney General for a fee not to exceed \$75 and prohibit telemarketers from calling consumers listed on the Maine no-contact list;

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- 7. 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;
- 8. Require the Attorney General to report to the Legislature every 2 years regarding the Maine no-contact list, complaints and enforcement actions and any suggested changes for improving the regulation of telemarketing; and
- 9. Restrict unsolicited commercial e-mail, 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 toll-free telephone number, physical postal address and a 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 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. Unsolicited commercial e-mail would need to include in the subject line a label, as specified, so that recipients are made aware of the nature of the e-mail. Each unsolicited commercial e-mail sent to a recipient in violation would be considered an unfair trade practice. (see LDs 255 and 1317.)

LD 1373 **Resolve, To Establish the Commission on Comprehensive Energy Planning** **ONTP**

<u>Sponsor(s)</u> ADAMS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1373 proposed to establish the Commission on Comprehensive Energy Planning. (See LDs 669, 352, 233, 1312 and 1184.)

LD 1423 **An Act To Facilitate the Implementation, Maintenance and Operation of the E-9-1-1 Emergency System** **PUBLIC 359**

<u>Sponsor(s)</u> BLISS STRIMLING		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-451
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LD 1423 proposed to remove a "sunset" provision that would reduce the surcharge for Enhanced 9-1-1 service from 50¢ to 32¢, and proposed to increase the surcharge to 66¢. It also proposed to amend a provision of law relating to the Emergency Service Communication Bureau's responsibilities in cases in which a local government chooses not to participate in the E 9-1-1 system.

Committee Amendment "A" (H-451) proposed to:

- 1. Move the Emergency Services Communication Bureau from the Department of Public Safety to the Public Utilities Commission;