

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

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Sen. Lynn Bromley
Sen. Edward M. Youngblood*

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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).

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

1. Repeal provisions of law relating to the Public Utilities Commission's energy efficiency and low-income assistance programs and direct the commission to return to ratepayers unspent money collected pursuant to these programs; and
2. Repeal provisions of a private and special law enacted in 2001 that granted, with conditions and limitations, Great Northern Paper, Inc. and its successors in interest the authority to sell rights granted by the Legislature to Great Northern Paper, Inc. and its predecessors in interest relating to hydropower facilities and the right to sell to 3rd parties electricity generated by those hydropower facilities.

Enacted Law Summary

Resolve 2003, chapter 119 directs 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 commission is directed 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.

LD 1360

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

ONTP

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

LD 1360, which was carried forward from the First Regular Session, proposed to regulate telephone solicitation by consolidating various laws regarding telemarketers found in different sections of the Maine Revised Statutes and do the following (see also LD 1317):

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 (this was accomplished in the First Regular Session -- LD 331, enacted as PL 2003, c. 70);
3. Continue the current restrictions on the use of automated telephone calling devices to make telemarketing calls;
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 faxes);
5. Require the Attorney General to establish, either in-house or through a contract with a private vendor, a Maine no-contact list of consumers in this State who object to receiving unsolicited telemarketing or telephone calls or commercial e-mail;

Joint Standing Committee on Utilities and Energy

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 prohibits telemarketers from calling consumers listed on the Maine no-contact list;
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 "spam" (unsolicited commercial e-mail) (this was accomplished in the First Regular Session -- LD 255, enacted as PL 2003, c. 327).

Committee Amendment "A" (S-355) proposed to add an appropriation section and a fiscal note to the bill.

LD 1659

An Act To Streamline the Time-share Rate Collection Process

**PUBLIC 526
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS MAYO	OTP-AM MAJ ONTP MIN	H-669

LD 1659 proposed to allow sanitary districts, when collecting rates from time-share estates, to use the same process used by municipalities to collect real estate taxes from such estates.

Committee Amendment "A" (H-669), which is the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill while preserving the essential features of the bill. This amendment proposed to:

1. Allow utilities to require the managing entity of time-share estates to collect and pay a unified utility bill using procedures that mirror those currently in law for collection of municipal taxes;
2. Allow utilities and managing entities to make other mutually acceptable arrangements and preserves the authority utilities may have under other law to collect and recover assessments;
3. Add an emergency preamble and emergency clause to the bill; and
4. Change the title of the bill to reflect the changes made by the amendment.