

# 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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*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*

- 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.

## Joint Standing Committee on Utilities and Energy

### Enacted Law Summary

Public Law 2003, chapter 526:

1. Allows utilities to require the managing entity of time-share estates to collect and pay a unified utility bill. The procedures mirror those currently in law for collection of municipal taxes; and
2. Allows 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.

Public Law 2003, chapter 526 was enacted as an emergency and took effect on March 3, 2004.

**LD 1672**

**An Act Concerning the Charter of the Dover and Foxcroft Water District**

**P & S 39  
EMERGENCY**

Sponsor(s)  
ANNIS

Committee Report  
OTP-AM

Amendments Adopted  
H-734

LD 1672 proposed to amend the territory of the Dover and Foxcroft Water District and increase the number of trustees of the board of trustees of the Dover and Foxcroft Water District from 3 trustees to 5 trustees.

**Committee Amendment "A" (H-734)** proposed to replace the bill. The amendment was substantively the same as the bill with the exception that it proposed to modify and clarify the description of the district territory, clarify the debt limit language, remove the authority granted to the district in the bill to take water from sources outside the district but within the Town of Dover-Foxcroft and make it expressly clear that certain special water rights of the district do not exempt the district from otherwise applicable laws and rules, such as laws governing dams and water levels. The amendment proposed to unify those portions of the district's charter that the bill sought to preserve with the several new provisions, thus consolidating in one document all the provisions of the charter.

Specifically, the amendment proposed to:

1. Generally make the charter of the Dover and Foxcroft Water District conform with the standard water district model charter;
2. Preserve the following provisions of the current charter: provisions granting the district the franchise, property and rights of the Dover and Foxcroft Village Fire Company, which became the water district in 1903; provisions granting the district's rights to sell for manufacturing purposes power on its dam at Pratt's rips; provisions granting the district rights to take water from Garland Pond and to regulate the dam on it; and provisions relating to the district's authorization to refinance some debt through the Maine Municipal Bond Bank;
3. Change some provisions of the existing charter: remove the authority to create a pond by damming Meadow Brook; increase the number of trustees from 3 to 5; expand the territory of the district within the town to include the existing service territory, to accommodate a possible mill expansion and to include an area for a proposed