

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*

Members:

*Sen. Christopher G. L. Hall, Chair
Sen. Lynn Bromley
Sen. Edward M. Youngblood*

*Rep. Lawrence Bliss, Chair
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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

LD 1846

Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 127
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-776

LD 1846 proposed to provide for legislative review of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-776) proposed to authorize final adoption of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission, provided certain changes are made. The required changes would:

1. Clarify language regarding the facilities about which members of the Dig Safe System are required to provide location information to the Dig Safe System for mapping purposes, remove a requirement that members of the Dig Safe System provide such information in a particular format and add a requirement that the information locate facilities with a certain degree of accuracy;
2. Add a provision specifying that telephone utilities are not required to provide to the Dig Safe System for mapping purposes the location of service drops from a main line to customer premises;
3. Add a provision requiring the Public Utilities Commission to grant a waiver from the mapping requirements for any water utility transmission mains that are downstream of a treatment plant or underground water source and permitting the Public Utilities Commission to require the utility to provide an alternative method of facility location specification;
4. Add a provision specifying that the mapping requirements do not take effect until May 1, 2005; and
5. Modify language governing the handling of facility information in the possession of the Dig Safe System to ensure the security of that information.

Enacted Law Summary

Resolve 2003, chapter 127 authorizes final adoption of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission, provided certain changes are made. The required changes will:

1. Clarify language regarding the facilities about which members of the Dig Safe System are required to provide location information to the Dig Safe System for mapping purposes, remove a requirement that members of the Dig Safe System provide such information in a particular format, and add a requirement that the information locate facilities with a certain degree of accuracy;
2. Add a provision specifying that telephone utilities are not required to provide to the Dig Safe System for mapping purposes the location of service drops from a main line to customer premises;

Joint Standing Committee on Utilities and Energy

3. Add a provision requiring the Public Utilities Commission to grant a waiver from the mapping requirements for any water utility transmission mains that are downstream of a treatment plant or underground water source and permitting the Public Utilities Commission to require the utility to provide an alternative method of facility location specification;
4. Add a provision specifying that the mapping requirements do not take effect until May 1, 2005; and
5. Modify language governing the handling of facility information in the possession of the Dig Safe System to ensure the security of that information.

Resolve 2003, chapter 127 was enacted as an emergency and took effect April 9, 2004.

LD 1860

An Act To Amend the Charter of the Mount Desert Water District

ONTP

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

LD 1860 proposed to amend the charter of the Mount Desert Water District. A municipal officer in the Town of Mount Desert is not eligible to be a trustee under the current charter. The bill proposed to allow up to 2 municipal officers to be trustees.

LD 1874

An Act To Amend the Charter of the South Berwick Water District

**P & S 40
EMERGENCY**

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

LD 1874 proposed to amend the charter of the South Berwick Water District by increasing the debt limit of the district from \$4,000,000 to \$5,200,000.

Enacted Law Summary

Private and Special Law 2003, chapter 40 amends the charter of the South Berwick Water District by increasing the current debt limit of the district from \$4,000,000 to \$5,200,000. The change is not subject to referendum approval. Public and Special Law 2003, chapter 40 was enacted as an emergency and took effect April 6, 2004.