

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*

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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

LD 1889

**Resolve, Directing the Public Utilities Commission To Implement
Universal Rural Broadband Internet Access Statewide**

ONTP

Sponsor(s)
HALL

Committee Report
ONTP

Amendments Adopted

LD 1889 proposed one of the recommendations of the Presiding Officers' Task Force on Creating a Future for Youth in Maine. It proposed to direct the Public Utilities Commission to develop a plan to implement universal rural broadband Internet access statewide by January 15, 2006. The Public Utilities Commission would be directed to report on this initiative no later than September 8, 2005 and every 6 months thereafter until implementation is complete.

The Committee, through a letter, asked the Public Utilities Commission to examine ways of expanding access in underserved areas of the State to high-speed technologies.

LD 1919

**An Act To Make Supplemental Appropriations and Allocations for
the Expenditures of State Government and To Change Certain
Provisions of the Law Necessary to the Proper Operations of State
Government for the Fiscal Years Ending June 30, 2004 and June
30, 2005 (Parts PP, S, V and IIII)**

PUBLIC 673

Sponsor(s)
BRANNIGAN
CATHCART

Committee Report
See AFA Comm.
Summary

Amendments Adopted
See AFA Comm. Summary

LD 1919 was the supplemental budget bill for 2004-2005. Several portions of the bill and amendments relate to matters of specific relevance to the Joint Standing Committee on Utilities and Energy; those portions are summarized here.

The original bill included the following proposals.

1. Part PP proposed to increase the telephone E-911 surcharge by 7 cents (from 50 to 57 cents) and to direct these extra funds to the General Fund (this provision was changed by Committee Amendment A, see below).
2. Part S proposed to transfer the Nuclear Safety Advisor from the State Planning Office to the Office of the Public Advocate and to modify the qualifications and funding for that position. (This provision was ultimately included in chapter 673).
3. Part V proposed to repeal certain sales taxes and to create a new service provider tax. The purpose of this part relates to Medicaid funding and achieving certain state-matching-fund conditions for access to federal funds. Among the taxes that would be affected are those on telecommunications services. (This provision was ultimately included in chapter 673).

The following proposed amendments were ultimately adopted and included in chapter 673.

Committee Amendment “A”, as amended by House Amendment “Z”, replaced Part PP of the bill; it proposed to transfer \$1,043,460 from the E-911 Fund to the General Fund by June 30, 2005.

Joint Standing Committee on Utilities and Energy

House Amendment “AA” proposed to add a new Part FFFF (which became Part IIII in chapter 673) relating to the so-called schools and libraries program at the PUC. It proposed to direct the PUC, when determining the level of financial assistance from the Maine Telecommunications Education Access Fund (MTEAF) to qualified libraries, to mitigate the impact of lost federal funding in those cases in which libraries have determined they cannot meet the conditions for receiving federal funds without substantially compromising their standards or missions.

LD 1929

**An Act To Promote Economic Development in the State by
Encouraging the Production of Electricity from Renewable and
Indigenous Resources**

PUBLIC 665

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUNDEEN KNEELAND	OTP-AM	H-886

LD 1929 proposed to amend Maine’s eligible resources portfolio standard (RPS). It proposed to modify the definition of “renewable resource” by removing reference to facilities that qualify under PURPA as “small power production facilities” (generally under 80MW facilities that use renewable fuels, as defined in federal rules); adding landfill gas (under 100MW); and requiring, in order to qualify for the RPS, that 50% of any wind power be on land of a tribe recognized after 1/1/1979. It proposed to preserve current 30% standard (which may be met with renewable or efficient resources) . It proposed to create a new Tier 2 portfolio requirement starting March 1, 2005. Eligibility for Tier 2 would be limited to a subset of “renewable resources”(only generators using fuel cells, tidal, solar, wind, geothermal and landfill gas); the requirement would begin at 1% and increase ½%/year, reaching 5% in 2013. It would provide for an alternative compliance payment of \$35/MWH and create a fund into which such payments would be made; it would direct the PUC to disburse collected funds as per MWH payments to Tier 2 - eligible resources; it would direct the PUC to report its recommendations (on what is not specified) by Dec. 15, 2007. It would allow for credit trading to meet the Tier 2 requirements.

Committee Amendment "A" (H-886) proposed to replace the bill. The amendment proposed to accomplish the following.

1. It proposed to direct the Public Utilities Commission to inform consumers in this State of the benefits of electricity generated in this State using renewable resources and authorize the commission to create a brand or logo to identify such resources.
2. It proposed to direct the Public Utilities Commission to adopt major substantive rules establishing standards and procedures for incorporating renewable resources that are constructed after March 1, 2004 into standard-offer service. The rules must be submitted for legislative review by March 1, 2005.
3. It proposed to establish legislative findings with regard to wind energy production in this State.
4. It proposed to direct the Public Utilities Commission to monitor markets and sale opportunities accessible to wind power installations in this State to determine whether such markets and opportunities are available for the sale of wind energy and authorizes the commission, in consultation with the Attorney General, to initiate regulatory and other legal action to protect access to markets by wind power facilities located in Maine.