

# 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  
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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.

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## *Joint Standing Committee on Utilities and Energy*

5. It proposed to direct the Public Utilities Commission to conduct a study of the viable potential for wind power facilities in the State and to review what qualifies as renewable resources in the Maine Revised Statutes, Title 35-A to determine whether changes may be appropriate and to issue a report of its findings and recommendations by March 15, 2005.

### ***Enacted Law Summary***

Public Law 2003, chapter 665 accomplishes the following.

1. It directs the Public Utilities Commission to inform consumers in this State of the benefits of electricity generated in this State using renewable resources and authorizes the commission to create a brand or logo to identify such resources.
2. It directs 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 establishes legislative findings with regard to wind energy production in this State.
4. It directs 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.
5. It directs the Public Utilities Commission to conduct a study of the viable potential for wind power facilities in the State and to review what qualifies as renewable resources under Title 35-A, section 3210 to determine whether changes may be appropriate and to issue a report of its findings and recommendations by March 15, 2005.

**LD 1935**

**An Act To Create the Starboard Water District**

**P & S 47  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY	OTP-AM MAJ	S-484
BUNKER	ONTP MIN	

LD 1935 proposed to create the Starboard Standard Water District.

**Committee Amendment "A" (S-484)**, which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to change the territory of the Starboard Water District. The amendment also proposed to delete the special qualifications specified in the bill for the board of trustees of the district.

### ***Enacted Law Summary***

## Joint Standing Committee on Utilities and Energy

Private and Special Law 2003, chapter 47 creates the Starboard Standard Water District, subject to local referendum approval. Private and Special Law 2003, chapter 47 was enacted as an emergency and took effect April 22, 2004.

**LD 1948**

**An Act Relating to Energy-related Building Standards**

**PUBLIC 645**

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

LD 1948, which was reported by a majority of the Joint Standing Committee on Utilities and Energy pursuant to its authority under Public Law 2003, chapter 497, proposed to do the following:

1. Repeal the current single-family residential building insulation standards effective 90 days after the adjournment of the First Regular Session of the 122nd Legislature;
2. Amend the commercial, institutional and multifamily building energy standards to provide that compliance with the 2003 International Energy Conservation Code satisfies those energy standards;
3. Direct the Public Utilities Commission to adopt through major substantive rules a model building energy code that is consistent with other state codes, including the commercial, institutional and multifamily state building standards, and any model building codes adopted by the State;
4. Provide that after the model building energy code takes effect, municipalities would be required on a going-forward basis to choose the model code if they choose to adopt an energy code; municipalities would not be required to adopt an energy code or to replace any existing code;
5. Direct the Public Utilities Commission to examine enforcement issues related to building energy codes; and
6. Authorize the joint standing committee of the Legislature having jurisdiction over utilities and energy matters to report out legislation to the First Regular Session of the 122nd Legislature concerning building energy codes, including but not limited to legislation concerning the application of the model building energy code and the enforcement of state building energy standards.

### *Enacted law summary*

Public Law 2003, chapter 645 does the following:

1. It repeals the current single-family residential building insulation standards effective 90 days after the adjournment of the First Regular Session of the 122nd Legislature;
2. It amends the commercial, institutional and multifamily building energy standards to provide that compliance with the 2003 International Energy Conservation Code satisfies those energy standards;