

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Utilities and Energy*

*August 2005*

**Members:**

*Sen. Philip L. Bartlett II, Chair  
Sen. Scott W. Cowger  
Sen. Carol Weston*

*Rep. Lawrence Bliss, Chair  
Rep. Herbert Adams  
Rep. Peter L. Rines*

*Rep. Christopher W. Babbidge  
Rep. John R. Brautigam  
Rep. Kenneth C. Fletcher  
Rep. Maitland E. Richardson  
Rep. Philip A. Curtis  
Rep. Stacey Allen Fitts  
Rep. Everett W. McLeod, Sr.*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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).

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:

- CARRIED OVER ..... Bill Carried Over to Second Regular Session
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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

*Joint Standing Committee on Utilities and Energy*

**LD 26**

**An Act To Authorize a General Fund Bond Issue for Stranded Costs of Transmission and Distribution Utilities**

**ONTP**

<u>Sponsor(s)</u> FISCHER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 26 proposed a bond issue in the amount of \$1,088,750,000 to be used to pay transmission and distribution utility stranded costs. Stranded costs are the costs of investor-owned utilities that were made unrecoverable as a result of the restructuring of the electric industry. The costs include, among other things, long-term energy contracts, the prices of which exceed market prices. Currently, investor-owned transmission and distribution utilities are provided a reasonable opportunity over time to recover these costs through rates.

**LD 46**

**An Act To Require Permission of Customers before a Phone Company Can Bill Retroactively**

**ONTP**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 46 proposed to prohibit a telephone utility from retroactively billing a customer without the customer's permission.

**LD 94**

**An Act To Allow Administrative Penalties Imposed by the Public Utilities Commission To Be Applied To Benefit Customers**

**PUBLIC 432**

<u>Sponsor(s)</u> BARTLETT BLISS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-18
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LD 94 proposed to permit the Public Utilities Commission to use administrative penalties collected by the commission in excess of \$100,000, net of the commission's expenses, to credit the bills of customers affected by the violation. Currently, all administrative penalties imposed and collected by the Public Utilities Commission are deposited in the Public Utilities Commission Reimbursement Fund and used to defray unbudgeted and incidental commission expenses. Any excess is forwarded to the General Fund.

**Committee Amendment "A" (S-18)** proposed to replace the bill. The amendment proposed to authorize the Public Utilities Commission to apply administrative penalties imposed by the commission in a manner that benefits those customers affected or potentially affected by the violations. If the commission determined this application of the amount to be impractical or unreasonable, commission would be authorized to apply the amount in a manner that would benefit the class or group of customers affected or potentially affected by the violation. The commission would be authorized to apply the amounts in the form of a direct payment or credit to the customers or group or class of customers affected or potentially affected by the violation. The commission would also be authorized to apply the penalties to supplement programs or funds that the commission determines would benefit customers affected or potentially affected by the violation. The amendment proposed to require that any