

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
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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

7. Authorizes the Utilities and Energy Committee and the Transportation Committee jointly to report out legislation concerning railroad freight service to the Second Regular Session of the 122nd Legislature.

The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

LD 244

An Act To Standardize Water Lien Provisions

PUBLIC 7

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------------|-------------------------|---------------------------|
| RICHARDSON E DAVIS P | OTP | |

LD 244 proposed to expand current law with regard to the collection of unpaid water utility rates. Currently, water districts created by private and special law have a lien on property served by the district to secure payment of unpaid rates. This bill proposed to provide that all consumer-owned water utilities, which includes municipal water departments, have such liens.

The bill proposed to preserve current law that provides that when a landlord has applied for and is granted water utility service to a multiunit residential rental property, a water utility, which includes any private water company, public water district, or municipal water department, has a lien on the property and on any interest the landlord has in the multiunit residential rental property to secure payment for the water utility's service to that property.

Enacted law summary

Public Law 2005, chapter 7 expands current law with regard to the collection of unpaid water utility rates. Currently, water districts created by private and special law have a lien on property served by the district to secure payment of unpaid rates. Public Law 2005, chapter 7 provides that all consumer-owned water utilities, which includes municipal water departments, have such liens.

Public Law 2005, chapter 7 preserves current law that provides that when a landlord has applied for and is granted water utility service to a multiunit residential rental property, a water utility, which includes any private water company or public water district or municipal water department, has a lien on the property and on any interest the landlord has in the multiunit residential rental property to secure payment for the water utility's service to that property.

LD 276

An Act To Provide Fair and Equitable Local Calling Service for the People of the State

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| COURTNEY NASS J | ONTP | |

LD 276 proposed to require the commission to amend its basic service calling area rule to provide a flat-rate-unlimited-calling area option that includes both contiguous exchanges and abutting municipalities. The current

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Public Utilities Commission rule regarding basic service calling areas requires eligible local exchange carriers to provide a flat-rate-unlimited-calling area option that includes contiguous exchanges.

LD 289 **An Act To Protect Consumers and To Modernize Heating Oil Rules and Reporting Requirements** **PUBLIC 91**

| | | | | |
|--|--|-----------------------------------|--|------------------------------------|
| <u>Sponsor(s)</u> RINES BARTLETT | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> H-139 |
|--|--|-----------------------------------|--|------------------------------------|

LD 289 proposed to repeal a provision of law requiring the State Planning Office (SPO) annually to report to the Joint Standing Committee on Utilities and Energy on statewide storage inventories of petroleum products. The bill did not propose to affect the requirement that petroleum storage facility owners report inventories to the SPO. It also proposed to expand the SPO's duty to report on projected shortfalls of petroleum products to include projected shortfalls of kerosene. The bill also proposed to repeal a section of law establishing the State's petroleum set-aside system.

Committee Amendment "A" (H-139) proposed to require SPO to provide, on request, to the Joint Standing Committee on Utilities and Energy, a report on inventories, deliveries, curtailments, shortfalls or other matters relating to the availability of petroleum products in this State.

Enacted law summary

Public Law 2005, chapter 91 repeals the requirement that the State Planning Office report annually to the Legislature on statewide storage inventories of petroleum products. It requires the State Planning Office to provide, on request, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters a report on inventories, deliveries, curtailments, shortfalls or other matters relating to the availability of petroleum products in this State. It expands the State Planning Office's duty to report on projected shortfalls of certain fuels by requiring reports on projected shortfalls of kerosene. It repeals the section of law establishing the State's petroleum set-aside system.

LD 312 **An Act To Create a Manufacturing Energy Policy for Maine** **ONTP**

| | | | | |
|-------------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> FLETCHER | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|-------------------------------|--|---------------------------------|--|---------------------------|

LD 312 was a concept draft pursuant to Joint Rule 208. Conceptually the bill proposed the creation of a manufacturing energy policy to support and promote Maine's manufacturing industry. The bill proposed goals of reducing the cost of energy and of utility service, endorsing cogeneration as the State's primary energy efficiency strategy, promoting distributed generation, encouraging conservation and renewable energy where they can reduce the cost of energy or enhance economic development, pursuing elimination of electricity transmission constraints, protecting minimum interconnection standards for generating units, and supporting development of alternative freight transportation.

Related issues were presented in LD 812.