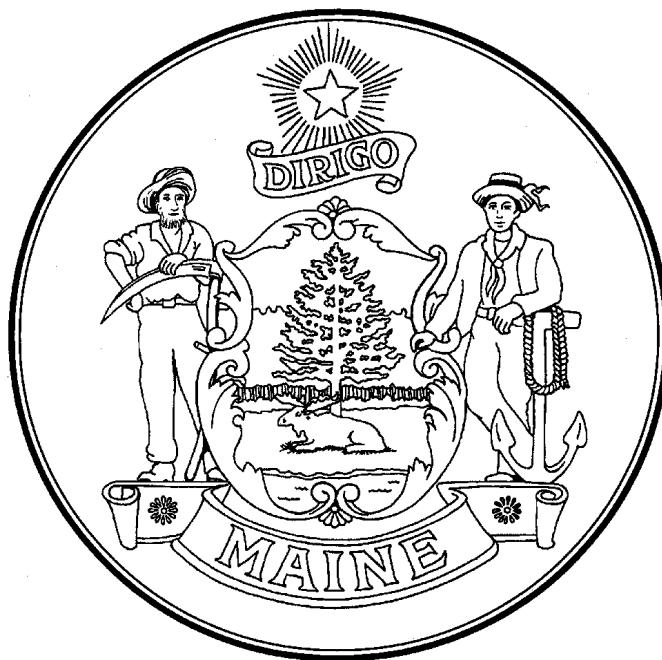


MAINE STATE LEGISLATURE

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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

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
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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>
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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~~. [824]

Joint Standing Committee on Utilities and Energy

The committee requested that Office of the Governor form a stakeholder group to examine the issues raised by this bill and LD 812. [824]

LD 327 **An Act To Implement Energy Conservation Standards for Affordable Housing** **ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 327 proposed to require that the primary consideration by the Maine State Housing Authority in the determination of affordable housing be the sum of mortgage and energy costs. This bill proposed to require that affordable housing programs funded in whole or in part by the State give priority to buildings with the lowest sum of mortgage and energy expenses. This bill proposed to require affordable housing construction programs funded in whole or in part by the State to use the highest energy conservation construction standards for new housing.

The Maine State Housing Authority is currently developing rules related to this matter.

LD 330 **An Act To Protect Utility Customers from Imprudently Incurred Costs** **ONTP**

<u>Sponsor(s)</u> BLISS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 330 proposed to address a specific circumstance: a Federal Energy Regulatory Commission (FERC) wholesale rate determination “for a utility’s ownership interest under a joint ownership agreement.” The bill proposed to require that if FERC in this context found costs to be imprudent and excluded them from wholesale rates, this would settle the matter with respect to recovery of those costs in retail rates: the Public Utilities Commission would be directed to exclude recovery of those costs in the utility’s retail rates.

LD 331 **An Act To Improve the Operation of Underground Damage Prevention Procedures** **PUBLIC 334**

<u>Sponsor(s)</u> BLISS BARTLETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-558
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LD 331 proposed to revise the law governing underground damage prevention procedures (known as the “dig safe” law). It proposed:

1. To authorize the Public Utilities Commission to extend by routine technical rule excavation notification requirements that apply to drinking water well construction (which were established by major substantive