

# 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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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 1162**

**An Act To Permit the Establishment of Regional Water Councils**

**PUBLIC 209  
EMERGENCY**

<u>Sponsor(s)</u> BARSTOW BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-308
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LD 1162 proposed to allow water utilities to form regional water councils. Such councils would be formed as and have the powers of nonprofit corporations; they would also have the power to undertake studies, promote cooperative arrangements, and make recommendations to members and other public agencies that perform functions within the region. In addition they would exercise on behalf of members any power, privilege or authority capable of exercise by a member “except essential legislative powers or eminent domain authority.” The PUC would serve as coordinator between councils and would be authorized to distribute state and federal funds to the councils. The PUC would be authorized to adopt rules to establish procedures and audit requirements related to the commission’s role as coordinator and distributor of funds. The councils would not be water utilities and so not subject to PUC regulation.

**Committee Amendment "A" (H-308)** proposed to make the following changes to the bill:

1. Clarify that a water utility is not required to become a member of a regional water council;
2. Limit a regional water council's powers to those of a nonprofit corporation (it would retain the bill’s prohibition on a regional water council becoming a water utility);
3. Specify that a regional water council may provide purchasing, billing, accounting and customer services to its members;
4. Specify that State funds otherwise available to water utilities may not be made conditional on a water utility's membership in a regional water council;
5. Clarify that a regional water council is a nonprofit corporation and not a governmental organization;
6. Remove the requirement that the Public Utilities Commission serve as a coordinator between regional water councils and the State and clarify that available grant and other funds would not be required to pass through the commission to regional water councils;
7. Clarify that water utilities that are members of a regional water council remain fully subject to Public Utilities Commission jurisdiction and authority; and
8. Add an emergency preamble and emergency clause.

***Enacted law summary***

Public Law 2005, chapter 209 allows water utilities to form regional water councils. A council is formed as and has the powers of a nonprofit corporation. It is not a governmental organization. In addition to its powers as a nonprofit corporation, a council may also undertake studies, promote cooperative arrangements, make recommendations to members and other public agencies that perform functions within the region, and provide

## *Joint Standing Committee on Utilities and Energy*

purchasing, billing, accounting and customer services to its members. A regional water council may not exercise any power that would cause it to become a water utility and no water utility is required to become a member of a regional water council. The PUC is authorized to provide assistance to the councils; grant and other funds available to regional water councils are not required to pass through the commission. No fund or service of the State or instrumentalities otherwise available to water utilities may be made conditional on a water utility's membership in a regional water council. Water utilities that are members of a regional water council remain fully subject to Public Utilities Commission jurisdiction and authority.

Public Law 2005, chapter 209 was passed as an emergency and took effect May 24, 2005.

**LD 1198**                      **An Act To Promote Responsible Advertising by Public Utilities**                      **PUBLIC 204**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BARTLETT	ONTP      MAJ OTP-AM    MIN	H-296

LD 1198 relates to “commercial messages” sent by a public utility to its customers. The bill proposed to define “commercial messages” to mean those sent to customers “for the sole purpose of promoting consumption of a regulated service or product.” The bill proposed to prohibit a public utility from charging customers for the costs of such messages. The bill also proposed to prohibit a public utility from sending such messages unless the customer has given written consent to receiving them.

**Committee Amendment "A" (H-296)**, which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. The amendment proposed to provide that rules adopted by the Public Utilities Commission concerning the following activities by public utilities are major substantive rules: promotional advertising; promotional allowances, including, but not limited to, the granting of promotional rebates or credits; advertising to promote corporate image or goodwill; or political activities. The Public Utilities Commission currently has rules on these matters (Chapter 83). This amendment would require any amendments to those rules to be subject to approval by the Legislature.

### *Enacted law summary*

Public Law 2005, chapter 204 makes the rules of the Public Utilities Commission concerning the following public utility matters major substantive rules: promotional advertising; promotional allowances, including, but not limited to, the granting of promotional rebates or credits; advertising to promote corporate image or goodwill; and political activities. The Public Utilities Commission's current rules on these matters are in Chapter 83 of its rules.

**LD 1259**                      **An Act To Sustain Maine Schools and Libraries**                      **PUBLIC 251**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R BLISS	OTP-AM	S-116 S-201 BARTLETT

LD 1259 proposed to increase the amount the Public Utilities Commission may collect from carriers for contributions to the Maine telecommunications education access fund (MTEAF). The current law limits the