

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
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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.

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Related issues were presented in LD 331.

LD 1290 **An Act To Improve Funding for Telecommunications Relay Services** **PUBLIC 305**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM	H-559

LD 1290 proposed to move funding for telecommunications relay services from its current embedded subsidy in local exchange carrier bills into the state universal service fund, which is funded by assessments on all intrastate telecommunications providers. The bill proposed to provide that the Telecommunications Relay Services Advisory Council recommend funding level requirements; the Public Utilities Commission would ultimately authorize funding levels based on a determination of what is reasonable. The bill proposed certain guidelines for determining a reasonable level of funding.

Committee Amendment "A" (H-559) proposed to remove a provision in law currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund to cover amounts authorized to be transferred from that fund to the Communications Equipment Fund. The Communications Equipment Fund provides funding for telecommunications equipment for deaf and hard-of-hearing persons. The amendment also proposed to make a technical correction to avoid a conflict.

Enacted law summary

Public Law 2005, chapter 305 moves the funding source for telecommunications relay services from its current embedded subsidy in local exchange carrier bills into the state universal service fund, which is funded by assessments on all intrastate telecommunications providers. It provides that the Telecommunications Relay Services Advisory Council must develop recommended funding level requirements; the Public Utilities Commission then makes the final decision on funding levels.

Public Law 2005, chapter 305 removes a provision in law currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund in order to cover amounts authorized to be transferred from that fund to the Communications Equipment Fund. The Communications Equipment Fund provides funding for telecommunications equipment for deaf and hard-of-hearing persons.

LD 1342 **An Act Reducing Oversight Expense for Decommissioning Nuclear Power Plants To Benefit Electric Ratepayers** **PUBLIC 254**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-227

LD 1342 bill proposed to implement portions of a recent Federal Energy Regulatory Commission settlement, approved in August 2004, related to decommissioning Maine Yankee. The bill proposed to establish fixed annual fees to cover all State fees, costs and assessments with respect to Maine Yankee, other than compliance costs

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associated with the federal Resource Conservation and Recovery Act. It would also repeal certain state monitoring and oversight activities.

Part A of the bill proposed to establish a single assessment to be paid by Maine Yankee for all state activities related to the site, including safety, radiation and environmental monitoring and security. The payment to the State would be \$90,000 for the end of '05; \$360,000 for calendar years 2006 and 2007; \$296,667 in '08; and \$170,000 every year thereafter until the spent fuel is removed from the site and the interim spent fuel storage installation is finally decommissioned. Part A would also eliminate the requirement in the Maine Revised Statutes, Title 35-A for monitoring and reporting of routine radioactive releases from a nuclear power plant.

Part B of the bill proposed to eliminate the State Nuclear Safety Inspector position. It also proposed to eliminate the fees associated that position, the Health and Environmental Testing Lab, and the Nuclear Safety Advisor. It proposed to remove a requirement that assessments on low-level radioactive waste generators to fund the Radioactive Waste Fund result in a specific total amount; Maine Yankee would remain subject to assessments for actual shipments of low-level radioactive waste.

Part C proposed to eliminate, after the payment made in July 2005, the requirement that Maine Yankee reimburse the Department of Environmental Protection for costs incurred by the department in conducting activities related to the decommissioning. It proposed to amend the sunset on the fee to fund the Advisory Commission on Radioactive Waste and to allow any remaining funds to be kept by the DEP rather than returned to Maine Yankee.

Committee Amendment "A" (S-227) proposed to preserve the position of the State Nuclear Safety Inspector through September 30, 2006. This amendment would establish a fund within the Office of the Public Advocate to receive the unified state assessment on the licensee operating the interim spent fuel storage facility in this State (Maine Yankee). The Public Advocate would be directed to disburse amounts in the fund to agencies or to other appropriate state funds in order to pay or contribute to the payment of costs incurred by agencies with respect to federal or state proceedings; safety, radiation and environmental monitoring; and security or other oversight-related activities related to the decommissioning of Maine Yankee or the development or operation of an interim spent fuel storage facility in this State. The Public Advocate would be required to keep an annual accounting of all funds received by the fund and all disbursements from the fund and to make a report of this accounting to the Joint Standing Committee on Utilities and Energy by the first Monday in February of each year.

The committee by letter requested that the Public Advocate examine possible funding sources for preserving the State Nuclear Safety Inspector position beyond September 30, 2006.

Enacted law summary

Public Law 2005, chapter 254 establishes fixed annual fees to cover all State fees, costs and assessments with respect to Maine Yankee, other than compliance costs associated with the federal Resource Conservation and Recovery Act. It repeals certain state monitoring and oversight activities. It implements portions of a recent Federal Energy Regulatory Commission settlement related to decommissioning the facility that was approved in August 2004.

Public Law 2005, chapter 254 establishes a single assessment, to be paid by the licensee operating an interim spent fuel storage facility in this State, for all state activities related to the site, including safety, radiation and environmental monitoring and security. The payment to the State is \$90,000 for the end of 2005; \$360,000 for calendar years 2006 and 2007; \$296,667 in 2008; and \$170,000 every year thereafter until the spent fuel is removed from the site and the interim spent fuel storage installation is finally decommissioned. It establishes a fund within the Office of the Public Advocate to receive the unified state assessment on the licensee. The Public

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Advocate is directed to disburse amounts in the fund in order to pay or contribute to the payment of costs incurred by agencies with respect to federal or state proceedings; safety, radiation and environmental monitoring; and security or other oversight-related activities related to the decommissioning of a nuclear power plant or the development or operation of an interim spent fuel storage facility in this State. The Public Advocate is required to keep an annual accounting of all funds received by the fund and all disbursements from the fund and to make a report of this accounting to the Utilities and Energy Committee by the first Monday in February of each year.

Public Law 2005, chapter 254 eliminates the requirement in the Maine Revised Statutes, Title 35-A for monitoring and reporting of routine radioactive releases from a nuclear power plant.

Public Law 2005, chapter 254 terminates the position of the State Nuclear Safety Inspector on September 30, 2006. It also eliminates the fees associated with funding that position, the Health and Environmental Testing Lab, and the Nuclear Safety Advisor. It also removes a requirement that assessments on low-level radioactive waste generators to fund the Radioactive Waste Fund result in a specific total amount; Maine Yankee will remain subject to assessments for actual shipments of low-level radioactive waste.

Public Law 2005, chapter 254 eliminates, after the payment made in July 2005, the requirement that Maine Yankee reimburse the Department of Environmental Protection for costs incurred by the department in conducting activities related to the decommissioning. It also amends the sunset on the fee to fund the Advisory Commission on Radioactive Waste and allows any remaining funds to be kept by the DEP rather than returned to Maine Yankee.

**LD 1347 Resolve, Directing the Public Utilities Commission To Amend Its Rules Governing Net Energy Billing CARRIED OVER-
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM		

LD 1347 proposed to direct the Public Utilities Commission to amend its rules governing net energy billing as follows: to change the requirement that the renewable facility used for net energy billing be located on or in the vicinity of the customer's premises to a requirement that it be located in the service area of a utility and to require a utility to provide net energy billing to a customer based on all accounts in that customer's name. Current Public Utilities Commission net billing rules (Ch. 313) allow for netting self-generation against power from the system (including transmission and delivery service) over a 12-month period by a renewable generator with a capacity of 100kW or less that is "located on or in the vicinity of the customer's premises." The PUC currently interprets its rules to allow all structures owned by a customer and located near the generator to be net billed; it does not permit an association of customers to net their load against the generator's output.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.