

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Utilities and Energy*

July 2006

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Maine State Legislature



Office of Policy and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second Regular Session

Summary of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 arranged alphabetically by committee name 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. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located 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/billsumm.htm).

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:

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
P&S XXX	Chapter # of enacted Private & Special Law
PASSED	Joint Order passed in both bodies
PUBLIC XXX	Chapter # of enacted Public Law
RESOLVE XXX	Chapter # of finally passed Resolve
UNSIGNED (Pocket Veto)	Bill held by Governor
VETO SUSTAINED	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

Joint Standing Committee on Utilities and Energy

LD 1065

An Act To Promote Economic Development and Sustainable Energy

ONTP

<u>Sponsor(s)</u> BRENNAN BLISS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1065, which was carried forward from the First Regular Session, proposed to amend the eligible resources portfolio requirement as follows: by modifying the list of resources which qualify under the current portfolio requirement and defining the requirement as the “Tier 1” requirement; by adding a “Tier 2” requirement for which a subset of Tier-1-eligible resources would qualify; and by establishing an alternative compliance mechanism. The bill proposed to permit Tier 2 portfolio requirements to be met using renewable credits.

The Joint Standing Committee on Utilities and Energy, by letter dated June 3, 2005, requested that a stakeholder group be formed to examine mechanisms to achieve the goals of this bill. The Renewable Resources Stakeholder Group was formed, met during the interim and issued a report to the committee in January 2006. After receiving the report, the committee voted Ought-Not-To-Pass on LD 1065 and planned to develop a committee bill relating to renewable resources. The committee developed proposals for a committee bill and held a hearing on these proposals but in the end decided not to report out a committee bill. The committee addressed issues related to renewable resources in the context of the Governor’s energy bill, LD 2041.

LD 1347

Resolve, Directing the Public Utilities Commission To Amend Its Rules Governing Net Energy Billing

ONTP

<u>Sponsor(s)</u> PINKHAM	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1347, which was carried forward from the First Regular Session, proposed to require the Public Utilities Commission to amend its rules governing net energy billing to provide that a renewable facility must be located in the service area of a utility and to eliminate the requirement that the renewable facility be located on or in the vicinity of the customer's premises. This bill also proposed to require the Public Utilities Commission to amend its rules to require a utility to provide net energy billing to a customer based on all accounts in that customer's name.

LD 1377

An Act Regarding Municipally Owned Street Lighting

ONTP

<u>Sponsor(s)</u> WOODCOCK	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1377, which was carried forward from the First Regular Session, proposed to:

1. Allow a municipality to place municipally owned streetlights on utility-owned poles;
2. Allow a municipality to purchase utility-owned streetlights; and

Joint Standing Committee on Utilities and Energy

3. Set limits on actions a transmission and distribution utility may take in connection with a municipal acquisition of lighting equipment.

The committee, by letter dated December 13, 2005, notified the Public Utilities Commission that the committee’s vote of Ought-Not-To-Pass was made with the understanding the commission would continue discussions with the Maine Municipal Association and Central Maine Power Company to examine the issues raised by the bill.

LD 1379

An Act To Amend the Maine Wind Energy Act

PUBLIC 646

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM MAJ	H-1108 BLISS
FLETCHER	OTP-AM MIN	S-365 BARTLETT

LD 1379 was carried over from the First Regular Session on the Special Appropriations Table by S.P. 640. At that time, both the House and Senate had passed the bill as amended by Senate Amendment “A” (S-365). There were many amendments to this bill proposed during the First Regular Session; only the committee amendments and Senate Amendment “A” (S-365) are included here; for a summary of other proposed amendments offered during the First Regular Session, reference may be made to the LD 1379 bill summary for First Regular Session. When LD 1379 came off the Special Appropriations Table at the end of the Second Regular Session, it was further amended by House Amendment “A” to Senate Amendment “A” (H-1108); Senate Amendment “A” to Senate Amendment “A” was also proposed but was not adopted; both of these amendments from the Second Regular Session are included in this summary.

LD 1379 proposed to establish various policies and incentives to promote the construction of wind generation facilities as well as wind energy equipment manufacturing facilities. It also proposed a legislative finding regarding transmission upgrades connecting northern and eastern Maine and southern Maine. Specifically, the bill proposed to:

1. Authorize the transfer of up to \$2 million/year for up to 10 years from the Public Utilities Commission’s conservation program fund to the Finance Authority of Maine (FAME) to provide capitalization for FAME financing of wind energy projects. It proposed to direct FAME and the Public Utilities Commission to determine the most cost effective ways to use FAME authority to assist in financing wind development;
2. Allow a business to be designated to receive Pine Tree Development Zone benefits if it would support the construction by that business of a wind-powered generator;
3. Allow a competitive electricity provider to meet the resource portfolio requirements of Title 35-A, section 3210 through renewable credits, if a reliable credit-trading system exists;
4. Create legislative findings that it is in the public interest to encourage the construction of 300 megawatts of wind generation by 2010 and that it is in the public interest to encourage the development of wind energy research and generation equipment manufacturing facilities;
5. Create a legislative finding that enhancement of transmission from northern and eastern Maine to southern Maine is essential to wind development and to the efficient connection of northern and eastern Maine with the rest of the U.S.;