

# 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*

Commission to explore combining cell phone towers and similar structures with wind power generating equipment and structures.

**Senate Amendment "B" to Committee Amendment "B" (S-341)** (not adopted), proposed to make the same changes to Committee Amendment "B" as proposed in House Amendment "A" with one further addition: to require the Public Utilities Commission to seek effective ways to assist in developing long-term contracts for the generation of electricity by community wind power and to adopt major substantive rules to implement and govern such long-term contracts.

**Senate Amendment "A" (S-365)** (adopted in both houses), proposed to replace the bill. The amendment proposed to incorporate the provisions of Committee Amendment "B" as amended by House Amendment "A" and Senate Amendment "A" (S-322) with the following changes.

1. It proposed to remove the authority of the Commissioner of Economic and Community Development to include community wind power generators as Pine Tree Development Zone businesses but to give any qualified legal entity that owns a community wind power generator sales tax and income tax benefits similar to those given to Pine Tree Development Zone entities. An entity could be certified for these benefits if it qualified prior to January 1, 2010. It proposed to provide for the availability of the sales tax exemption through December 31, 2010 and to limit availability of the income tax credit to 10 consecutive years after a certified generator begins operation.
2. It proposed to specify that general wind power permitting guidelines required to be adopted by the Board of Environmental Protection do not affect the municipal permitting process.
3. It proposed to remove the finding that it is in the public interest to encourage the construction and operation of 300 megawatts of community wind power generators in the state; instead, the amendment proposed to provide that it is in the public interest to encourage the construction and operation of community wind power generators in the state. (The summary of the amendment, however, indicates a different intent which is not reflected in the amendment: to establish a "requirement...that the installed capacity of the community wind power generator project be 300 megawatts.")

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1392**

**Resolve, Regarding Legislative Review of Portions of Chapter 301: Standard Offer Service, a Major Substantive Rule of the Public Utilities Commission**

**RESOLVE 65  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-420

LD 1392 proposed legislative authorization of the portions of Chapter 301: Standard Offer Service, that constitute a major substantive rule of the Public Utilities Commission. Those portions provided for the incorporation of new renewable resources into a portion of the standard offer supply when it would reduce price volatility, provide a hedging strategy, and provide a competitively priced supply option. The rule proposed to limit application to standard offer service for residential and small non-residential classes; to provide for periodic (at least once every 5 years) solicitation of bids, generally for a minimum term length of 6 years, and the evaluation of the bids in

## *Joint Standing Committee on Utilities and Energy*

accordance with the rule's standards; and to allow the commission to waive the solicitation requirement if it found a substantial likelihood that the standards would not be met. In accordance with the enabling law, the rule proposed to provide that the commission or the standard offer provider enter into the contracts with the suppliers.

**Committee Amendment "A" (H-420)** proposed to change the resolve and not to authorize final adoption of the provisionally adopted major substantive rule. The amendment proposed to authorize the commission to submit revised or new rules on the same subject matter for review in the Second Regular Session of the 122nd Legislature.

### *Enacted law summary*

Resolve 2005, chapter 65 does not authorize final adoption of those portions of Chapter 301: Standard Offer Service that constitute a provisionally adopted major substantive rule of the Public Utilities Commission. It authorizes the commission to submit revised or new rules on the same subject matter for review in the Second Regular Session of the 122nd Legislature.

Resolve 2005, chapter 65 was enacted as an emergency and took effect on May 31, 2005.

<b>LD 1418</b>	<b>Resolve, To Direct the Public Utilities Commission to Examine Issues Related to the Collection of Certain Fees on Prepaid Wireless Telephone Services</b>	<b>RESOLVE 62</b>
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<u>Sponsor(s)</u> BLISS BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-419
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LD 1418 proposed to amend the law concerning the E-9-1-1 surcharge to include prepaid wireless telephone service. The bill proposed to require the service provider to collect from the customer a surcharge for the period of the prepaid service at a rate of 50 cents per month. The provider would be given the option of collecting the surcharge at the time the customer purchases the service or at the beginning of each month for which time is left on the service.

**Committee Amendment "A" (H-419)** proposed to replace the bill and turn the bill into a resolve. The amendment would direct the Public Utilities Commission to examine methods of ensuring equity in funding the E-9-1-1 system, the Telecommunications Education Access Fund, and the universal service fund through the collection of fees on prepaid wireless telephone service. The commission would be directed to submit its report with its recommendations to the Joint Standing Committee on Utilities and Energy by February 2006. The Joint Standing Committee on Utilities and Energy would be authorized to report out a bill on this subject matter to the Second Regular Session of the 122nd Legislature.

### *Enacted law summary*

Resolve 2005, chapter 62 directs the Public Utilities Commission to examine methods of ensuring equity in funding the E-9-1-1 system, the Telecommunications Education Access Fund and the universal service fund through the collection of fees on prepaid wireless telephone service. The commission is directed to submit its report with its recommendations to the Joint Standing Committee on Utilities and Energy by February 2006. The Joint Standing Committee on Utilities and Energy is authorized to report out a bill on the subject matter of the report to the Second Regular Session of the 122nd Legislature.