

# 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*

**LD 1434**

**An Act To Reform the Renewable Electricity Portfolio Standard**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	ONTP	

LD 1434 proposed to amend the eligible resource portfolio requirement for competitive electricity providers. The bill proposed to:

1. Modify the current portfolio requirement by disqualifying a generator that sells its electrical output to a transmission and distribution utility;
2. Establish a "Tier 2 Requirement," which would require that a certain percentage of a competitive electricity provider's portfolio be supplied by one of the following: generators built after January 1, 2005 that use certain renewable resources; hydroelectric generators that install adequate fish passage systems after January 1, 2005; or biomass generators that burn biomass harvested using sustainable forest management practices and that meet certain emission standards. The requirement would initially be 2% and increase by 0.5% each year until it reached 7%. A generator that sold its electrical output to a transmission and distribution utility would not qualify to meet this requirement;
3. Require that any resource used to satisfy the portfolio requirements be scheduled for delivery and delivered to the New England Power Pool region or to the Maritimes Control Area;
4. Authorize the Public Utilities Commission to allow the portfolio requirements to be met through the use of renewable credits;
5. Allow the portfolio requirements to be satisfied through alternative compliance payments; and
6. Establish a fund into which all alternative compliance payments would be paid and from which disbursements would be made by the Public Utilities Commission to resources that qualify to meet the Tier 2 Requirement.

This bill relates to the same matter as LD 1065.

**LD 1435**

**An Act Establishing Minimum Energy Efficiency Standards for Certain Products Sold or Installed in the State**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE TURNER	OTP-AM MAJ ONTP MIN	

LD 1435 proposed to direct the Public Utilities Commission to adopt by rule certain minimum efficiency standards for 20 products; the commission would be authorized to set higher standards or add new standards for other products if it found the standards to be cost-effective for consumers.

## *Joint Standing Committee on Utilities and Energy*

The bill proposed to establish a compliance schedule with 4 different timeframes: for 13 products, the standards would apply to those sold on or after January 1, 2007 or installed for compensation after January 1, 2008; for 3 products the compliance dates would be January 1, 2008 and January 1, 2009, respectively; for 2 products the compliance dates would be January 1, 2010 and January 1, 2011, respectively; for 2 products no compliance dates would be established. For these last 2 products (residential boilers/furnaces and furnace air handlers) the commission would be directed to consult with the Attorney General to determine whether state standards are preempted and to submit legislation for compliance dates based on whether a waiver of the federal standards is required or received.

The bill proposed to require the commission to determine, by January 1, 2006, whether standards “as stringent as” those established in the bill have been adopted in at least 3 other states. If the commission found this not to be the case for one or more of the products, it would be required to submit legislation to delay the compliance dates for those products by one year.

The bill proposed to direct the commission to adopt procedures for testing compliance; provide for certification by manufacturers to the commission of compliance (with exceptions for certain products); require manufactures to mark or label products as in compliance (with exceptions for certain products); authorize the commission to undertake tests of products and conduct inspections of distributors and retailers of products; and authorize the Attorney General to enforce compliance.

**Committee Amendment "A" (H-307)**, which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to remove digital television adapters from the list of products required to meet energy efficiency standards.

**House Amendment "A" (H-364), House Amendment "B" (H-365), House Amendment "C" (H-366), House Amendment "D" (H-397), Senate Amendment "A" (S-233) and House Amendment "B" to Committee Amendment "A" (H-377)** each proposed to eliminate various products from the list of products required to meet energy efficiency standards. **House Amendment "B" to Committee Amendment "A" (H-377)** also proposed further to narrow the scope of the bill, remove the commission’s authority to undertake inspections and investigations for purposes of enforcing standards, change compliance dates for certain products, require the commission, in testing product compliance, to use test methods approved by the United States Department of Energy and to change all rule-makings to major substantive rule-makings.

**House Amendment "F" (H-619)** proposed to change the requirement in the bill that the commission review at least 3 other states' laws for similar energy efficiency requirements by specifying that the 3 other states be New England states and that one of them be New Hampshire.

**House Amendment "A" to Committee Amendment "A" (H-370), House Amendment "C" to Committee Amendment "A" (H-411), House Amendment "E" (H-548), Senate Amendment "B" (S-310) and House Amendment "D" to Committee Amendment "A" (H-549)** proposed to establish a rebate program for purchases of products that meet energy efficiency standards. Some of these amendments proposed to replace the mandatory standards with the rebate program while other amendments proposed to supplement the mandatory standards with the rebate program. The amendments also proposed to narrow in various ways the list of products.