

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

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Sen. Scott W. Cowger
Sen. Carol Weston*

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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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to examine how to ensure that the E-9-1-1 system adequately handles calls made by persons who are deaf, hard-of-hearing or speech-impaired. The Emergency Services Communication Bureau would be required, no later than January 15, 2006, to report to the Joint Standing Committee on Utilities and Energy the results of the stakeholder process and the committee would be authorized to report out legislation on this subject matter to the Second Regular Session of the 122nd Legislature.

Enacted law summary

Resolve 2005, chapter 63 directs the Emergency Services Communication Bureau in the Public Utilities Commission to convene a stakeholders group, including representatives of dispatch centers that handle E-9-1-1 calls and the Maine Center on Deafness, to examine how to ensure that the E-9-1-1 system adequately handles calls made by persons who are deaf, hard-of-hearing or speech-impaired. The Emergency Services Communication Bureau is required, no later than January 15, 2006, to report to the Joint Standing Committee on Utilities and Energy the results of the stakeholder process. The Joint Standing Committee on Utilities and Energy is authorized to report out legislation relating to the subject matter of this resolve to the Second Regular Session of the 122nd Legislature.

LD 1613

An Act To Promote the Use of Public Safety Telecommunications Equipment by the Deaf and Hard-of-hearing Community

PUBLIC 336

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM MAJ OTP-AM MIN	S-285

LD 1613 proposed to establish a discount program for deaf or hard-of-hearing persons for wireless or 2-way pager service used to receive emergency alerts issued by any state or federal agency.

Under current law, \$85,000/year is transferred from the Public Utilities Commission's universal service fund (USF) to the Communications Equipment Fund administered by the Department of Labor, Bureau or Rehabilitation Services for use in providing telecommunications equipment for the deaf and hard-of-hearing, including for emergency alert equipment and training needs. The commission is authorized to require telecommunications carriers to contribute to the USF to cover this transfer. The commission is also authorized to transfer from the USF up to an additional \$37,500/year to the Communications Equipment Fund if sufficient federal funding for Communications Equipment Fund purposes is not received; this amount must be absorbed by the USF; the PUC is currently not authorized to assess carriers to collect this amount.

The bill would continue to require the commission to transfer \$85,000/year from the USF to Communications Equipment Fund; the funds would be available generally for telecommunications equipment for the deaf and hard of hearing. The bill would also continue to allow the commission to transfer an additional \$37,500/year from the USF to Communications Equipment Fund but would allow the PUC to assess carriers to recover this amount; these funds also would be available generally for telecommunications equipment for the deaf and hard of hearing. The bill would establish a new discount program for deaf or hard-of-hearing persons who have income less than 225% of the federal poverty level: \$10/month discount (or the total service charge, whichever is less) for wireless or 2-way pager service used to receive emergency alerts issued by any state or federal agency (the person would receive the discount and

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carrier would be reimbursed from the fund). To fund this new program, the bill would provide up to \$300,000/year from the E-911 fund and up to \$300,000/year from the USF.

Committee Amendment "A" (S-285), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill but to preserve much of its substance. The amendment proposed to:

1. Establish a program for deaf and hard-of-hearing individuals with incomes less than 135% of the federal poverty level to provide a discount to help offset the costs of owning a wireless communications device or 2-way pager that is used to receive state or federal emergency notifications;
2. Provide funding for the program by allowing transfers of funds from the state universal service fund to the Communications Equipment Fund for use exclusively for the program: up to \$60,000 in fiscal year 2005-06, up to \$90,000 in fiscal year 2006-07, and up to \$120,000 in each subsequent fiscal year;
3. Repeal the law currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund in order to cover the \$37,500/year currently authorized to be transferred from that fund to the Communications Equipment Fund;
4. Direct the Public Utilities Commission, in consultation with the Department of Labor, Bureau of Rehabilitation Services, to make recommendations prior to January 31, 2008 on whether the amount of funding authorized to be transferred from the universal service fund to the proposed new discount program is appropriate and sufficient and whether adjustments should be made to the authorized amount; and
5. Add an allocation section.

Committee Amendment "B" (S-286), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. This amendment proposed to:

1. Provide to a deaf or hard-of-hearing person who has an income of less than 135% of the federal poverty level a discount of up to \$10 per month in the service charge for any wireless communications device or 2-way pager that is used to receive emergency alerts issued by any state or federal agency;
2. Provide funding for this program from the General Fund;
3. Authorize and direct the Department of Labor, Bureau of Rehabilitation Services and the State Purchasing Agent to attempt, to the extent practicable, to reduce the service charges for wireless communications devices or 2-way pagers incurred by deaf or hard-of-hearing persons eligible for the discounts established under the amendment through an appropriate bidding or other procedure to achieve bulk discounts on such charges;
4. Direct the Department of Labor, Bureau of Rehabilitation Services to report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Utilities and Energy by January 5, 2007 recommendations for appropriate funding levels to continue the discount program proposed to be established under the amendment;
5. Repeal the law currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund in order to cover the \$37,500/year currently authorized to be transferred from that fund to the Communications Equipment Fund; and

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6. Add an appropriations and allocations section.

Enacted law summary

Public Law 2005, chapter 336:

1. Establishes a program for deaf and hard-of-hearing individuals with incomes less than 135% of the federal poverty level to provide a discount to help offset the costs of owning a wireless communications device or 2-way pager that is used to receive state or federal emergency notifications;
2. Provides funding for the program by allowing transfers of funds from the state universal service fund to the Communications Equipment Fund for exclusive use of the program;
3. Removes a provision currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund in order to cover amounts currently authorized to be transferred from that fund to the Communications Equipment Fund; and
4. Directs the Public Utilities Commission, in consultation with the Department of Labor, Bureau of Rehabilitation Services, to make recommendations prior to January 31, 2008 on whether the amount of funding authorized to be transferred from the universal service fund to the discount program is appropriate and sufficient and whether adjustments should be made to the authorized amount.

LD 1658

An Act To Expand the Powers of the Stonington Sanitary District

P & S 24

Sponsor(s)
PINGREE
DAMON

Committee Report
OTP-AM

Amendments Adopted
H-561

LD 1658 proposed to alter the powers, territory and trustee qualifications of the Stonington Sanitary District. The district was created pursuant to the sanitary district enabling law. The bill proposed to expand the district's territory to include the entire Town of Stonington; require that all trustees reside within the district and that 4 of the trustees reside in households that use the district's services; and authorize the district to provide septic services to entities not connected to the district's facilities. The bill proposed to make these changes subject to local referendum approval.

Committee Amendment "A" (H-561) proposed to strike the emergency preamble and emergency clause and to provide that all trustees reside within the district and that 4 of the trustees reside in households connected to the district's facilities.

Enacted law summary

Private and Special Law 2005, chapter 24 expands the territory and powers and adds new residency requirements for the trustees of the Stonington Sanitary District. The new powers granted to the district, which was established pursuant to the Sanitary District Enabling law and not by private and special law charter, are the authority to implement seasonal rates and to provide septic services to entities not connected to the district's facilities.

Private and Special Law 2005, chapter 24 is subject to approval by district referendum.