

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. Philip L. Bartlett II, Chair
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.

Joint Standing Committee on Utilities and Energy

LD 1665 **Resolve, Regarding Legislative Review of Chapter 11:
PBX/Multiline Telephone System (MLTS) Requirements, a Major
Substantive Rule of the Public Utilities Commission** **RESOLVE 89
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-509

LD 1665 proposed to authorize final adoption of Chapter 11: PBX/Multiline Telephone System (MLTS) Requirements, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-509) proposed to authorize final adoption of the provisionally adopted rule provided that the rule is amended to add an application section specifying that nothing in the rule requires any local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues.

Enacted law summary

Resolve 2005, chapter 89 authorizes final adoption of Chapter 11: PBX/Multiline Telephone System (MLTS) Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission provided that the rule is amended to add an application section specifying that nothing in the rule requires any local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues.

Resolve 2005, chapter 89 was enacted as an emergency and took effect on June 3, 2005.

LD 1675 **An Act To Make a Standard Alternative Form of Regulation
Available to Rural Telephone Companies** **CARRIED OVER**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
HOBBS				

LD 1675 proposed to create an exception for rural telephone companies from the law governing the establishment of alternative forms of regulation (AFOR). It proposed to require the Public Utilities Commission to adopt any AFOR proposed by a rural telephone company if

1. The term of the AFOR is 5 or more years;
2. The AFOR allows the telephone company to establish rates without PUC review, provided the company's local basic rates do not exceed comparable Verizon's rates (if the company has lower basic rates before the AFOR, it would be permitted to increase its rates to the level of Verizon's; the AFOR would also be required to allow the company to increase local rates above Verizon's rates as necessary to offset exogenous events);
3. The AFOR allows the telephone company to choose to continue to receive universal service funds to meet its revenue requirement in the same amount as it received before the AFOR, subject to adjustment equal to the

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change in Verizon’s basic service rates (receipt of such universal service funds currently are tied to the level of Verizon’s basic rates);

4. The AFOR requires the telephone company to meet the requirements of the access rate law; and
5. The AFOR subjects the telephone company to service quality standards similar to those that apply to Verizon.

The Public Utilities Commission would not be permitted to adopt provisions inconsistent with these provisions without the telephone company’s approval.

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

LD 1685

An Act Regarding Energy Codes

PUBLIC 350

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 1685, was reported out by the Joint Standing Committee on Utilities and Energy pursuant to the Maine Revised Statutes, Title 5, section 3327, subsection 4, with a unanimous “ought-to-pass” report. The bill proposed several changes to the residential and commercial building energy codes.

Enacted Law Summary:

Public Law 2005, chapter 350:

1. Provides for the Public Utilities Commission rather than the Department of Economic and Community Development to administer statutory energy efficiency building performance standards;
2. Changes certain definitions in the energy efficiency building performance standards laws to make them consistent with the model building energy code adopted by major substantive rule of the Public Utilities Commission;
3. Updates the mandatory building energy standards for multifamily residential buildings less than 4 stories in height to the standards adopted in the model building energy code;
4. Directs the Public Utilities Commission to provide information about the mandatory commercial building standards to entities involved in permitting building construction so that the information can be distributed to persons applying for such permits. It authorizes the commission to distribute the forms or other educational materials to entities involved in the design or construction of commercial buildings; and
5. Provides that municipalities may adopt an amended version of the model building energy code that does not include certain parts or portions of that code or that creates new exemptions from its requirements; it does not permit a municipality to adopt a version that includes modifications to any standard established in the model code.