

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

Enacted law summary

Resolve 2005, chapter 187 directs the Public Utilities Commission to undertake an inquiry to determine the legal options for and costs and benefits of directing or otherwise causing transmission and distribution utilities in this State to withdraw from the New England regional transmission organization. The commission is directed to issue an interim report on the status of its inquiry and any preliminary findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The joint standing committee is authorized to request additional interim reports from the commission as the committee determines appropriate. The commission is directed to issue a final report of its findings and recommendations to the Joint Standing Committee on Utilities and Energy by January 1, 2008.

LD 1913 **An Act To Designate the Department of Health and Human Services as the Sole Entity Entitled To Use the 2-1-1 Telephone Number** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY EDMONDS	ONTP	

LD 1913 proposed to require the Public Utilities Commission to designate the Department of Health and Human Services as the sole entity entitled to use the 2-1-1 telephone number for the purpose of providing access to information and referral services offered by or through the department.

LD 1931 **An Act To Encourage Energy Independence for Maine** **PUBLIC 569
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-523

LD 1931 proposed the following:

1. To require the Commissioner of Education to ensure that facility managers for school administrative districts complete the building operators certification program established and conducted under the authority of the Public Utilities Commission. It proposed to establish certification goals of 50% of facility managers by January 1, 2010 and 100% of facility managers by January 1, 2015. The commission would be required annually to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on the progress towards the goals and the energy savings realized in school administrative districts as a result of the facility managers' completing the program;
2. To amend current law that prohibits a municipality from adopting a building energy code other than the model building energy code developed by the Public Utilities Commission pursuant to the Maine Revised Statutes, Title 35-A, section 121. A municipality would be permitted to opt out of adoption of the model building energy code by notifying the commission of the municipality's decision by January 1, 2008. If a municipality failed to opt out, it would be required to adopt the model building energy code;

Joint Standing Committee on Utilities and Energy

3. To expand the funding for the conservation programs established by the Public Utilities Commission, known as “Efficiency Maine,” by increasing the assessment on transmission and distribution utilities over a 3-year period to a maximum of 0.3¢ per kilowatt-hour beginning January 1, 2009;
4. To require the Public Utilities Commission to develop a new compensation method for transmission and distribution utilities that is not tied to the amount of electricity consumed. The commission would be required to submit its method to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2007;
5. To require the Public Utilities Commission to seek a waiver from the federal Department of Energy for energy standards for residential furnaces and boilers. The commission would be required to develop new standards for furnaces and boilers based on standards developed in other New England states; and
6. To require the Governor's Office of Energy Independence and Security in the Executive Department, State Planning Office to monitor efforts in other states to increase the availability of fuel-saving tires used by manufacturers in mileage tests conducted by the federal Environmental Protection Agency. The office would be required to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2007.

Committee Amendment “A” (S-523) proposed the following:

1. To require the Public Utilities Commission to encourage school facility managers to receive energy efficiency training under the commission's Efficiency Maine program. It proposed to authorize the commission to establish incentive mechanisms in order to encourage participation in this program. It also proposed to define “school facility managers” to mean persons employed by school administrative units and responsible for the design or operation of school facilities or the heating, ventilation or air conditioning systems or equipment used in such facilities. It proposed to require the commission to report annually on its progress in meeting these goals and, to the extent possible, on energy savings achieved as a result of such training;
2. To amend the Efficiency Maine program to require the commission to consider conservation programs that reduce peak demand. It also proposed to direct the commission to develop a plan for using revenues from any increase in the Efficiency Maine assessment on transmission and distribution utilities. It proposed to direct the commission to consider using funds resulting from any increased assessments to increase the per-business incentive cap imposed on large businesses. The commission would be required to submit its plan, together with any recommendations for increases in the assessment consistent with that plan and any suggested legislation to implement its recommendations, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The committee would be authorized to report out legislation on this matter to the First Regular Session of the 123rd Legislature;
3. To remove those portions of the bill relating to municipal adoption of the model energy building code, Public Utilities Commission development of a new compensation method for transmission and distribution utilities, commission development of standards for boilers and furnaces and Office of Energy Independence and Security examination of issues related to fuel-saving tires; and
4. To add a provision requiring the Office of Energy Independence and Security to compile a report on home heating issues.

Enacted law summary

Joint Standing Committee on Utilities and Energy

Public Law 2005, chapter 569 does the following:

1. It requires the Public Utilities Commission to encourage school facility managers to receive energy efficiency training under the commission's so-called "Efficiency Maine" program. It authorizes the commission to establish incentive mechanisms in order to encourage participation in this program. It requires the commission to report annually on its progress in meeting these goals and, to the extent possible, on energy savings achieved as a result of such training;
2. It amends the Efficiency Maine program to require the commission to consider conservation programs that reduce peak demand. It also directs the commission to develop a plan for using revenues from any increase in the Efficiency Maine assessment on transmission and distribution utilities. It directs the commission to consider using funds resulting from any increased assessment to increase the per-business incentive cap imposed on large businesses. The commission is required to submit its plan, together with any recommendations for increases in the assessment consistent with that plan and any suggested legislation to implement its recommendations, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The joint standing committee is authorized to report out legislation on this matter to the First Regular Session of the 123rd Legislature; and
3. It requires the Governor's Office of Energy Independence and Security in the Executive Department to compile a report on home heating issues.

Public Law 2005, chapter 569 was enacted as an emergency measure effective April 12, 2006.

LD 1969 **Resolve, To Evaluate the Public Safety Answering Points for the State of Maine** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1969 proposed to establish the Task Force to Evaluate Public Safety Answering Points to review and evaluate whether the goal of between 16 and 24 public safety answering points, which is established by statute, is the best plan for the State in its overall E-9-1-1 plan.

LD 1970 **An Act To Amend the Charter of the Lisbon Water Department** **P & S 43
EMERGENCY**

<u>Sponsor(s)</u> BERUBE NUTTING J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-779
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LD 1970 proposed to amend the charter of the Lisbon Water Department to clarify the terms of the members of the Board of Water Commissioners.

Committee Amendment "A" (H-779) proposed to make a date change in the bill. Under the bill, the Board of Selectmen of the Town of Lisbon would fill vacancies in the Board of Water Commissioners of the Lisbon Water