

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

LD 2038

An Act To Protect the Privacy of Cellular Telephone Customers

**PUBLIC 582
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAUTIGAM BARTLETT	OTP-AM	H-892 H-956 BLISS

LD 2038 proposed to prohibit a person from selling or disclosing or offering to sell or disclose records of telephone numbers called or telephone numbers from which calls were received and other information relating to the wireless telephone service account of a resident of Maine.

Committee Amendment “A” (H-892) proposed to replace the bill but to preserve the main substance of the bill.

This amendment proposed the following changes:

1. To reallocate the provisions of the bill from the Title 35-A to Title 10, since the provisions do not relate to matters within the jurisdiction of the Public Utilities Commission;
2. To separate the civil and criminal violations for judicial tracking and citing purposes;
3. To clarify the definition of “wireless telephone service”;
4. To add limiting language to cited definitions in federal law to ensure that changes in those federal law definitions do not affect the meaning or intent of these provisions;
5. To make the prohibitions in the bill applicable to the sale or disclosure of customer proprietary network information relating to the wireless telephone service account of any wireless service customer or user in this State;
6. To correct a reference to federal law; and
7. To add an emergency preamble and emergency clause to the bill.

House Amendment “A” to Committee Amendment “A” (H-956) proposed to add “other customer proprietary information” to the information that may not be sold or disclosed without permission. “Other customer proprietary information” would be defined as any information loaded, installed or otherwise placed on a wireless telephone or transmitted from a wireless telephone by a wireless telephone customer.

Enacted law summary

Public Law 2005, chapter 582 prohibits a person without permission or lawful authorization from selling or disclosing customer proprietary network information relating to the wireless telephone service account of any wireless telephone customer or user in this State. It also prohibits a person without permission or lawful authorization from selling or disclosing any information loaded, installed or otherwise placed on a wireless telephone or transmitted from a wireless telephone by a wireless telephone customer. A person who violates any of these provisions is subject to civil penalties; a person who knowingly violates these provisions, commits a Class D crime.

Joint Standing Committee on Utilities and Energy

Public Law 2005, chapter 582 was enacted as an emergency measure effective April 13, 2006.

LD 2041

An Act To Enhance Maine's Energy Independence and Security

PUBLIC 677

<u>Sponsor(s)</u> FLETCHER BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1024 S-628 GAGNON
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LD 2041 proposed the following:

1. To reduce the sales and use tax on motor fuels that contain at least 2% biodiesel by volume from 27.9¢ to 20¢ per gallon. Pursuant to the State Constitution, fuel tax revenues go to the Highway Fund; the bill proposed to reimburse from the General Fund the lost revenues to the Highway Fund;
2. To allow the Public Utilities Commission to incorporate cost-effective energy conservation and energy efficiency resources into the standard offer service product for electricity customers;
3. To set a policy of increasing the amount of energy generated in this State from “cost-competitive” new renewable generation resources by one percent per year beginning in 2007 to achieve 10% by 2017. The bill also proposed to permit the commission to direct transmission and distribution utilities to enter into long-term contracts (3- 20 years) with “cost-competitive” new or existing resources that emit no greenhouse gases and that meet certain other criteria.
4. To repeal an obsolete provision of law that directed the commission to adopt major substantive rules to provide for the incorporation of contracts with renewable resources into standard offer service as a hedging strategy. The commission submitted proposed rules to the Legislature in 2005, and they were rejected by the Legislature;
5. To allow the commission to direct transmission and distribution utilities to provide credit support for nonresidential customers to facilitate those customers obtaining generation service contracts; and
6. To direct the commission to adopt major substantive rules establishing minimum energy efficiency standards, including enforcement mechanisms, for commercial and consumer products sold or offered for sale in this State and not covered by the federal EPACT (Energy Policy Act of 2005, Public Law 109-58, 119 Stat. 594 (2005)).

Committee Amendment “A” (H-1024) proposed to replace the bill. The amendment proposed the following:

1. To provide for a one-year reduction in the sales and use tax on biofuels and to direct the State Controller to transfer \$20,000 from the General Fund unappropriated surplus to the Highway Fund unappropriated surplus no later than June 30, 2007. It proposed to direct the Department of the Secretary of State, Bureau of Motor Vehicles to convene a study group to consider the revenue impacts of a differential tax on biodiesel, the impacts on tax administration and compliance and alternatives to a differential tax including a refund process. It proposed to authorize the Joint Standing Committee on Utilities and Energy to report out legislation on this matter to the First Regular Session of the 123rd Legislature.
2. To make various changes to the Public Utilities Commission's authority to manage standard-offer service. It would allow the commission to incorporate cost-effective demand-side measures into the supply of standard-