

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.

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3. It requires the Public Utilities Commission to submit to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters before January 1, 2008 the commission's assessment of the effectiveness of the energy disclosure statement in meeting the purposes of the law.

LD 2078

An Act To Establish the Island Falls Water District

P & S 49

<u>Sponsor(s)</u> JOY MARTIN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2078 proposed to establish the Island Falls Water District.

Enacted law summary

Private and Special Law 2005, chapter 49 establishes the Island Falls Water District, subject to voter approval in a referendum held within the district.

LD 2080

An Act To Accelerate Private Investment in Maine's Wireless and Broadband Infrastructure

PUBLIC 665

<u>Sponsor(s)</u> PINGREE BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1018
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LD 2080 proposed the following:

1. To establish the Advanced Technology Investment Authority governed by a 5-member board, including the Chief Information Officer of the State, the chair of the Maine Public Utilities Commission and 3 other members;
2. To direct the authority to collect information concerning communications services in the State, assess the availability and need for services in unserved and underserved areas, identify and secure federal and other funding sources for broadband and wireless deployment and undertake projects to provide increased access to broadband and wireless communications services in unserved and underserved areas of the State;
3. To authorize the authority to up to expend up to \$500,000 in previously collected but unallocated funds of the Maine universal service fund;
4. To establish the Advisory Council on Advanced Technology Investment to advise the authority on technical, policy, financial and economic issues and to perform limited functions assigned to it by the authority; and
5. To allow a reimbursement for taxes paid on the purchase of machinery and equipment to develop an advanced communications technology infrastructure in a qualifying ConnectME zones designated by the authority.

Committee Amendment "A" (H-1018) proposed to replace the bill. It proposed to retain the substance of the bill but to make the following changes:

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1. To change the name of the Advanced Technology Infrastructure Authority and the Advisory Council on Advanced Technology Investment to the ConnectME Authority and the ConnectME Advisory Council, respectively, and to clarify that members of each are not entitled to compensation for their work on the authority or the council;
2. To provide that the chair of the Public Utilities Commission and the Chief Information Officer may appoint designees to serve on their behalf on the authority;
3. To provide that the Director of the Office of Innovation within the Department of Economic and Community Development appoints the members of the advisory council representing the Maine Technology Institute and the Small Enterprise Growth Fund;
4. To limit the authority of the ConnectME Authority to undertake projects. The limits would ensure that projects are only undertaken in an unserved or underserved area and that advanced communications technology infrastructure would not otherwise be provided in the area without the assistance of the authority. The authority would be prohibited from providing communications services or wireless services at retail or wholesale;
5. To remove the provision of the bill providing for perpetual succession of the authority. All provisions relating to the authority and advisory council would be repealed on January 31, 2009. It proposed to direct the authority to submit a plan by January 31, 2008, with implementing legislation for winding up its affairs;
6. To repeal the tax reimbursement provision on January 31, 2009;
7. To add to the authority's reporting requirements that the authority report annually on the availability of communications services and advanced communications technology infrastructure as well as market conditions in the State;
7. To prohibit the authority from collecting cable franchise fees;
8. To limit the authority's ability to designate information as confidential and require the authority to adopt major substantive rules regarding confidentiality;
9. To authorize the authority to use the services of up to 3 full-time employees from agencies with expertise in matters relating to the purposes of the authority;
10. To allow the authority to use up to \$500,000 from the state universal service fund but require the authority to reimburse the fund. The funds would not be available to the authority until it received authorization to finally adopt its governing major substantive rules;
11. To establish an assessment on communications service providers to fund the authority. Cellular providers would not be subject to the assessment but facilities-based wireless providers could choose to be assessed and thereby become eligible to partner with the authority in its projects. The assessment would be not be authorized until the authority received authorization to finally adopt its governing major substantive rules; and
12. To make a variety of technical changes to the bill.

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Senate Amendment “A” to Committee Amendment “A” (S-675) (not adopted) proposed to eliminate provisions providing for reimbursement of taxes relating to advanced communications technology infrastructure.

Enacted law summary

Public Law 2005, chapter 665 does the following.

1. It establishes the ConnectME Authority to stimulate investment in advanced communications technology infrastructure in unserved and underserved areas of the State.
2. It directs the authority to monitor wireless coverage, expand the availability of broadband in unserved and underserved areas, collect data on and assess the availability of advanced telecommunications services in unserved and underserved areas, and identify and secure federal and other funding sources for broadband and wireless deployment or education. The definition of “unserved and underserved areas” is to be established by major substantive rule of the authority.
3. It grants the authority broad powers to acquire property, enter contracts, operate facilities, charge fees, lease property, etc. It also authorizes the authority to gather information from communications service providers. It authorizes the authority to designate information as confidential but requires the authority to adopt major substantive rules regarding standards for making such a designation.
4. It limits the ability of the authority to undertake projects. These limits are designed to ensure that the projects are only undertaken in an unserved or underserved area and that advanced communications technology infrastructure would not otherwise be provided in the area without the assistance of the authority. The authority is also prohibited from providing communications services or wireless services at retail or wholesale.
5. It authorizes the authority to use the services of up to 3 full-time employees from agencies such as the Public Utilities Commission with expertise in matters relating to the purposes of the authority.
6. It establishes an assessment on communications service providers to fund the authority. Facilities-based wireless providers may choose to be assessed and thereby become eligible to partner with the authority in its projects. This assessment is delayed, however, until the authority receives authorization to finally adopt its governing rules, which are major substantive rules.
7. It authorizes a temporary transfer to the authority of previously collected but unallocated funds in the Maine universal service fund. The transfer is not authorized until the authority receives authorization to finally adopt its governing rules, which are major substantive rules. The authority is required to reimburse the fund once it has collected sufficient funds through its assessment; the commission is directed to return the funds to ratepayers.
8. It requires the authority to report annually to the Joint Standing Committee on Utilities and Energy on its activities and authorizes the committee, after receiving the report, to report out legislation relating to the authority.
9. It establishes an advisory council to advise the authority on technical, policy, financial and economic issues and to undertake limited functions assigned to it by the authority.
10. It provides for repeal of all provisions relating to the authority and advisory council on January 31, 2009 and directs the authority to submit a year prior to that date a plan with implementing legislation for winding up its

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affairs. The Joint Standing Committee on Utilities and Energy may report out legislation to the 2nd Regular Session of the 123rd Legislature legislation providing for the winding up of the affairs of the authority or the repeal of the sunset.

11. It allows a reimbursement for taxes paid on the purchase of machinery and equipment to develop an advanced communications technology infrastructure in a qualifying zones designated by the authority. The total amount reimbursed in any fiscal year may not exceed \$500,000. This tax reimbursement provision is repealed January 31, 2009.

LD 2088

**Resolve, Concerning the Collection of the Statewide E-9-1-1
Surcharge from Prepaid Wireless Telephone Service**

RESOLVE 162

Sponsor(s)

Committee Report

Amendments Adopted

LD 2088 was reported by the Joint Standing Committee on Utilities and Energy pursuant to Resolve 2005, chapter 62, section 3.

This resolve proposed to direct the Public Utilities Commission to form a stakeholder group to define an appropriate amount of and means of collecting and remitting an E-9-1-1 surcharge on prepaid wireless telephone service. The commission would be directed to submit a report of the stakeholder group's recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The resolve proposed to authorize the commission to offer its own recommendations on the subject if the stakeholder group failed to reach agreement or the commission otherwise determined it appropriate to supply its own separate recommendations. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters would be authorized to report out legislation relating to the subject matter of this resolve to the First Regular Session of the 123rd Legislature.

Enacted law summary

Resolve 2005, chapter 162 directs the Public Utilities Commission to form a stakeholder group to define an appropriate amount of and means of collecting and remitting an E-9-1-1 surcharge on prepaid wireless telephone service. The commission is directed to submit a report of the stakeholder group's recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The resolve authorizes the commission to offer its own recommendations on the subject if the stakeholder group fails to reach agreement or the commission otherwise determines it appropriate to supply its own separate recommendations. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters is authorized to report out legislation relating to the subject matter of this resolve to the First Regular Session of the 123rd Legislature.

LD 2100

An Act To Amend the Charter of the Anson Water District

P & S 51

Sponsor(s)
MILLS P

Committee Report
OTP-AM

Amendments Adopted
S-601