

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON UTILITIES AND
ENERGY**

July 2007

MEMBERS:

SEN. PHILIP L. BARTLETT, II, CHAIR
SEN. BARRY J. HOBBS
SEN. DOUGLAS M. SMITH

REP. LAWRENCE BLISS, CHAIR
REP. HERBERT ADAMS
REP. PETER L. RINES
REP. RICHARD D. BLANCHARD
REP. SETH A. BERRY
REP. JON HINCK
REP. KENNETH C. FLETCHER
REP. PHILIP A. CURTIS
REP. STACEY ALLEN FITTS
REP. MICHAEL THIBODEAU

STAFF:

LUCIA A. NIXON, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Utilities and Energy

the Passamaquoddy Tribe the opportunity to acquire, develop, finance and provide electric power within their respective Indian territories to allow them to develop a sustainable local economy.

LD 230 An Act To Clarify the Scope of Conservation Programs with Respect to Electricity Use **ONTP**

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

This bill specifies that conservation programs administered by the Public Utilities Commission, in addition to saving electricity, may also result in savings in nonelectric fuels that are incidental to electricity savings.

LD 240 An Act To Establish a Discounted Cable Rate for Senior Citizens and Assisted Living Facilities **ACCEPTED ONTP REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	ONTP MAJ OTP-AM MIN	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide a discounted rate for cable television service for senior citizens and persons who reside in assisted living facilities.

Committee Amendment "A" (S-46)

This amendment (not adopted) replaces the bill and is the minority report of the committee. The amendment requires a housing facility for older persons that receives a discount on cable television services to pass through 95% of the discount to residents of the facility.

LD 242 An Act To Establish a "Do Not Fax" List **ONTP**

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

This bill establishes a "Do Not Fax" list to be maintained by the Office of the Attorney General and prohibits the unsolicited transmission of a fax message to a telephone number listed on the "Do Not Fax" list.

The Joint Standing Committee on Utilities and Energy, by letter dated 4/13/07, requested that the Office of the Attorney General and the Office of the Public Advocate each provide information in their consumer publications regarding the laws and regulations governing unsolicited faxes and how consumers can file complaints.

LD 267 An Act To Ensure Proper Funding of the Public Utilities Commission **PUBLIC 16 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	H-11

Joint Standing Committee on Utilities and Energy

This bill eliminates the fixed annual cap of \$5,505,000 for the Public Utilities Commission's assessment on the gross intrastate operating revenues of utilities that provides funding for the commission and replaces it with language that allows the commission set the assessment annually to provide sufficient revenue for the level of expenditures allocated by the Legislature for operating the commission.

Committee Amendment "A" (H-11)

This amendment clarifies the role of the joint standing committee of the Legislature having jurisdiction over public utilities matters with respect to review and oversight of the Public Utilities Commission's budget and the commission's Regulatory Fund in particular. It amends the provision of law governing the legislative approval of the commission's budget to specify that the commission shall present its budget to the joint standing committee and that the committee shall make recommendations on the entire budget, including the Regulatory Fund. The amendment also clarifies the language in the bill regarding the maximum total assessment to specify that legislative allocations for the Regulatory Fund govern the total assessment amount. Finally, it also clarifies that the Legislature may allocate, not only appropriate, additional funds for the commission.

Enacted Law Summary

Public Law 2007, chapter 16 eliminates the fixed annual cap of \$5,505,000 for the Public Utilities Commission's assessment on the gross intrastate operating revenues of utilities that provides funding for the commission and replaces it with language that allows the commission set the assessment annually to provide sufficient revenue for the level of expenditures allocated by the Legislature for operating the commission. This law also clarifies the role of the joint standing committee of the Legislature having jurisdiction over public utilities matters with respect to review and oversight of the Public Utilities Commission's budget and the commission's Regulatory Fund in particular. It amends the provision of law governing the legislative approval of the commission's budget to specify that the commission shall present its budget to the joint standing committee and that the committee shall make recommendations on the entire budget, including the Regulatory Fund.

Public Law 2007, chapter 16 was enacted as an emergency measure effective March 23, 2007.

LD 268 An Act Regarding the Long-term Contracting Authority of the Public Utilities Commission

PUBLIC 293

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM MAJ ONTP MIN	H-220

This bill makes several changes to the laws governing capacity resources for electricity generation and the Public Utilities Commission's authority to direct transmission and distribution utilities to enter into long-term contracts for capacity resources. The bill includes the following provisions.

1. It amends the definition of "interruptible, demand response or energy efficiency capacity resource" to shift responsibility for recognizing these resources from the commission to New England independent system operator.
2. It amends the definition of "renewable capacity resource," to clarify the definition with respect to the application of fish passage requirements for hydroelectric generators.
3. It amends the laws governing long-term contracts for capacity resources to allow contracted energy to be sold into the wholesale market in conjunction with standard offer solicitations.
4. It adds language to provide the commission with authority to direct transmission and distribution utilities to enter long-term contracts for ancillary services and renewable energy credits associated with capacity