

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

**JOINT STANDING COMMITTEE ON UTILITIES AND
ENERGY**

May 2008

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Utilities and Energy

**LD 398 An Act To Require Transmission Lines To Be Placed Underground near
Certain Facilities**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	ONTP MAJ RE-REF MIN	

This bill requires that high-voltage transmission lines capable of operating at 115 kilovolts or more that are constructed, rebuilt or relocated on or after October 1, 2007 near areas that are frequently used by children, including residential areas, public playgrounds, schools, child care facilities and children's camps, be placed underground. The bill directs the Public Utilities Commission to adopt rules regarding this requirement, and it provides an exemption from the requirement if a transmission and distribution utility can demonstrate to the Public Utilities Commission that it is technologically infeasible to place the transmission line underground.

**LD 435 An Act To Require Utilities and Competitive Service Providers To Pay
Interest on Overestimates of Electric**

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	ONTP MAJ OTP MIN	

This bill directs the Public Utilities Commission to adopt routine technical rules that require transmission and distribution utilities and competitive service providers to pay customers accrued interest of 5% on any amount billed for overestimated usage resulting from an estimated electric power bill.

LD 1098 An Act To Promote Electricity Transmission Independence

ONTP

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

This bill allows the Public Utilities Commission to order the transfer or divestiture of a transmission and distribution utility's transmission or transmission-related assets if the commission finds it will lower costs of electricity to consumers in the State, will not have a negative impact on the operation of the transmission system and is in the public interest, or if the commission finds that the utility constructed a transmission line without approval from the commission, that is, without obtaining a certificate of public convenience and necessity.

The bill provides that if the commission orders such a transfer or divestiture, it may order that the transmission assets be sold or transferred to an independent transmission company. The terms of the transfer or divestiture must be approved by the commission and provide fair compensation, and the transfer or divestiture must occur within 12 months of the order.

LD 1099 An Act To Encourage Wind Energy Development

ONTP

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

Joint Standing Committee on Utilities and Energy

This bill does the following to encourage wind energy development:

1. It allows the Finance Authority of Maine and the Public Utilities Commission to establish a program to increase the financial capacity of the Finance Authority of Maine programs to assist in financing wind energy development and allows the use of funds from the conservation program fund;
2. It allows the State to provide the benefits of Pine Tree Development Zone eligibility to wind energy projects;
3. It declares that enhancement of electricity transmission from northern and eastern to southern areas of the State is essential to wind energy development;
4. It makes permanent the community wind power generator tax credit by removing the scheduled repeal under current law of that tax credit on December 31, 2007; and
5. It provides for the Department of Environmental Protection, Board of Environmental Protection to adopt major substantive rules for streamlined permitting of wind energy projects and the designation by the State of preferred areas for viable wind energy project development.

Committee Amendment "A" (S-313)

This amendment replaces the bill. The amendment makes one change to current law related to wind energy. Specifically, the amendment extends the community wind power generator tax credit in current law by changing the repeal date for this tax credit from December 31, 2007 to December 31, 2009.

In the First Regular Session, this bill, as amended by Committee Amendment "A" (S-313), was placed on the Special Appropriations Table pending enactment. The bill was subsequently taken from the table, committed to the Joint Standing Committee on Utilities and Energy and carried over by H.P. 1369 from the First Regular Session to any special or regular session of the 123rd Legislature.

**LD 1216 Resolve, To Establish a Study Commission To Stimulate
Telecommunications Investment, Economic Development and Job Creation**

ONTP

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

This resolve is a concept draft pursuant to Joint Rule 208. The resolve proposes to establish a study commission to study the current regulations in the telecommunications industry and develop recommendations to promote investment, economic development and job creation.

LD 1221 An Act To Amend the Charter of the Kennebunk Light and Power District

P & S 35

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM MAJ ONTP MIN	H-713 FLETCHER H-714 PERRY A S-412

This bill amends the Kennebunk Light and Power District charter to allow Kennebunk Light and Power District to provide retail electric service throughout the entire Town of Kennebunk subject to referendum but without the need