

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON UTILITIES AND  
ENERGY**

July 2007

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# STATE OF MAINE

123<sup>RD</sup> 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 123<sup>rd</sup> 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*

**LD 1148    An Act To Protect Electric Ratepayers**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAUTIGAM PERRY J	ONTP	

This bill imposes an excise tax on the capacity of electricity producers with more than 20 megawatts of capacity. Revenue from the tax is distributed by the Public Utilities Commission to individual electricity ratepayers based on the amount paid for the generation of electricity by those ratepayers.

**LD 1151    An Act To Streamline the Review of Minor Tariff Filings of Consumer-owned Water Utilities**

**PUBLIC 127**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-119

This bill seeks to exempt a rate, toll or charge by a consumer-owned water utility for a service other than the provision of water that will not increase the revenues of a consumer-owned water utility by more than 1% from statutory requirement that rate changes of consumer-owned water utilities be subject to suspension, investigation, hearing and rate substitution by the Public Utilities Commission.

**Committee Amendment "A" (H-119)**

This amendment replaces the bill. The amendment clarifies the exception to the laws that require that rate changes of consumer-owned water utilities be subject to suspension, investigation, hearing or rate substitution by the Public Utilities Commission that is proposed in the bill. The exception is limited to changes in rates or charges for services other than the provision of water, as in the bill. The amendment specifies that the cumulative effect of such changes over a 12-month period may not exceed 1% of total annual revenue. The amendment also places the exception in a more relevant section of the law.

**Enacted Law Summary**

Public Law 2007, chapter 127 provides an exception to the laws that require that rate changes of consumer-owned water utilities be subject to suspension, investigation, hearing or rate substitution by the Public Utilities Commission. The exception is limited to changes in rates or charges for services other than the provision of water and the cumulative effect of such changes over a 12-month period may not exceed 1% of total annual revenue.

**LD 1153    An Act To Allow Affordable Housing Discretionary Water and Sewer Fee Waivers**

**PUBLIC 174**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE	OTP-AM   MAJ ONTP    MIN	H-211

Current law requires that rates charged by water, sewer and sanitary districts are uniform within the territory of the district whenever the cost of service is uniform. This bill provides an exception to the uniform rate requirement for affordable housing. Specifically, the bill grants water, sewer and sanitary districts the authority to reduce or waive the rates charged to affordable housing properties within the districts. The bill also requires that the reduction in the rates is credited directly to the associated customer account.

# Joint Standing Committee on Utilities and Energy

## Committee Amendment "A" (H-211)

This amendment replaces the bill and is the majority report of the committee. The amendment enables the governing body of a quasi-municipal or municipal water or sewer utility to reduce the connection fee or impact fee charged for the establishment of service when that service is being provided to newly constructed affordable housing units that are owner-occupied, single-family dwellings or condominiums. Any reduced connection fee or impact fee must be applied uniformly and must be credited to the purchaser of the affordable housing unit. The water or sewer utility is required to notify ratepayers of any reduction in the connection fee or impact fee and may allocate the cost of the fee reduction across all ratepayers.

### Enacted Law Summary

Public Law 2007, chapter 174 allows the governing body of a quasi-municipal or municipal water or sewer utility to reduce the connection fee or impact fee charged for the establishment of service when that service is being provided to newly constructed affordable housing units that are owner-occupied, single-family dwellings or condominiums. The law requires that any reduced connection fee or impact fee must be applied uniformly and must be credited to the purchaser of the affordable housing unit. The water or sewer utility is required to notify ratepayers of any reduction in the connection fee or impact fee and may allocate the cost of the fee reduction across all ratepayers.

## LD 1160      **Resolve, To Encourage the Development of Water Power To Provide for Maine's Energy Needs**

ONTP

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

This bill directs the Department of Environmental Protection to study a plan for a pilot program to use the hydropower potential of the State. It requires the department to canvass all of the State's inland water bodies to determine the potential of each for generating electricity, including feasibility and cost, and it requires the department to report its findings by January 31, 2008, to the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on Natural Resources.

## LD 1205      **An Act To Amend the Laws Preventing the Pollution of Portland's Water Supply**

P & S 15

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

This bill updates and clarifies the private and special law governing the protection of the water supply for the Portland Water District and increases fines for contact with the waters of Sebago Lake within 2 miles of the Portland Water District intake pipes and for trespassing on land acquired by the district to protect its water supply.

### Enacted Law Summary

Private and Special Law 2007, chapter 15 updates and clarifies the law governing the protection of the water supply for the Portland Water District and increases fines for contact with the waters of Sebago Lake within 2 miles of the Portland Water District intake pipes and for trespassing on land acquired by the district to protect its water supply.