

MAINE STATE LEGISLATURE

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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

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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

3. A green communities program to support and recognize communities in the State that take steps to become more energy independent, reduce reliance on fossil fuels and increase reliance on renewable energy resources.

The bill authorizes the committee to submit legislation regarding each of these initiatives to the Second Regular Session of the 123rd Legislature following its review of the report on each initiative.

The bill requires the Office of Energy Independence, in consultation with the Public Utilities Commission and the State Planning Office, to review the laws governing the Office of Energy Independence and other state laws relating to the functions of that office. It requires the Office of Energy Independence to submit a report on the results of the review, including recommended legislation, to the Joint Standing Committee on Utilities and Energy by January 1, 2008 and authorizes the committee to submit legislation related to the report.

Committee Amendment "A" (S-125)

This amendment replaces the bill with a resolve. The amendment directs the Executive Department, Office of Energy Independence and Security to conduct a review of the current policy-making and administrative structures and functions within State Government relating to energy policy and to develop recommendations regarding the organization of energy-related responsibilities within a clearly defined statutory framework that provides for well-coordinated and efficient formulation, management and administration of state energy policy. The amendment directs the office to consider, as part of its review, ideas for advancing the development of energy independence policy initiatives to support biofuels, renewable energy, cogeneration and green communities. The amendment requires the office to submit a report and recommendations to the Joint Standing Committee on Utilities and Energy by January 1, 2008 and authorizes the joint standing committee to submit legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 59 directs the Executive Department, Office of Energy Independence and Security to conduct a review of the current policy-making and administrative structures and functions within State Government relating to energy policy and to develop recommendations regarding the organization of energy-related responsibilities within a clearly defined statutory framework that provides for well-coordinated and efficient formulation, management and administration of state energy policy. The resolve directs the office to consider, as part of its review, ideas for advancing the development of energy independence policy initiatives to support biofuels, renewable energy, cogeneration and green communities. The resolve requires the office to submit a report and recommendations to the Joint Standing Committee on Utilities and Energy by January 1, 2008 and authorizes the joint standing committee to submit legislation to the Second Regular Session of the 123rd Legislature.

LD 1302 Resolve, To Preserve Maine's Electric Energy Infrastructure

RESOLVE 37

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

This resolve directs the Department of Environmental Protection to report by January 1, 2008, to the Joint Standing Committee on Utilities and Energy on the quantitative criteria that the department uses to fulfill the standards of the Maine Waterway Development and Conservation Act with respect to assessing the value of hydropower generation. The report must include the methods used by the department to determine the current and future value of renewable energy in terms of electricity costs, indigenous production, greenhouse gases and fossil fuel independence.

Committee Amendment "A" (H-152)

This amendment (not adopted) is the minority report of the committee. The amendment retains the requirement

Joint Standing Committee on Utilities and Energy

that the Department of Environmental Protection report on the criteria it uses to fulfill the standards of the Maine Waterway Development and Conservation Act with respect to assessing the value of hydropower generation, but removes the specific focus on quantitative criteria and amends the content of the report to include a summary of written findings of fact from a representative sample of cases and written explanation of how the findings of fact are used in decisions regarding hydropower projects.

Enacted Law Summary

Resolve 2007, chapter 37 directs the Department of Environmental Protection to report by January 1, 2008, to the Joint Standing Committee on Utilities and Energy on the quantitative criteria that the department uses to fulfill the standards of the Maine Waterway Development and Conservation Act with respect to assessing the value of hydropower generation. The report must include the methods used by the department to determine the current and future value of renewable energy in terms of electricity costs, indigenous production, greenhouse gases and fossil fuel independence.

LD 1303 An Act To Establish the Columbia Falls Village Water District

**P & S 12
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIBBETTS	OTP-AM	H-112

This bill creates the Columbia Falls Village Water District, subject to approval by referendum vote. The bill also gives the district the authority to purchase the property and franchises of the Allen Water Company upon approval by the Public Utilities Commission.

Committee Amendment "A" (H-112)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Private and Special Law 2007, chapter 12 creates the Columbia Falls Village Water District, subject to approval by referendum vote. The bill also gives the district the authority to purchase the property and franchises of the Allen Water Company upon approval by the Public Utilities Commission.

Private and Special Law 2007, chapter 12 was enacted as an emergency measure effective May 11, 2007, for the purpose of permitting its submission to the voters of the district in a referendum.

LD 1331 An Act To Encourage Community Wind Power Projects

ONTP

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

This bill establishes an incentive payment of 1.5¢ per kilowatt-hour to qualifying community wind energy projects for the first 10 years of turbine operation on all electricity sold back to the electricity distribution system. The bill directs the Public Utilities Commission to administer the incentive payment program and to create a community wind energy advisory office to assist potential developers of community wind energy projects with site identification, wind measurement, feasibility analysis and other tasks required for project development. To qualify for the production incentive payment, a wind energy project must generate between 600 kilowatts and 2 megawatts of power, be locally owned, be sited in a location with a class 3 or higher wind resource, be interconnected with the electricity distribution system and have an agreement to sell power generated by the project. The bill requires