

# 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

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

## *Joint Standing Committee on Utilities and Energy*

transmission and distribution utilities to offer a standard purchase agreement and standard purchase tariff for power generated by community wind energy projects.

**LD 1339      *Resolve, To Reduce Energy Costs for Consumers***

**ONTP**

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

This resolve requires the Public Utilities Commission to work with electric utilities to institute a pilot program to promote the use of "smart meters" in electricity billing. The resolve requires the commission to report its findings and recommendations concerning the promotion of smart meters to the Joint Standing Committee on Utilities and Energy by January 4, 2008 and authorizes the committee to submit legislation concerning the promotion of the use of smart meters to the Second Regular Session of the 123rd Legislature.

**LD 1340      *An Act To Enhance the Reliability and Competitiveness of Maine's Electricity Market***

**ONTP**

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

This bill allows the Public Utilities Commission to order investor-owned transmission and distribution utilities to own or control generation assets if the commission determines that ownership or control is necessary to provide reliable and efficient service.

**LD 1346      *An Act To Enhance Maine's Energy Independence and Reduce Electricity Costs***

**ONTP**

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

Current law establishes as a policy of the State the goal of increasing the share of new renewable capacity resources as a percentage of the total capacity resources in this State by 10% by 2017. This bill implements that policy goal by establishing portfolio requirements for new renewable capacity resources, beginning at 1% for calendar year 2008 and increasing by one percentage point per year until 2017.

The bill allows competitive electricity providers to meet the new renewable capacity portfolio requirements through the use of renewable energy credits or an alternative compliance payment mechanism to be established by the commission. It allows competitive electricity providers to meet the renewable portfolio requirements through the use of renewable energy credits without requiring that the Public Utilities Commission determine that a reliable system of electrical attribute trading exists.

The bill allows the Public Utilities Commission to suspend all or some of the new renewable capacity portfolio requirements if it finds that investment in new renewable capacity resources is insufficient and the resulting use of the renewable energy credits or the alternative payment system has burdened electricity customers, and it requires the commission to suspend the requirements if the alternative payment system is used to meet the portfolio requirements for 3 or more consecutive years. The bill requires the commission to report annually to the Legislature regarding the status of new renewable capacity resources in the State. Finally, the bill requires the Public Utilities Commission to establish a standard-offer service that is composed of 100% renewable