

# 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*

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

## *Joint Standing Committee on Utilities and Energy*

resources beginning in 2009.

(LD 1920, enacted as Public Law 2007, chapter 403, relates to the same issues as LD 1346.)

**LD 1347      *Resolve, Regarding Alternative Fuel Incentives To Stimulate the Production, Distribution and Use of Biofuels***

**RESOLVE 51**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM	H-268

This bill creates the Alternative Fuels Incentive Act and the Alternative Fuels Incentive Fund to support the production, distribution and use of alternative fuels. The fund is funded by an annual assessment on public utilities and competitive service providers to produce \$3,000,000 annually and is administered by the Department of Environmental Protection. The fund may be used for grants to school districts, political subdivisions, nonprofit entities, corporations, limited liability companies and partnerships incorporated or registered in the State, reimbursements and rebates to support the use of alternative fuel vehicles and the production of alternative fuels, including a rebate for residents of the State who purchase a hybrid vehicle.

**Committee Amendment "A" (H-268)**

This amendment replaces the bill with a resolve. The amendment directs the Executive Department, Office of Energy Independence and Security to study and make policy recommendations regarding the establishment of an alternative fuel incentive program in the State to stimulate the production, distribution and use of biofuels. The amendment requires the Office of Energy Independence and Security to report its findings and recommendations to the Joint Standing Committee on Utilities and Energy by January 15, 2008 and authorizes the committee to submit legislation related to alternative fuel incentives to the Second Regular Session of the 123rd Legislature.

**Enacted Law Summary**

Resolve 2007, chapter 51 directs the Executive Department, Office of Energy Independence and Security to study and make policy recommendations regarding the establishment of an alternative fuel incentive program in the State to stimulate the production, distribution and use of biofuels. The resolve requires the Office of Energy Independence and Security to report its findings and recommendations to the Joint Standing Committee on Utilities and Energy by January 15, 2008 and authorizes the committee to submit legislation related to alternative fuel incentives to the Second Regular Session of the 123rd Legislature.

**LD 1360      *An Act To Permit the University of Maine System To Install Lines on Utility Facilities in Public Rights-of-way***

**PUBLIC 268  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM   MAJ ONTP   MIN	S-153

This bill requires that owners of utility facilities in a public right of way reasonably accommodate attachment of traffic control signals and appurtenances to their facilities without cost to the public. The bill also allows the University of Maine System to install poles and wires in public way rights-of-way for the purpose of transmitting data between and among its facilities and partnering education and research organizations.

**Committee Amendment "A" (S-153)**

This amendment is the majority report of the committee. The amendment strikes the provision of the bill