

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

administrative units to participate in the Public Utilities Commission's Efficiency Maine programs and to encourage data collection on school energy consumption and costs. The amendment requires the commission to report on the plan as part of the annual report of the Efficiency Maine program.

Enacted Law Summary

Resolve 2007, chapter 55 directs the Public Utilities Commission to develop a plan to increase energy efficiency and conservation in school facilities in the State, to promote opportunities for school administrative units to participate in the Public Utilities Commission's Efficiency Maine programs and to encourage data collection on school energy consumption and costs. The resolve requires the commission to report on the plan as part of the annual report that is required for the Efficiency Maine program.

LD 1675 Resolve, Regarding Full, Fair and Nondiscriminatory Access to the Internet

RESOLVE 106

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM MAJ ONTP MIN	S-192

This bill requires Internet service providers offering service in the State to offer nondiscriminatory access to the Internet for all users. Elements of nondiscriminatory access, as provided in the bill, include offering Internet service on demand on a first-come, first-served basis, not blocking or interfering with access to content, applications or service, enabling any Internet content, application or service to be provided on a nondiscriminatory basis, not restricting or impeding access between a content service provider and a customer and making its service available separate from content the provider may offer. The bill allows an Internet service provider to protect the security of a user's computer, offer consumer protection services and handle breaches of terms of service, provided that is done in a manner that meets the nondiscriminatory access requirements.

Committee Amendment "A" (S-192)

This amendment replaces the bill with a resolve. The amendment directs the Office of the Public Advocate to take several actions to monitor state and federal activity relating to full and fair access to the Internet and to submit a report summarizing the results of its activities to the Joint Standing Committee on Utilities and Energy by February 1, 2008.

Enacted Law Summary

Resolve 2007, chapter 106 directs the Office of the Public Advocate to take several actions to monitor state and federal activity relating to full and fair access to the Internet and to submit a report summarizing the results of its activities to the Joint Standing Committee on Utilities and Energy by February 1, 2008.

LD 1754 An Act To Incorporate the Greater Augusta Utility District

P & S 22

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	S-314

This bill is a concept draft pursuant to Joint Rule 208. This bill would accomplish the merger of the Augusta water and sewer districts and incorporate the Greater Augusta Utility District.

Enacted Law Summary

Private and Special Law 2007, chapter 22 creates the Greater Augusta Utility District subject to referendum. If approved by the voters of the City of Augusta and the voters of the City of Hallowell, it provides for the merger of

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the Augusta Water District, the Augusta Sanitary District and the sewer functions of the Hallowell Water District to create the Greater Augusta Utility District. If approved by the voters of the City of Augusta but not the voters of the City of Hallowell, it provides for the merger of the Augusta Water District and the Augusta Sanitary District to create the Greater Augusta Utility District.

LD 1755 An Act To Promote New Electrical Generation in Maine

INDEF PP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill would authorize Maine Revenue Services to impose a windfall profits tax on capacity payments made to certain power plants in Maine. The tax would apply to capacity payments to generators during the years 2007, 2008, 2009 and 2010 for capacity payments for sales of energy and capacity transmitted through a transmission and distribution utility. Payments used exclusively in the tax year for the creation of new generation assets in Maine will not be subject to the tax. New generation is generation constructed after January 1, 2007 and before December 31, 2010. This bill was indefinitely postponed prior to being referenced to a committee.

LD 1767 An Act To Encourage Community Network Development

ONTP

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

This bill establishes the Education and Municipal Technology Advisory Committee to provide oversight and advice to community networks and to aid in the development and maintenance of community networks by municipalities in partnership with local schools. Under the bill, a community network is defined as a computer system within a municipality that provides free or low-cost access to information and services through a centrally managed network or intranet or Internet connection or any combination of network and connections. The bill makes a one-time appropriation for the purpose of establishing a grant program from a fund to be administered by the advisory committee to aid in the development of community networks and an ongoing appropriation for expenses of the advisory committee members.

The Joint Standing Committee on Utilities and Energy, by letter dated 6/14/07, requested that the ConnectME Authority take steps to encourage the development of community networks and report back to the committee by January 15, 2008.

**LD 1836 An Act To Save Money for Maine Energy Consumers through
Enhanced Energy Efficiency**

ONTP

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

This bill directs the Public Utilities Commission to establish the Energy Efficiency Stakeholder Board to advise and assist the commission, other agencies, utilities and publicly directed energy efficiency program administrators in the design, implementation and review of a comprehensive energy savings plan to implement cost-effective energy conservation programs and market transformation initiatives. The bill sets an assessment rate on transmission and distribution utilities to fund conservation programs and specifies the method of