

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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 NATURAL RESOURCES

July 2007

MEMBERS:

SEN. JOHN L. MARTIN, CHAIR
SEN. PHILIP L. BARTLETT, II
SEN. DOUGLAS M. SMITH

REP. THEODORE S. KOFFMAN, CHAIR
REP. ROBERT S. DUCHESNE
REP. JANE E. EBERLE
REP. CHRISTOPHER W. BABBIDGE
REP. DAVID MIRAMANT
REP. RICHARD V. WAGNER
REP. JAMES M. HAMPER
REP. JAMES D. ANNIS
REP. JOHN F. McDONOUGH
REP. BERNARD L. A. AYOTTE

STAFF:

SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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 Natural Resources

1. Altering the membership of the technical advisory group to include a second nonvoting legislative member by adding a Legislator who serves on the joint standing committee of the Legislature having jurisdiction over marine resources matters;
2. Requiring submission of the annual report on the monitoring program to the joint standing committee of the Legislature having jurisdiction over marine resources matters; and
3. Directing the Commissioner of Environmental Protection and the Commissioner of Marine Resources to make a report to the relevant joint standing committees by January 4, 2008 identifying a reliable and consistent source of funding for the program

LD 1851

An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007

PUBLIC 317

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM MAJ OTP-AM MIN	H-321 H-380 BLISS

This bill establishes a statewide carbon dioxide cap-and-trade program for fossil fuel fired electrical generating units within the State that have a nameplate capacity equal to or greater than 25 megawatts and requires the Department of Environmental Protection to develop carbon dioxide cap-and-trade rules. The bill also authorizes the Department of Environmental Protection to adopt major substantive rules regarding combined heat and power incentives and the Public Utilities Commission to adopt major substantive rules regarding the establishment and administration of the Maine Energy Conservation Board. The bill also authorizes the sale of carbon dioxide emissions allowances for the benefit of consumers and the creation of the Energy and Carbon Savings Trust.

Committee Amendment "A" (H-321)

This amendment makes the following changes to the bill.

1. It amends the provision of the bill regarding additional assessments on transmission and distribution utilities to fund efficiency programming to require that prior to making such assessments the Public Utilities Commission shall consider: the amount and timing of the existing assessments to fund conservation programs; the funding for conservation programs through the Energy and Carbon Savings Trust; forward capacity market payments; and other predictable sources of funding for or investment in energy conservation and efficiency programs. It also specifies that any such assessments may not be charged until the Legislature has approved the commission's budget and requires that the commission identify these assessments in its presentation of its budget recommendations in any current services budget legislation or supplemental budget legislation. It specifies that these additional assessments must be paid on the same schedule that payment of assessments to the commission is required for the current conservation program assessment.
2. It amends the provisions of the bill regarding the Maine Energy Conservation Board in several ways. It changes the composition of the board as follows: it removes 3 trustees of the Energy and Carbon Savings Trust from the board as voting members, while retaining one trustee on the board as a nonvoting member; and it adds as voting members a representative of small business, the Commissioner of Environmental Protection or the commissioner's designee and the director of the Governor's Office of Energy Independence and Security or the director's designee. The amendment removes the Public Utilities Commission's responsibility for staffing the board and authorizes the board to contract for technical expertise and administrative services.
3. It amends the provision in the bill regarding the energy efficiency and conservation plan. It specifies that the plan must be a triennial plan developed jointly by the Public Utilities Commission and the trustees of the

Joint Standing Committee on Natural Resources

Energy and Carbon Savings Trust with input from the Maine Energy Conservation Board. It requires that the commission and the trustees consult the board in development of the plan and authorizes the board to submit recommended changes to the plan to the commission and the trustees for review. It requires the board to vote on the plan and make a full report of its vote to the commission and the trustees. It specifies that with respect to the commission's conservation programs, the first triennial plan must address programs implemented on or after July 1, 2010.

4. It amends the provisions of the bill governing the Energy and Carbon Savings Trust to provide an effective date of October 1, 2008; to remove the Public Utilities Commission's responsibility for the management, administration, staffing and rulemaking of the trust and other trust-related responsibilities, while retaining the provision that requires the commission to appoint the 3 trustees; to specify that legal action in the name of the trust is to be taken by the trustees; and to provide initial funding for the trust through a temporary transfer of funds from the conservation program fund to the trust to be repaid when the trust receives revenue as a result of the regional greenhouse gas initiative.

5. It amends the circumstances under which the Commissioner of Environmental Protection may grant a waiver of enforcement for violations of the carbon dioxide cap-and-trade program. The bill authorizes the commissioner to grant waivers if the regional greenhouse gas initiative auction results in price levels that are expected to be excessive, or that are excessive and will result, or that are expected to result, in immediate and irreparable harm. The amendment authorizes the commissioner to grant a temporary waiver of enforcement, not to exceed one year, if the regional greenhouse gas initiative results in price levels for allowances that will result in immediate and irreparable harm.

6. It amends the provisions regarding combined heat and power units. The bill requires the Department of Environmental Protection to set aside a portion of the emissions allowances for carbon dioxide budget units that are combined heat and power units located at integrated manufacturing facilities. The amendment clarifies that the department is required to use the allowances for emissions related to electricity and thermal power generated at a unit that is a combined heat and power unit and to clarify that a combined heat and power unit may be a combined cycle system or other energy generation configuration. It also clarifies language authorizing department rules to distinguish between combined heat and power units that commence operation after July 1, 2007 and those that commence operation before July 1, 2007.

7. It amends the provision regarding the submittal of an annual report by the Department of Environmental Protection and the Energy and Carbon Savings Trust by clarifying that the joint standing committees of the Legislature having jurisdiction over natural resources matters and utilities and energy matters may individually submit legislation relating to areas within each committee's jurisdiction.

8. It adds a provision to the bill that directs the Office of the Public Advocate to study the feasibility of integrating the programmatic and organizational responsibilities and functions with respect to energy efficiency and conservation within the Public Utilities Commission and the Energy and Carbon Savings Trust and consider the responsibilities of the Maine Energy Conservation Board in relation to the commission and the trust. The Office of the Public Advocate is required to submit a report by January 15, 2008 to the Joint Standing Committee on Utilities and Energy, and the committee may submit legislation on this issue to the Second Regular Session of the 123rd Legislature.

9. It adds an appropriations and allocations section to the bill.

House Amendment "A" (H-380)

This amendment changes the establishment date of the Energy and Carbon Savings Trust and the Energy and

Joint Standing Committee on Natural Resources

Carbon Savings Trust Fund from October 1, 2008 to July 1, 2008 and makes the same date change to the authorization to transfer funds.

This amendment also requires the Office of the Public Advocate, in its study of integrating and combining responsibilities for energy efficiency functions into a single entity, to identify and report on options and the timing of integration.

Enacted Law Summary

Public Law 2007, chapter 317 establishes a statewide carbon dioxide cap-and-trade program for fossil fuel fired electrical generating units within the State that have a nameplate capacity equal to or greater than 25 megawatts of electrical output. The cap-and-trade program is contingent on initiation of comparable programs in other states that are participating in the northeast regional greenhouse gas initiative. Chapter 317 requires the Department of Environmental Protection to develop carbon dioxide rules to implement the cap-and-trade program. Chapter 317 also:

1. Amends the laws governing the Public Utilities Commission's Efficiency Maine program, including a provision for an additional assessment on transmission and distribution utilities to fund efficiency programming;
2. Establishes the Energy and Carbon Savings Trust and the Energy and Carbon Savings Trust Fund, consisting of revenue from the sale of carbon dioxide offset allowances, to support the goals and implementation of the carbon dioxide cap-and-trade program; and
3. Establishes the Maine Energy Conservation Board to assist the Public Utilities Commission and the trustees of the Energy and Carbon Savings Trust in the development, coordination and integration of planning for the State's energy conservation efforts and to provide advice and counsel to the commission and the Energy and Carbon Savings Trust on energy conservation and carbon dioxide reduction matters.

LD 1887 An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth

**PUBLIC 220
EMERGENCY**

Sponsor(s)

MARTIN

Committee Report

OTP

Amendments Adopted

This bill amends the Plymouth Waste Oil Loan Program and authorizes the Finance Authority of Maine to loan money in the Waste Oil Clean-up Fund to eligible responsible parties to pay their share of oversight costs of the United States and the State, remedial action costs and costs related to any de minimis settlement offered by the United States Environmental Protection Agency under federal law.

Enacted Law Summary

Public Law 2007, chapter 220 amends the Plymouth Waste Oil Loan Program and authorizes the Finance Authority of Maine to loan money in the Waste Oil Clean-up Fund to eligible responsible parties to pay their share of oversight costs of the United States and the State, remedial action costs and costs related to any de minimis settlement offered by the United States Environmental Protection Agency under federal law.

Public Law 2007, chapter 220 was enacted as an emergency measure effective June 4, 2007.