

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

**JOINT STANDING COMMITTEE ON UTILITIES AND
ENERGY**

May 2008

MEMBERS:

SEN. PHILIP L. BARTLETT, II, CHAIR
SEN. BARRY J. HOBBS
SEN. DOUGLAS M. SMITH

REP. LAWRENCE BLISS, CHAIR
REP. HERBERT ADAMS
REP. PETER L. RINES
REP. RICHARD D. BLANCHARD
REP. SETH A. BERRY
REP. JON HINCK
REP. KENNETH C. FLETCHER
REP. PHILIP A. CURTIS
REP. STACEY ALLEN FITTS
REP. MICHAEL THIBODEAU

STAFF:

LUCIA A. NIXON, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Utilities and Energy

where the charter amendment would allow KLPD to extend its services and requires, in the event of a purchase, the district to pay the utility for stranded costs as calculated by the Public Utilities Commission.

The law authorizes the Public Utilities Commission to resolve disputes or disagreements between KLPD and a public utility regarding the valuation of facilities to be purchased by KLPD, payment to compensate the public utility's remaining customers for costs incurred as a result of the migration of customers to the district, the severance and realignment of facilities and the use of poles and related issues during the transfer of property. In the event of a dispute or disagreement over the value of the facilities the district seeks to purchase, the law requires the Public Utilities Commission to obtain an independent appraisal of the value of the facilities to be paid for by the district.

The law includes a provision to clarify that, due to the unique circumstances of a geographic line drawn by the Legislature in 1903 for purposes of electricity transmission and distribution for the Town of Kennebunk, the Legislature intends that this legislation not be cited as precedent in legislation affecting the service areas of other public utilities.

LD 1248 An Act To Authorize Load Aggregation for Consumer-owned Electric Utilities

PUBLIC 481

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM	S-405

This bill establishes the Northern Maine Power Agency in order to obtain electricity supply for standard offer service to construct or lease and operate transmission facilities to the 4 utilities participating in the northern Maine independent system administrator. The bill provides an exception to the right to purchase generation from competitive electricity providers for electricity consumers in northern Maine.

Committee Amendment "A" (S-405)

This amendment replaces the bill. The amendment establishes an exception to the right to purchase generation from competitive electricity providers for electricity customers in northern Maine, as was established in the bill, while also extending the provision to cover customers of consumer-owned transmission and distribution utilities statewide. Under the amendment, the exception is subject to approval from the Public Utilities Commission for the consumer-owned transmission and distribution utility to aggregate its load for the purpose of purchasing generation services on behalf of its customers.

Enacted Law Summary

Public Law 2007, chapter 481 establishes an exception to the right to purchase generation from competitive electricity providers for electricity customers of consumer-owned transmission and distribution utilities. This exception is subject to approval from the Public Utilities Commission for the consumer-owned transmission and distribution utility to aggregate its load for the purpose of purchasing generation services on behalf of its customers.

LD 1918 An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine

DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY	OTP-AM	H-671

Current law establishes an assessment on a licensee operating an interim spent nuclear fuel storage facility in this State. This assessment is scheduled to decrease from \$360,000 per year in calendar year 2007 to \$296,667 in calendar year 2008 and to \$170,000 beginning in 2009 and continuing at that amount until all spent nuclear

Joint Standing Committee on Utilities and Energy

fuel is removed from the State. This bill eliminates the reductions in the assessment that exist in current law and establishes the annual assessment amount in years 2008 and beyond at a level of \$360,000 indexed to the rate of inflation using the Consumer Price Index. This bill also imposes an additional assessment of \$500,000 due August 15, 2007 and every 5 years thereafter, with future assessments equal to \$500,000 indexed to the rate of inflation, to pay for costs associated with the replacement of depreciated or obsolete capital equipment. Once the spent nuclear fuel is removed from the facility, these additional assessments are no longer required.

Committee Amendment "A" (H-671)

This amendment replaces the bill. The amendment requires representatives of the Office of the Public Advocate, the Department of Public Safety, the radiation control program of the Department of Health and Human Services and the Department of Environmental Protection as well as an independent expert in radiological and nuclear engineering and the operator of an interim spent fuel storage facility in the State (the Maine Yankee Atomic Power Company) to meet periodically for the following purposes:

1. To review oversight activities being undertaken with regard to the spent nuclear fuel storage facility;
2. To identify necessary activities and funding requirements for the next calendar year; and
3. To prepare and submit an annual report with specific recommendations regarding funding requirements for the next calendar year to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. The amendment authorizes the committee to submit legislation to amend the level of the annual fee that the licensee is required to pay to the State to cover oversight activities after reviewing the report.

The amendment requires the licensee to pay for reasonable and necessary expenses of the Office of the Public Advocate in coordinating the review and preparing the annual report, up to a maximum of \$15,000 in the first year and \$10,000 in subsequent years, and it provides for the allocation of those funds.

The Legislature addressed issues related to funding for oversight of spent nuclear fuel storage in Public Law 2007, chapter 539, Part KK.

LD 1935 An Act To Promote Competition in Maine's Electric Industry

ONTP

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

This bill allows a person other than a transmission and distribution utility to compete with any transmission and distribution utility that is affiliated with a person who owns or operates a source of electrical generation in the State.

LD 1936 An Act To Include the Town of Nobleboro within the Great Salt Bay Sanitary District

P & S 38

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW	OTP-AM	S-444

This bill amends the charter of the Great Salt Bay Sanitary District by allowing the district to supply wastewater services to the Town of Nobleboro. The bill also requires that the legal voters of the Town of Nobleboro approve letting the Great Salt Bay Sanitary District supply them with water and wastewater services at a referendum before the charter amendment can take effect.