

MAINE STATE LEGISLATURE

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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

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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

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.

Joint Standing Committee on Utilities and Energy

Committee Amendment "A" (S-444)

This amendment replaces the bill. The territory of the Great Salt Bay Sanitary District currently includes the towns of Newcastle and Damariscotta and a part of the Town of Nobleboro. This amendment expands the territory of the Great Salt Bay Sanitary District to include the entire Town of Nobleboro, subject to referendum approval in an election held in the entire expanded territory including the towns of Damariscotta, Newcastle and Nobleboro.

Enacted Law Summary

Private and Special Law 2007, chapter 38 expands the territory of the Great Salt Bay Sanitary District to include the entire Town of Nobleboro. Currently, the territory of the Great Salt Bay Sanitary District includes the towns of Newcastle and Damariscotta and a part of the Town of Nobleboro. The expansion of the territory under this law is subject to referendum approval in an election held in the entire expanded territory including the towns of Damariscotta, Newcastle and Nobleboro.

LD 1942 Resolve, Regarding Loans for Geothermal Heating Systems

RESOLVE 156

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARTER	OTP-AM MAJ ONTP MIN	H-706

This bill establishes a program to provide rebates for the installation of geothermal heating systems for residential or commercial property owners or tenants.

Committee Amendment "A" (H-706)

This amendment is the majority report of the committee. The amendment replaces the bill with a resolve that authorizes the Public Utilities Commission to provide loans for geothermal heating systems under its Energy Conservation Small Business Revolving Loan Program and authorizes the Maine State Housing Authority to provide loans for geothermal heating systems under its Home Energy Loan Program. The amendment also directs these agencies to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding loans made for geothermal heating systems by January 15, 2009.

Enacted Law Summary

Resolve 2007, chapter 156 authorizes the Public Utilities Commission and the Maine State Housing Authority to provide loans for geothermal heating systems under the commission's Energy Conservation Small Business Revolving Loan Program and the authority's Home Energy Loan Program, respectively, and directs these agencies to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding loans made for geothermal heating systems by January 15, 2009.

LD 1955 An Act Regarding Certain Positions at the Public Utilities Commission

PUBLIC 482

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-407

This bill makes changes to certain positions at the Public Utilities Commission. It changes the pay range for the Assistant Administrative Director position. It also adds statutory references to the Director of Energy Programs position that was created in 2004 to manage the Efficiency Maine program and deletes references to position titles that are no longer used and replaces them with the current titles in use at the commission.