

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.

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Commission to ensure that, for the period of the AFOR, ratepayers may not be required to pay more for local phone service under the AFOR than they would have under traditional regulation. The amendment preserves the provision in the bill that requires the Public Utilities Commission to conduct a revenue requirement and earnings review of a telephone utility prior to the adoption or renewal of an AFOR and clarifies that this requirement applies when the AFOR includes a provision prohibiting a rate case for a set period of time. Finally, the amendment provides an application section to specify that the requirements established in this legislation do not apply to any AFOR proceeding that is pending on the effective date of this Act.

Enacted Law Summary

Public Law 2007, chapter 550 requires the Public Utilities Commission to conduct a revenue requirement and earnings review of a telephone utility prior to the adoption or renewal of an alternative form of regulation (AFOR) and clarifies that this requirement applies when the AFOR includes a provision prohibiting a rate case for a set period of time. These requirements do not apply to any AFOR proceeding that is pending on the effective date of this law.

LD 2117 An Act To Create the Starboard Water District

P & S 34
EMERGENCY

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

This bill creates the Starboard Water District, subject to approval of the voters within the territory of the district in a referendum to be held by July 1, 2010.

Enacted Law Summary

Private and Special Law 2007, chapter 34 creates the Starboard Water District, subject to approval of the voters within the territory of the district in a referendum to be held by July 1, 2010.

Private and Special Law 2007, chapter 34 was enacted as an emergency measure effective February 20, 2008.

LD 2133 An Act To Amend the Cable Television Laws and Establish a Model Cable Franchise Agreement

PUBLIC 548

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BROMLEY	OTP-AM	H-777

This bill directs the Public Utilities Commission to adopt through rulemaking a model franchise agreement for cable television and video services for use by any municipality that chooses to adopt its provisions. It also directs the Public Utilities Commission to adopt by rule statewide consumer protection standards for cable television and video services customers, and it makes several changes to the laws regarding consumer rights and protection with respect to cable television and video services. It specifies that the Attorney General and the municipalities have jurisdiction to enforce the consumer protection standards. It also provides that a municipality is entitled to reasonable attorney's fees if successful in any enforcement action against a cable television provider. The bill adds "video service" throughout the laws governing cable television ordinances and consumer rights and protections related to cable television service.

Committee Amendment "A" (H-777)

The amendment makes the following changes to the bill:

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1. It adds definitions of "cable television service," "cable television system," and "cable system operator" based on definitions in federal law and adopts these terms consistently throughout the bill;
2. It changes the provision in the bill regarding the model cable franchise agreement to direct the Department of Administrative and Financial Services, Office of Information Technology, rather than the Public Utilities Commission, to develop the model agreement and to require that specific issues be considered by the Office of Information Technology in the development of the model franchise agreement. The amendment also establishes a deadline of December 15, 2008 for the Office of Information Technology to complete the model franchise agreement and submit a report regarding the model franchise agreement and its development to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters;
3. It eliminates the provision in the bill that directs the Public Utilities Commission to adopt by rule uniform consumer protection standards for cable television customers. It also eliminates all other references to the Public Utilities Commission related to consumer protection for cable television customers that had been added in the bill;
4. It eliminates the provision in the bill that entitles municipalities to collect reasonable attorney's fees if successful in any enforcement action against a cable system operator;
5. It eliminates the provision in the bill that establishes minimum requirements for facilities to make use of local public, educational and governmental access channels; and
6. It changes the provision in the bill regarding the filing of franchise agreements to have cable system operators post these agreements on their websites rather than file a copy of each agreement with the Secretary of State.

Enacted Law Summary

Public Law 2007, chapter 548, directs the Department of Administrative and Financial Services, Office of Information Technology to develop a model cable franchise agreement and requires that specific issues be considered by the Office of Information Technology in the development of the model franchise agreement. The law establishes a deadline of December 15, 2008 for the Office of Information Technology to complete the model franchise agreement and submit a report regarding the model franchise agreement and its development to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters.

The law adds definitions of "cable television service," "cable television system," and "cable system operator" to the based on definitions in federal law and implements these terms consistently throughout the laws governing cable television. These definitions provide that traditional cable companies and other providers of video services that fall within the federal definitions are subject to the Maine law.

LD 2135 Resolve, Regarding Public Safety and Protection Related to Gas and Electric Utilities

RESOLVE 168

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ ONTP MIN	S-454

This bill requires an electric utility to make reasonable efforts to advise customers of that utility to disconnect systems, equipment and devices that use electricity that may be vulnerable to damage during testing, repair or replacement of utility equipment before that utility performs that testing, repair or replacement of utility equipment. It directs the Public Utilities Commission to study the statutes and rules governing the rights and responsibilities of electric utilities and consumers when electric utilities are testing, repairing or replacing utility equipment and report to the joint standing committee of the Legislature having jurisdiction over utilities matters no later than November 5, 2008. It also directs the Public Utilities Commission to amend its rules governing electric utilities to require electric utilities to undertake a program to increase public awareness of the rights and responsibilities of electric utilities and