

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
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**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

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

Joint Standing Committee on Utilities and Energy

consumers when electric utilities are testing, repairing or replacing utility equipment.

With respect to gas utilities, this bill directs the Public Utilities Commission to amend its rules governing gas utilities to require a gas utility to provide notice to all owners and tenants of property within 500 feet of an excavation performed by a gas utility or an agent of that utility at least 2 business days before the excavation. It directs the Public Utilities Commission to study the statutes and rules governing the protection of public safety as it relates to gas utilities 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 gas utilities to require gas utilities to undertake a program to increase public awareness of the responsibilities of gas utilities with respect to excavation activity.

Committee Amendment "A" (S-454)

This amendment replaces the bill with a resolve. The amendment directs the Public Utilities Commission to study and make recommendations for improvements in the laws and rules governing the responsibilities of electric utilities and their customers with respect to the testing, repair and replacement of electric utility equipment and the protection of customer equipment and the responsibilities of gas utilities with respect to public safety, with particular attention to excavation activity. The amendment requires the commission to submit a report by November 5, 2008 to the joint standing committee of the Legislature having jurisdiction over utilities matters and authorizes the committee to submit legislation on this subject to the First Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2007, chapter 168 directs the Public Utilities Commission to study and make recommendations for improvements in the laws and rules governing the responsibilities of electric utilities and their customers with respect to the testing, repair and replacement of electric utility equipment and the protection of customer equipment and the responsibilities of gas utilities with respect to public safety, with particular attention to excavation activity. The resolve requires the commission to submit a report by November 5, 2008 to the joint standing committee of the Legislature having jurisdiction over utilities matters and authorizes the committee to submit legislation on this subject to the First Regular Session of the 124th Legislature.

**LD 2141 Resolve, Regarding Legislative Review of Chapter 3: Provision of
Enhanced E-9-1-1 Access-only Service, a Major Substantive Rule of the
Public Utilities Commission**

RESOLVE 157

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-693

This resolve provides for legislative review of portions of Chapter 3: Provisions of Enhanced E-9-1-1 Access-only Service, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-693)

This amendment authorizes the final adoption of Chapter 3, Provision of Enhanced E-9-1-1 Access-only Service, a provisionally adopted major substantive rule of the Public Utilities Commission, provided that the rule is amended to reduce the duration of the soft dialtone requirement from one year to 90 days. The amendment also establishes an October 1, 2008 effective date for the rule. Finally, the amendment directs the Public Utilities Commission to examine and report on the first year of experience under the rule, with particular attention to the duration of the soft dialtone requirement. The amendment authorizes the joint standing committee of the Legislature having jurisdiction over utilities matters to submit legislation to the Second Regular Session of the 124th Legislature regarding enhanced E-9-1-1 access-only service following a review of the commission's report.

Enacted Law Summary