

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

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

Joint Standing Committee on Utilities and Energy

Resolve 2007, chapter 157 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 change the duration of the soft dialtone requirement from one year to 90 days. The resolve establishes an October 1, 2008 effective date for the rule and 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 resolve 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 review of the commission's report.

LD 2149 Resolve, To Encourage Renewable Energy and Energy Conservation in Maine

RESOLVE 183

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE BARTLETT	OTP-AM	H-790

Part A of this bill incorporates into the Maine Revised Statutes rules adopted by the Public Utilities Commission regarding standards for net energy billing, except that it credits the customer for the excess kilowatt-hours and increases the maximum allowed energy to be produced by private renewable energy facilities from 100 kilowatts to 2 megawatts. Part A also requires the Public Utilities Commission to develop statewide standards for the interconnection of new homes' and businesses' renewable energy facilities with the energy grid and requires the Public Utilities Commission to adopt rules to allow communities to develop shared renewable energy facilities and to permit net energy billing to users connected to such facilities, regardless of the users' physical distance from the facility.

Part B of this bill requires that, beginning January 1, 2009, any new construction of a commercial or residential building must include the installation of a time-of-use meter designed to monitor and record the amount of electricity used and the time of such use. Part B also requires the Public Utilities Commission to develop a proposal to implement the statewide distribution of time-of-use meters to all consumers of electric energy in the State by October 1, 2010 and to develop a proposal to authorize transmission and distribution utilities to charge time-of-use rates that vary depending on whether the energy consumption occurs during peak load times or off-peak load times.

Part C of this bill authorizes the Maine State Housing Authority to establish a home energy audit program that provides low-interest loans to homeowners to make home heating and energy efficiency upgrades, and it directs MSHA to issue bonds in an amount not to exceed \$5,000,000 to establish the home energy audit program.

Committee Amendment "A" (H-790)

This amendment replaces the bill with a resolve. The amendment:

1. Replaces the provisions of the bill regarding net energy billing with a directive to the Public Utilities Commission to review and make recommendations for changes to the statutes and rules governing net energy billing and submit a report of its findings by January 15, 2009;
2. Requires the Public Utilities Commission to conduct a review to determine whether the State should establish statewide standards for interconnection of renewable generation facilities and then, if determined to be appropriate, proceed to establish those standards;
3. Specifies the rules for shared ownership of renewable energy projects as major substantive rules. The bill had specified these as routine technical rules;
4. Eliminates the requirement in the bill that any new construction include the installation of a time-of-use meter, maintains the provision requiring the Public Utilities Commission to develop a proposal for time-of-use rates and,