

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.

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statewide E-9-1-1 system.

This bill was reported out by the Joint Standing Committee on Utilities and Energy pursuant to Public Law 2007, chapter 226, section 3.

Enacted Law Summary

Public Law 2007, chapter 504 clarifies that the provision of E-9-1-1 access-only service, also known as "soft dial tone" service, is covered by the law governing the liability of telecommunications providers in the implementation and operation of the statewide E-9-1-1 system.

LD 2246 An Act To Extend the ConnectME Authority

PUBLIC 698

Sponsor(s)

Committee Report

Amendments Adopted

S-663 ROTUNDO

Under current law, the Advanced Technology Infrastructure Act that establishes and governs the ConnectME Authority and the state tax reimbursement for advanced communications technology infrastructure investment are both repealed January 31, 2009. This bill extends the ConnectME Authority and the tax reimbursement by repealing the statutory January 31, 2009 repeal of these 2 provisions of law.

This bill was reported out by the Joint Standing Committee on Utilities and Energy pursuant to Public Law 2005, chapter 665, section 7.

Senate Amendment "A" (S-663)

This amendment eliminates the repeal of the January 31, 2009 repeal of the reimbursement of certain taxes relating to advanced communications technology infrastructure.

Enacted Law Summary

Public Law 2007, chapter 698 continues the ConnectME Authority by repealing the January 31, 2009 repeal of the Advanced Technology Infrastructure Act that establishes and governs the ConnectME Authority.

LD 2254 Resolve, Regarding ISO New England

RESOLVE 193
EMERGENCY

Sponsor(s)

Committee Report

Amendments Adopted

BARTLETT

OTP-AM MAJ
ONTP MIN

S-545

This resolve provides that if the Public Utilities Commission finds under a specific proceeding that nonrenewal of any membership in Independent System Operating New England is in the interests of Maine consumers, then the Public Utilities Commission shall order Maine's 3 investor-owned transmission and distribution utilities to file a plan to form an alternative transmission organization structure. The resolve requires that that the plan encourage development of indigenous renewable power resources, include requests to directly interconnect and expand transmission systems and include commercial agreements and necessary petitions for regulatory approvals.

Committee Amendment "A" (S-545)

This amendment, like the bill, directs the Public Utilities Commission to order Maine's 3 investor-owned transmission and distribution utilities to file with the commission a plan to form an alternative structure to hold, manage, dispatch and expand the transmission assets of the investor-owned transmission and distribution utilities if

Joint Standing Committee on Utilities and Energy

the commission determines that it is in the interests of Maine consumers for Maine's transmission and distribution utilities to provide timely notice of nonrenewal of membership in Independent System Operator New England. The amendment adds some clarifying language regarding the elements of the plan. The amendment prohibits the Public Utilities Commission from issuing the order prior to March 31, 2009 that directs the development of the plan. The amendment requires the commission to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2009 on its findings and determinations on the subject of nonrenewal of membership in Independent System Operator New England and authorizes the committee, after holding a public hearing on that report, to submit legislation on the subject.

Enacted Law Summary

Resolve 2007, chapter 193 directs the Public Utilities Commission to order Maine's 3 investor-owned transmission and distribution utilities to file with the commission a plan to form an alternative structure to hold, manage, dispatch and expand the transmission assets of the investor-owned transmission and distribution utilities if the commission determines that it is in the interests of Maine consumers for Maine's transmission and distribution utilities to provide timely notice of nonrenewal of any membership in Independent System Operator New England. The resolve prohibits the Public Utilities Commission from issuing the order directing the development of a plan for an alternative transmission organization structure prior to March 31, 2009. The resolve also requires the commission to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2009 on its findings and determinations on the subject of nonrenewal of membership in Independent System Operator New England and authorizes the committee, after holding a public hearing on that report, to submit legislation on the subject.

Resolve 2007, chapter 193 was enacted as an emergency measure effective April 10, 2008.

LD 2255 An Act To Protect Maine's Energy Sovereignty through the Designation of Energy Infrastructure Corridors and Energy Plan Development

PUBLIC 656

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM MAJ OTP-AM MIN	H-970 BLISS H-999 ADAMS S-561

Part A of this bill authorizes the Public Utilities Commission to designate energy infrastructure corridors within the state for the purpose of siting energy infrastructure and establishes procedures for the commission to designate such corridors. It requires a person to obtain a certificate of public convenience and necessity from the commission prior to developing or constructing energy infrastructure within a designated corridor and establishes environmental review requirements for energy infrastructure projects within a corridor. It allows the commission to grant exemptions from municipal zoning and land use ordinances for projects within a designated corridor. It also grants eminent domain authority to the commission and to a person that receives a certificate from the commission for development within a corridor.

Part B authorizes the Public Utilities Commission to direct all investor-owned transmission and distribution utilities, not just those that serve more than 50,000 retail customers, to enter into long-term contracts and expands the situations in which the commission may direct these utilities to enter into long-term contracts. Part B expands the definition of long-term contracts under this section to include contracts for differences or other financial instruments. It also authorizes the commission itself to enter into contracts for differences or other financial instruments.

Part C of this bill establishes in statute the Governor's Office of Energy Independence and Security and sets forth the policy and purpose of that office. Part C also specifies the duties and responsibilities of the director of the office, and it amends the membership of the Energy Resources Council to add the director of Governor's Office of Energy