

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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petition of the Executive Department, Governor's Office of Energy Independence and Security, the Office of the Public Advocate or a developer who can demonstrate to the commission the technical and financial capability to develop energy infrastructure, and the commission may designate a corridor only through major substantive rulemaking. The law requires that designation of an energy infrastructure corridor by done through major substantive rule and must include a public hearing to allow members of the public to submit oral or written testimony or comments. Part A requires potential developers of energy infrastructure within a corridor to obtain either a certificate of public convenience and necessity or a corridor use certificate from the Public Utilities Commission and obtain a consolidated environmental permit from the Department of Environmental Protection. It provides eminent domain authority within an energy infrastructure corridor under certain limited conditions. It requires the Public Utilities Commission to adopt by rule standards and procedures to implement the energy infrastructure corridor laws. The provisions of this law regarding energy infrastructure corridors are repealed on July 30, 2011.

Part B of this law 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. It also allows the commission to direct these utilities to enter into long-term contracts for purposes of lowering the cost of electricity for electric ratepayers. It authorizes the commission to permit, but not require, these utilities to enter into contracts for differences that are designed to buffer ratepayers from negative impacts from transmission development. It directs the commission to allow transmission and distribution utilities to submit bids for interruptible, demand response or energy efficiency resources and to ensure that long-term contracts are consistent with the State's goals for greenhouse gas reduction. It also allows an investor owned-transmission and distribution utility to recover in rates any gains or losses derived from contracts for differences.

Part C of this law 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 Independence and Security and make the director the chair of the council. It repeals language in existing law that requires the Executive Department, State Planning Office to formulate a biennial state energy resources plan and instead requires the Governor's Office of Energy Independence and Security to prepare and submit a comprehensive state energy plan every 2 years.

The Joint Standing Committee on Utilities and Energy, by letter dated April 23, 2008, requested that the Department of Environmental Protection and the Public Utilities Commission examine the adoption of specific standards in support of the State's goals for greenhouse gas reduction and participation in the regional greenhouse gas initiative.

LD 2265 An Act To Reduce the Amount Collected for the Purpose of the E-9-1-1 System

**PUBLIC 637
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES	OTP-AM	H-929

This bill reduces the statewide E-9-1-1 surcharge from 50¢ per month to 45¢ per month.

Committee Amendment "A" (H-929)

This amendment reduces the statewide E-9-1-1 surcharge to 30¢ per line per month, rather than to 45¢ per line per month as proposed in the bill. The amendment adds a provision to the bill to require the Public Utilities Commission, Emergency Services Communication Bureau to conduct a thorough review of the E-9-1-1 fund, including but not limited to surcharge revenue history and projections, expenditure history and projections and unexpended amounts in the fund, and to make a recommendation regarding the E-9-1-1 surcharge amount going forward. The Emergency Services Communication Bureau is required to report the results of its review and recommendation regarding the surcharge to the joint standing committee of the Legislature having jurisdiction over

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utilities matters by February 1, 2009. The amendment also adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2007, chapter 637 reduces the statewide E-9-1-1 surcharge from 50¢ per line per month to 30¢ per line per month. The law also requires the Public Utilities Commission, Emergency Services Communication Bureau to conduct a thorough review of the E-9-1-1 fund, including but not limited to surcharge revenue history and projections, expenditure history and projections and unexpended amounts in the fund, and to make a recommendation regarding the E-9-1-1 surcharge amount going forward. The Emergency Services Communication Bureau is required to report the results of its review and recommendation regarding the surcharge to the joint standing committee of the Legislature having jurisdiction over utilities matters by February 1, 2009.

Public Law 2007, chapter 637 was enacted as an emergency measure effective April 16, 2008.

LD 2266 An Act To Promote Municipal Wind Generation Development

PUBLIC 671

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-579 S-698 ROTUNDO

This bill expands the duties of the Energy Resources Council under the Maine Revised Statutes, Title 5, section 3327 to coordinate the activities of member agencies to assist the State's political subdivisions, state agencies and rural electrification cooperatives in developing wind and other projects, including using available federal loan subsidies. The bill also expands the scope of the life-cycle cost analysis that is required under the Energy Conservation in Buildings Act to include a review of the potential incorporation of wind and solar electricity generating equipment into public facilities, and it amends the laws governing revenue-producing municipal facilities to include any qualified project under the United States Internal Revenue Code, Section 54 within the definition of revenue-producing municipal facility.

The bill also amends provisions of the Maine Wind Energy Act to establish a state policy favoring development of cost-effective wind energy resources by municipalities and by the State for the benefit of Maine's citizens. It further directs the Public Utilities Commission to monitor legal and technological developments that may affect the potential for development of wind power and to regularly advise the Energy Resources Council of its findings.

It expands the authority of municipal electric districts and rural electrification cooperatives to allow them to sell energy to wholesale customers and to buy and sell electricity products in addition to electricity and to allow municipal electric districts to sell electricity and electricity products outside the district.

Committee Amendment "A" (S-579)

This amendment amends the provisions of the bill regarding the responsibilities of the Energy Resources Council to provide wind and other energy planning assistance to clarify that this assistance is intended to cover municipal or quasi-municipal entities and municipally owned corporations that provide electric service in addition to the State's political subdivisions and rural electrification cooperatives. It amends the provision of the bill regarding monitoring of legal and technological developments that may affect the potential for development of wind power resources to direct the chair of the Energy Resources Council, rather than the Public Utilities Commission, to do this work.

This amendment removes the provisions of the bill that expand the authority of municipal electric districts and rural electrification cooperatives to allow them to sell energy to wholesale customers and to buy and sell electricity products in addition to electricity and to allow municipal electric districts to sell electricity and electricity products outside the district. It also removes the provision that establishes a state policy favoring the development and ownership of wind energy projects by state agencies and political subdivisions. The amendment also adds an