

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

appropriations and allocations section.

Senate Amendment "A" (S-698)

This amendment redirects the responsibility for providing assistance in wind and other energy planning and monitoring of legal and technological developments from the chair of the Energy Resources Council to the Executive Department, Governor's Office of Energy Independence and Security and strikes the provision that requires the Executive Department, Governor's Office of Energy Independence and Security to assist the Department of Administrative and Financial Services, Bureau of General Services in identifying and planning for the construction of wind and other renewable electricity generation projects. It also strikes the appropriations and allocations section.

Enacted Law Summary

Public Law 2007, chapter 671 expands the scope of the life-cycle cost analysis 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 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.

This law also directs the Executive Department, Governor's Office of Energy Independence and Security to provide assistance in wind and other energy planning and to monitor legal and technological developments related to wind energy development. The law requires the office to report by January 15, 2009 on its wind energy monitoring and assistance activities to the joint standing committee having jurisdiction over utilities and energy matters and authorizes the committee to submit legislation to the First Regular Session of the 124th Legislature.

LD 2269 An Act To Strengthen Maine's Consumer Protections against "Slamming"

PUBLIC 638

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| RINES | OTP-AM | H-893 S-569 BARTLETT |

This bill prohibits a local or intrastate interexchange carrier of telecommunications services from initiating a change of a customer's carrier without the customer's express authorization. This bill also prohibits such a carrier from misrepresenting its identity or services when conversing with potential customers and requires that the carrier make and retain audio recordings of telephone conversations with customers who authorize a change of carriers. The bill requires the Public Utilities Commission to inform telephone customers about the consumer protections and rights regarding an unauthorized change of carrier.

Committee Amendment "A" (H-893)

This amendment clarifies the provision of the bill that prohibits a local or intrastate interexchange carrier of telecommunications services from initiating a change of a customer's carrier without the customer's express authorization. The amendment removes the provision of the bill that prohibits such a carrier from misrepresenting its identity or services when conversing with potential customers and removes the provision of the bill that requires that the carrier to make and retain audio recordings of telephone conversations with customers who authorize a change of carriers. The amendment changes the customer education portion of the bill to require the Public Advocate rather than the Public Utilities Commission to provide the customer education.

Senate Amendment "A" (S-569)

Under current law, a telephone utility may not furnish service in any municipality in which another telephone utility is furnishing services without the approval of the Public Utilities Commission. This amendment adds a provision to the bill to provide that the commission may not grant such approval to a telephone utility not currently authorized to

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provide service in this State unless the telephone utility provides satisfactory evidence that the telephone utility has at least \$250,000 in fixed assets in this State or the telephone utility purchases and maintains a surety bond in the amount of \$250,000 to ensure it has the financial ability to meet its obligations under the utility laws.

Enacted Law Summary

Public Law 2007, chapter 638 prohibits a local or intrastate interexchange carrier of telecommunications services from initiating a change of a customer's carrier without the customer's express authorization. The law also requires the Public Advocate to inform telephone customers about consumer rights and protections related to an unauthorized change of carrier.

This law also prohibits the Public Utilities Commission from granting approval for a telephone utility not currently authorized to provide service in this State to furnish service in any municipality in which another telephone utility is furnishing service unless the telephone utility seeking approval: (1) provides satisfactory evidence that it has at least \$250,000 in fixed assets in this State or (2) purchases and maintains a surety bond in the amount of \$250,000 to ensure it has the financial ability to meet its obligations under the utility laws.

LD 2279 An Act To Ensure Equitable Payment for E-9-1-1 Services

**PUBLIC 622
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MITCHELL | OTP-AM | S-580 |

This bill requires a municipality that does not have a public safety answering point to contract with another entity, which may be the Department of Public Safety, for receiving 9-1-1 calls and dispatching emergency services. The bill provides that if a municipality fails to contract for these services, the Department of Public Safety is required to act as the public safety answering point and the municipality is required to pay the department for those services. This bill also requires the Maine Communications System Policy Board within the Department of Public Safety to set by rule the fees the department charges municipalities for acting as a public safety answering point.

Committee Amendment "A" (S-580)

This amendment removes that portion of the bill that directs the Maine Communications System Policy Board within the Department of Public Safety to set by rule the fees the department charges municipalities for public safety answering point services provided by the department. Instead, the amendment directs the Public Utilities Commission to establish these fees in an adjudicatory proceeding. The amendment also adds a mandate preamble to the bill.

Enacted Law Summary

Public Law 2007, chapter 622 requires a municipality that does not have a public safety answering point to contract with another entity, which may be the Department of Public Safety, for receiving 9-1-1 calls and dispatching emergency services. The law provides that if a municipality fails to contract for these services, the Department of Public Safety is required to act as the public safety answering point and the municipality is required to pay the department for those services. The law also directs the Public Utilities Commission to establish, in an adjudicatory proceeding, the fees that municipalities that contract with the Department of Public Safety must pay for public safety answering point services and dispatch services provided by the department.

Public Law 2007, chapter 622 was enacted as an emergency measure effective April 15, 2008.