

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON UTILITIES AND
ENERGY**

July 2009

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STATE OF MAINE

124TH LEGISLATURE
FIRST REGULAR SESSION



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 First Regular Session of the 124th 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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Utilities and Energy

LD 43 An Act To Promote Consumer Fairness in Alternative Energy

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M BRYANT B	ONTP	

This bill requires transmission and distribution utilities to compensate a customer that generates electricity from renewable resources for any excess electricity generated by the customer beyond the customer's actual electricity usage.

LD 44 An Act Regarding Requirements for Approval of a Transmission Line

PUBLIC 309

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO HOBBINS	OTP-AM	H-369

This bill requires that high-voltage transmission lines capable of operating at 115 kilovolts or more be placed underground when such lines are constructed, rebuilt or relocated on or after October 1, 2009 near areas that are frequently used by children, including residential areas, public playgrounds, schools, child care facilities and children's camps. The bill directs the Public Utilities Commission to adopt rules regarding this requirement, and it provides an exemption from the requirement if a transmission and distribution utility can demonstrate to the Public Utilities Commission that it is technologically infeasible to place the transmission line underground.

Committee Amendment "A" (H-369)

This amendment replaces the bill. The amendment adds specificity and additional requirements to current law regarding a certificate of public convenience and necessity to construct a transmission line and the Public Utilities Commission's determination of public need for the proposed line. Specifically, the amendment requires that a petition for approval of a proposed transmission line provide information regarding the effects of the proposed line on public health and safety, scenic, historic, recreational and environmental values and the proximity of the proposed line to inhabited dwellings, as well as justification of the route selected and results of investigations of alternatives to construction of the proposed line including energy conservation, distributed generation or load management. The amendment also requires the Public Utilities Commission, in determining public need for a proposed transmission line, take into account economics, reliability, public health and safety, scenic, historic and recreational values and alternatives to construction of the transmission line including conservation, distributed generation or load management. The amendment clarifies that the Public Utilities Commission shall, as necessary, consider the findings of and any modifications ordered by the Department of Environmental Protection to lessen the impact of the proposed transmission line on the environment. The amendment directs the Public Utilities Commission to amend its rules governing the construction of new transmission lines in accordance with the provisions contained in the amendment.

Enacted Law Summary

Public Law 2009, chapter 309 adds specificity and additional requirements to current law regarding a certificate of public convenience and necessity to construct a transmission line and the Public Utilities Commission's determination of public need for the proposed line. Specifically, it requires that a petition for approval of a proposed transmission line provide information regarding the effects of the proposed line on public health and safety, scenic,

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historic, recreational and environmental values and the proximity of the proposed line to inhabited dwellings, as well as justification of the route selected and results of investigations of alternatives to construction of the proposed line including energy conservation, distributed generation or load management. It also requires the Public Utilities Commission, in determining public need for a proposed transmission line, take into account economics, reliability, public health and safety, scenic, historic and recreational values and alternatives to construction of the transmission line including conservation, distributed generation or load management. It clarifies that the Public Utilities Commission shall, as necessary, consider the findings of and any modifications ordered by the Department of Environmental Protection to lessen the impact of the proposed transmission line on the environment. It also directs the Public Utilities Commission to amend its rules governing the construction of new transmission lines in accordance with the provisions of this law.

LD 55 An Act To Prohibit the Commercial Sale of Water by a Water District

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L	ONTP	

This bill prohibits any water district from selling water for profit outside of its territory or for commercial purposes.

LD 73 An Act To Protect the Right To Use Solar Energy

PUBLIC 273

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK	OTP-AM MAJ OTP-AM MIN	H-370

This bill prohibits restriction by law, ordinance, regulation, deed, covenant or contract on the installation and use of solar collectors, clothes lines and other equipment for the solar drying of clothing.

Committee Amendment "A" (H-370)

This amendment is the majority report of the committee. The amendment replaces the bill with more specific provisions regarding protections for the installation and use of solar energy devices, including solar collectors and solar clothes-drying devices, on residential property. The amendment specifies that a legal instrument adopted or created after September 30, 2009 that defines or limits the rights or privileges of owners or renters with respect to the use of residential property may not prohibit a person from installing or using a solar energy device on residential property owned by that person or from installing or using a solar clothes-drying device on residential property leased or rented by that person. Under the amendment, "legal instrument" includes municipal ordinances, bylaws or regulations and rules, bylaws or regulations of an association of property owners as well as deed restrictions, restrictive covenants and other similar binding agreements. The amendment specifies that a legal instrument may prohibit the installation and use of solar energy devices on residential property in common ownership with 3rd parties or common elements of a condominium. The amendment permits certain reasonable restrictions on the installation and use of solar energy devices to protect public health and safety, shorelands, buildings and historic or aesthetic values.

Committee Amendment "B" (H-371)

This amendment is the minority report of the committee. This amendment specifies that an ordinance, bylaw or