

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

STAFF:

LUCIA A. NIXON, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

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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 127 An Act To Prohibit Telephone Charges Not Representing Services or Fees Requested by the Customer or Authorized by the Government

PUBLIC 36

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| ADAMS BOWMAN | OTP-AM | H-32 |

This bill prohibits a telephone utility from including line-item charges on telephone bills, except those that represent actual services that are requested by a customer or that are specifically required by federal or state law.

Committee Amendment "A" (H-32)

This amendment replaces the bill. The amendment prohibits a telephone utility from charging a customer for any service, tax or fee that is not authorized by the customer or authorized or required by the State or the Federal Government. It specifies that a charge may only be listed as a separate line-item charge on the bill when the charge represents a service or fee authorized by the customer or a tax, fee or charge authorized or required by the State or the Federal Government. It also adds language to prohibit a telephone utility from including in a line-item charge anything that is charged for elsewhere on the customer's bill and requires that a clear description of line-item charges be included on telephone bills.

The amendment also authorizes the Public Utilities Commission to impose an administrative penalty for violations up to \$1,000 per violator for violations arising out of the same incident or complaint. It requires the commission to provide a simple process for a customer to report a line-item charge the customer believes may be in violation. Finally, it clarifies that this provision is not intended to limit any enforcement action or penalty pursued by the Attorney General under the Maine Unfair Trade Practices Act.

Enacted Law Summary

Public Law 2009, chapter 36 prohibits a telephone utility from charging a customer for any service, tax or fee that is not authorized by the customer or authorized or required by the State or the Federal Government. It specifies that a charge may only be listed as a separate line-item charge on the bill when the charge represents a service or fee authorized by the customer or a tax, fee or charge authorized or required by the State or the Federal Government. It also adds language to prohibit a telephone utility from including in a line-item charge anything that is charged for elsewhere on the customer's bill and requires that a clear description of line-item charges be included on telephone bills.

Public Law 2009, chapter 36 authorizes the Public Utilities Commission to impose an administrative penalty for violations up to \$1,000 per violator for violations arising out of the same incident or complaint. It requires the commission to provide a simple process for a customer to report a line-item charge the customer believes may be in violation. Finally, it clarifies that this provision is not intended to limit any enforcement action or penalty pursued by the Attorney General under the Maine Unfair Trade Practices Act.

LD 131 An Act To Amend the Charter of the Athens Standard Water District

P & S 1

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MILLS P | OTP | |

Joint Standing Committee on Utilities and Energy

Under the current charter of the Athens Standard Water District, a trustee of the district must be a taxpayer of the Town of Athens and a ratepayer of the district. Under this bill, a trustee of the district must be a taxpayer of the Town of Athens or a ratepayer of the district.

Enacted Law Summary

Private and Special Law 2009, chapter 1 changes the eligibility requirements for trustees of the Athens Standard Water District. Under this law, a trustee must be a taxpayer of the Town of Athens or a ratepayer of the district.

LD 146 **An Act To Require Telephone Directories To Include Cellular Telephone Numbers for Businesses**

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| RICHARDSON W | ONTP | |

This bill requires telephone directories published by telephone utilities to include, at the request of a business customer, the cellular telephone number for the business.

LD 147 **An Act To Facilitate the Protection of Electric Utility Consumer Interests in Public Utility Commission Cases Involving the Construction, Rebuilding or Relocating of Transmission Lines**

PUBLIC 26

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HINCK HOBBINS | OTP-AM | H-23 |

This bill provides the Office of the Public Advocate with authority, similar to existing authority of the Public Utilities Commission, to receive a filing fee from the applicant for a certificate of public convenience and necessity. While the filing fee for the Public Utilities Commission is equal to either 2/100 of 1 percent or 4/100 of 1 percent of the estimated cost to erect, rebuild or relocate the transmission line, the bill provides a filing fee for the Public Advocate equal to 1/100 of 1 percent or 2/100 of 1 percent of the estimated cost. The bill allows the Office of the Public Advocate to assess a filing fee on an applicant for a certificate of public convenience and necessity who is not otherwise subject to an assessment to support the work of the Office of the Public Advocate.

Committee Amendment "A" (H-23)

This amendment makes the following changes to the bill.

1. It conditions the payment of a filing fee to the Office of the Public Advocate upon the payment of a filing fee to the Public Utilities Commission.
2. It sets the amount of the filing fee to the Office of the Public Advocate at 1/100 of 1 percent of the estimated project cost in all cases.
3. It clarifies the purposes for the expenditures of the filing fee by the Office of the Public Advocate to include public outreach.
4. It requires the Office of the Public Advocate to report to the joint standing committee of the Legislature having