

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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:

SEN. BARRY J. HOBBS, CHAIR
SEN. PETER B. BOWMAN
SEN. ROGER L. SHERMAN

REP. JON HINCK, CHAIR
REP. HERBERT C. ADAMS
REP. RICHARD D. BLANCHARD
REP. STACY T. DOSTIE
REP. SEAN FLAHERTY
REP. DAVID A. VAN WIE
REP. JOSEPH ANDREW WAGNER
REP. KENNETH C. FLETCHER
REP. STACEY ALLEN FITTS
REP. MICHAEL D. THIBODEAU

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

jurisdiction over utilities and energy matters by January 15, 2012 regarding its experience with the collection and expenditure of filing fees.

5. It adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2009, chapter 26 provides the Office of the Public Advocate with authority similar to that of the Public Utilities Commission to receive a filing fee from an applicant for a certificate of public convenience and necessity. This law 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 and 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. It specifies the purposes for the expenditures of the filing fee by the Office of the Public Advocate to include representing the interests of consumers in the proceeding before the commission and conducting public outreach to inform consumers about the proceeding. This law requires the Office of the Public Advocate to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2012 regarding its experience with the collection and expenditure of filing fees.

LD 200 An Act To Amend the Charter of the Caribou Utilities District

P & S 8

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| EDGECOMB | OTP-AM | H-34 |

This bill amends several provisions in the charter of the Caribou Utilities District, including the provisions regarding eminent domain, trustee compensation, trustee retirement eligibility, the acquisition of the Caribou Water Works Corporation, the authority to borrow and issue bonds, the determination of rates, liens for payment of rates and sewer connections and extensions.

Committee Amendment "A" (H-34)

This amendment makes a series of technical changes to the bill to provide cross-references to relevant provisions in the Maine Revised Statutes, Title 35-A, with respect to water functions of the district, and to relevant provisions in Title 38, with respect to sewer functions of the district.

Enacted Law Summary

Private and Special Law 2009, chapter 8 amends several provisions in the charter of the Caribou Utilities District, including the provisions regarding eminent domain, trustee compensation, trustee retirement eligibility, the acquisition of the Caribou Water Works Corporation, the authority to borrow and issue bonds, the determination of rates, liens for payment of rates and sewer connections and extensions.

LD 220 An Act To Increase the Availability of Solar and Wind Power

**PUBLIC 88
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BARTLETT | OTP-AM | S-90 |

Joint Standing Committee on Utilities and Energy

This bill raises the upper limit of the assessments on transmission and distribution utilities to fund the solar and wind energy rebate program from 0.005 cent per kilowatt-hour to 0.01 cent per kilowatt-hour. The bill also repeals the provision in current law that repeals the solar and wind energy rebate on December 31, 2010.

Committee Amendment "A" (S-90)

This amendment replaces the bill. The amendment delays the repeal of the solar and wind energy rebate program from December 1, 2010 to December 1, 2015. The amendment directs the Public Utilities Commission to use federal stimulus funds made available to the commission under the American Recovery and Reinvestment Act of 2009 to increase funding for the solar and wind energy rebate program by \$500,000 per year for a 2-year period and to report the results of the funding expansion and recommendations regarding future funding of the program in the commission's December 1, 2010 annual report of the solar and wind energy rebate program. The amendment also directs the commission to amend the rules governing the solar and wind energy rebate program to include performance standards as an educational tool for program applicants and to require applicants to complete a simple payback period calculation as part of the rebate application form.

Enacted Law Summary

Public Law 2009, chapter 88 delays the sunset on the solar and wind energy rebate program from December 1, 2010 to December 1, 2015, and directs the Public Utilities Commission to use federal stimulus funds made available under the American Recovery and Reinvestment Act of 2009 to increase funding for the solar and wind energy rebate program by \$500,000 per year for a 2-year period. It requires the commission to report the results of the funding expansion and recommendations regarding future funding of the program in the December 1, 2010 annual report of the solar and wind energy rebate program. This law also directs the commission to amend the rules governing the solar and wind energy rebate program to include performance standards as an educational tool for program applicants and to require applicants to complete a simple payback period calculation as part of the application form.

Public Law 2009, chapter 88 was enacted as an emergency measure effective May 8, 2009.

LD 238 An Act Regarding Consumer-owned Water Utilities and Contracts for Large-scale Extraction and Transportation of Water

PUBLIC 37

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| LEGG SULLIVAN | OTP-AM | H-35 |

This bill requires a consumer-owned water utility to hold a public hearing and to secure approval of a majority of voters in a referendum vote before entering into a contract with any entity that involves:

1. The sale of water for purposes other than on-site use or consumption by the purchasing entity;
2. The sale or lease of any water rights held by the utility, including the right to extract water from sources from which the utility is authorized to obtain water; or
3. The sale of any water or sale or lease of any water rights on terms different than those available to any other similarly situated entity.

Committee Amendment "A" (H-35)

This amendment replaces the bill. The amendment prohibits a consumer-owned water utility from entering into a contract that involves large-scale extraction and transportation of water until the utility has: