

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

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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

Limestone Water and Sewer District acquires title to the Greater Limestone Wastewater Treatment Facility by July 1, 2010. This law also increases the district's debt limit from \$1,500,000 to \$8,000,000.

Private and Special Law 2009, chapter 5 was enacted as an emergency measure effective April 16, 2009.

LD 276

An Act To Protect the Integrity of the State's Carbon Dioxide Budget Trading Program and Auction Process and To Provide Allocations to the Energy and Carbon Savings Trust Fund

**PUBLIC 200
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-138 HOBBS S-42

This bill provides a "public records exception" to exclude certain information submitted to the Department of Environmental Protection or its agent by parties in order to participate in carbon dioxide emission allowance auctions held under the Regional Greenhouse Gas Initiative. The identified purpose of the exception is to protect the integrity of the auctions.

The bill also repeals the requirement that rules adopted by the Department of Environmental Protection under Title 38 chapter 3-B establish a system under which proceeds from the sale of CO2 allowances may be returned to electric customers as direct credits on bills at times of heightened price pressure in regional carbon emission allowance markets.

Finally, the bill establishes allocations for the Energy and Carbon Savings Trust Fund for the disbursement of auction revenues.

Committee Amendment "A" (S-42)

This amendment makes the following changes to the bill:

1. It moves the language in Public Law 2007, chapter 317, regarding rulemaking to provide credits to electric ratepayers at times of heightened price pressure in the regional carbon dioxide allowance markets, which is repealed by the bill, into the statutes governing the Energy and Carbon Savings Trust and shifts responsibility for rulemaking from the Department of Environmental Protection to the Public Utilities Commission.
2. It adds a provision to the bill that changes the Energy and Carbon Savings Trust's expenditure limit for administrative costs from 2 percent of trust fund receipts to no more than \$800,000 per year.
3. It adds a provision to the bill to insert a necessary cross-reference to the voluntary renewable market set aside in the Regional Greenhouse Gas Initiative Act of 2007.
4. It adds a provision to the bill to require the Department of Environmental Protection and the Energy and Carbon Savings Trust to report on the revenues and expenditures of the Energy and Carbon Savings Trust Fund as part of the annual report to the Legislature.
5. It amends the public records exception contained in the bill by clarifying the specific records that are confidential, the time period of confidentiality and exceptions to the confidentiality requirements. It clarifies and provides certain definitions and moves the public records exception language to the section of law governing the Regional Greenhouse Gas Initiative Act of 2007.

Joint Standing Committee on Utilities and Energy

This amendment was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

Senate Amendment "A" To Committee Amendment "A" (S-138)

This amendment corrects the appropriations and allocations section by providing the allocation to the Public Utilities Commission rather than to the Department of Environmental Protection and by correcting a spelling error.

Enacted Law Summary

Public Law 2009, chapter 200 provides a public records exception for certain information submitted to the Department of Environmental Protection or its agent by parties in order to participate in auctions held under the Regional Greenhouse Gas Initiative. The identified purpose of the exception is to protect the integrity of the auctions.

The law also amends certain language in Public Law 2007, chapter 317, regarding rulemaking to provide credits to electric ratepayers at times of heightened price pressure in the regional carbon dioxide allowance markets and enacts appropriate language to shift the responsibility for this rulemaking from the Department of Environmental Protection to the Public Utilities Commission.

The law changes the Energy and Carbon Savings Trust's expenditure limit for administrative costs from 2 percent of trust fund receipts to no more than \$800,000 per year and establishes allocations for the Energy and Carbon Savings Trust Fund for the disbursement of auction revenues. It also requires the Department of Environmental Protection and the Energy and Carbon Savings Trust to report on the revenues and expenditures of the Energy and Carbon Savings Trust Fund as part of the annual report to the Legislature.

Public Law 2009, chapter 200 was enacted as an emergency measure effective May 26, 2009.

LD 314 **Resolve, Directing the Public Utilities Commission To Study the Feasibility of the Merger of Certain Utilities**

ONTP

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

This bill directs the Public Utilities Commission to study the feasibility of the merger of the Maine Public Service Company with New Brunswick Power and submit a report of the results of the study to the Joint Standing Committee on Utilities and Energy by December 2, 2009.

LD 334 **An Act To Clarify the So-called Dig Safe Law**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYKES	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to clarify the so-called dig safe law to assist property owners and others in recognizing appropriate dig safe situations.