

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**

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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 335 Resolve, Regarding Legislative Review of Chapter 2: Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements, a Major Substantive Rule of the Energy and Carbon Savings Trust

**RESOLVE 19
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-57

This resolve provides for legislative review of portions of Chapter 2: Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements, a major substantive rule of the Energy and Carbon Savings Trust.

Committee Amendment "A" (H-57)

This amendment authorizes the final adoption of Chapter 2: Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements, a provisionally adopted major substantive rule of the Energy and Carbon Savings Trust, as long as the rule is amended to clarify that the trust may calculate reductions in greenhouse gas emissions and reductions in consumption of electricity on a basis other than simply reductions from current levels when the trust determines it is appropriate to calculate reductions from the level of greenhouse gas emissions or consumption of electricity that would exist if alternative, less energy efficient technologies were used for the program or project instead of the technologies proposed by the applicant.

Enacted Law Summary

Resolve 2009, chapter 19 authorizes the final adoption of Chapter 2: Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements, a provisionally adopted major substantive rule of the Energy and Carbon Savings Trust. The resolve requires that the rule be amended to clarify that the trust may calculate reductions in greenhouse gas emissions and reductions in consumption of electricity on a basis other than simply reductions from current levels when the trust determines it is appropriate to calculate reductions from the level of greenhouse gas emissions or consumption of electricity that would exist if alternative, less energy efficient technologies were used for the program or project instead of the technologies proposed by the applicant.

Resolve 2009, chapter 19 was finally passed as an emergency measure effective April 30, 2009.

LD 336 Resolve, Regarding Legislative Review of Chapter 313: Net Energy Billing Rule To Allow Shared Ownership, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 20
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-63

This resolve provides for legislative review of portions of Chapter 313: Net Energy Billing Rule to Allow Shared Ownership, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-63)

Joint Standing Committee on Utilities and Energy

This amendment authorizes the final adoption of Chapter 313: Net Energy Billing Rule to Allow Shared Ownership, a provisionally adopted major substantive rule of the Public Utilities Commission, as long as the rule is amended to include micro-combined heat and power systems within the definition of "eligible facility" and to change the installed capacity limit for eligible facilities from 500 kilowatts to 660 kilowatts.

Enacted Law Summary

Resolve 2009, chapter 20 authorizes the final adoption of Chapter 313: Net Energy Billing Rule to Allow Shared Ownership, a provisionally adopted major substantive rule of the Public Utilities Commission. The resolve requires that the rule be amended to include micro-combined heat and power systems within the definition of "eligible facility" and to change the installed capacity limit for eligible facilities from 500 kilowatts, in the proposed rule, to 660 kilowatts.

Resolve 2009, chapter 20 was finally passed as an emergency measure effective April 30, 2009.

LD 389 An Act To Facilitate the State's Existing Commitment to the Production of Liquid Biofuels

PUBLIC 124

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUTTERFIELD BRYANT B	OTP-AM	H-116

This bill eliminates the Agriculturally Derived Fuel Fund and amends the Clean Fuel Vehicle Fund to include biofuel projects. The bill also prohibits franchise agreements that infringe on a retail dealer's ability to deal with suppliers of alternative motor fuel other than the franchisor. The bill also directs the Governor's Office of Energy Independence and Security within the Executive Department, in consultation with the Executive Department, State Planning Office, the Department of Environmental Protection and the Department of Conservation, to study and make recommendations to the Legislature regarding policies to encourage the sustainability of biofuels.

Committee Amendment "A" (H-116)

This amendment makes the following changes to the bill.

1. It removes the requirement that the Governor's Office of Energy Independence and Security within the Executive Department provide direct oversight of the Clean Fuel Vehicle Fund and instead requires that, in administering the fund, the Finance Authority of Maine consult and accept input from the Governor's Office of Energy Independence and Security.
2. It amends the bill to focus on "sustainable biofuel," replaces the term "biofuel" with "sustainable biofuel" and changes the related definition.
3. It adds a provision to allow the Secretary of State to develop and administer a cost-effective method for a person to contribute to the fund through an online process.
4. It eliminates the provisions of the bill relating to prohibitions on franchise agreements between suppliers and retail fuel dealers; requirements for a voluntary contribution to the Clean Fuel Vehicle Fund as part of the regular motor vehicle registration process and as a checkoff on an income tax return; and the requirement for a study of biofuels sustainability by the Governor's Office of Energy Independence and Security.

Enacted Law Summary

Public Law 2009, chapter 124 eliminates the Agriculturally Derived Fuel Fund and amends the Clean Fuel Vehicle Fund to include sustainable biofuel projects. This law requires the Finance Authority of Maine to consult and accept