

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

Enacted Law Summary

Public Law 2009, chapter 285 prohibits the Public Utilities Commission from issuing a certificate of public convenience and necessity for a transmission line that has the effect of eliminating the independent system administrator for northern Maine or materially modifying the scope of responsibilities of the independent system administrator for northern Maine unless the certificate is subject to a requirement for full compensation for the net adverse effects on ratepayers as determined by the commission. The law requires that the compensation be paid to affected customers through a rebate, reduction in rates or other appropriate compensation mechanism benefiting affected ratepayers in the area of the State in which the retail electricity market is administered by the independent system administrator for northern Maine. It also requires that the compensation be calculated for and provided to affected ratepayers over a period of not more than 10 years.

LD 650

An Act To Create a Funding Structure for Sustainable Investment in Public Water and Wastewater Infrastructure in the State

PUBLIC 377

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY BARTLETT	OTP-AM	H-455

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create a sustainable funding mechanism for water and wastewater infrastructure in the State.

Committee Amendment "A" (H-455)

This amendment replaces the bill. The amendment establishes a funding structure for capital investment in public water and wastewater infrastructure in the State, but does not provide actual funds at this time. The funding structure established by the amendment consists of: (1) the State Water and Wastewater Infrastructure Fund within the Maine Municipal Bond Bank; (2) the Maine Drinking Water Fund within the Department of Health and Human Services, which is designed for capital investment and improvement of public water systems, drinking water supplies and water treatment facilities; and (3) the Maine Clean Water Fund within the Department of Environmental Protection, which is designed for capital investment and improvement of public wastewater systems and treatment facilities and water pollution abatement systems.

The amendment directs the Department of Health and Human Services and the Department of Environmental Protection to convene a stakeholder group to review and make recommendations regarding funding needs and sources for the State Water and Wastewater Infrastructure Fund, taking into account the intent to use that fund as a state match for federal funds and to transfer funds from that fund to the Maine Drinking Water Fund and the Maine Clean Water Fund. The amendment requires the departments to report the results of the stakeholder group to the Joint Standing Committee on Utilities and Energy and authorizes the committee to submit legislation related to the report to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Public Law 2009, chapter 377 establishes a funding structure for capital investment in public water and wastewater infrastructure in the State, but does not provide actual funds at this time. The funding structure established by the law consists of: (1) the State Water and Wastewater Infrastructure Fund within the Maine Municipal Bond Bank; (2) the Maine Drinking Water Fund within the Department of Health and Human Services, which is designed for capital investment and improvement of public water systems, drinking water supplies and water treatment facilities; and (3) the Maine Clean Water Fund within the Department of Environmental Protection, which is designed for capital investment and improvement of public wastewater systems and treatment facilities and water pollution abatement systems.

Joint Standing Committee on Utilities and Energy

This law also directs the Department of Health and Human Services and the Department of Environmental Protection to convene a stakeholder group to review and make recommendations regarding funding needs and sources for the State Water and Wastewater Infrastructure Fund, taking into account the intent to use that fund as a state match for federal funds and to transfer funds from that fund to the Maine Drinking Water Fund and the Maine Clean Water Fund. It requires the departments to report the results of the stakeholder group to the Joint Standing Committee on Utilities and Energy and authorizes the committee to submit legislation related to the report to the Second Regular Session of the 124th Legislature.

LD 651 An Act To Amend the Wind Energy Rebate Program Eligibility Requirements

ONTP

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

This bill makes changes to the eligibility requirements and rebate levels for wind energy system rebates under the solar and wind energy rebate program. The bill establishes the rebate amount for wind energy systems in statute as an increasing function of the kilowatt capacity of the wind energy system and the classification of the wind resource at the site of the installation. The bill also amends the law to require that the wind energy system be installed by a factory trained or approved installer under the supervision of a master electrician.

The bill places certain limitations on the eligibility requirements that the Public Utilities Commission may establish for wind energy rebates under the program. Specifically, the bill: prohibits the commission from requiring a residential applicant to demonstrate a minimum wind speed of 9.8 miles per hour or more at the site; prohibits the commission from requiring a minimum tower height for the wind energy system installation; establishes 20 feet as the minimum allowed distance between the wind energy system's blade and any structure or trees within a 200-foot radius; and requires the applicant for the rebate to enter into a net energy billing agreement with the transmission and distribution utility.

LD 717 An Act To Ensure Proper Oversight of Propane Facilities

ONTP

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

This bill removes the oversight of certain propane facilities from the Public Utilities Commission and places the oversight of such facilities under the jurisdiction of the Propane and Natural Gas Board.

LD 764 An Act To Allow Municipalities To Offer Access to the Internet through Digital Subscriber Lines

ONTP

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