

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON UTILITIES AND  
ENERGY**

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
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## 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 124<sup>th</sup> 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 124<sup>th</sup> 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*

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	

## *Joint Standing Committee on Utilities and Energy*

This bill allows a municipality to provide digital subscriber line, or DSL, service through itself or through a third party to an area of the municipality that does not receive Internet service if the telecommunications utility servicing the municipality refuses to provide the service to the area.

**LD 766      An Act To Promote Telecommunications Availability for the Deaf and Hard of Hearing**

**PUBLIC 68**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WAGNER J BOWMAN	OTP-AM	H-65

This bill clarifies that the 70% rate reduction in intrastate toll calls established by the Public Utilities Commission for deaf, hard-of-hearing and speech-impaired persons applies when there are toll charges assessed for the calls. The bill also replaces certain references in the law to teletypewriters with references to telecommunications devices for the deaf and updates several definitions to reflect the new ways in which the deaf and hard-of-hearing community uses telecommunications services. The bill also clarifies that an entity can qualify as a telecommunications relay service provider even if there are parts of the State where it is not technologically feasible to provide the service. The bill clarifies that the Division of Deafness is within the Department of Labor not the Department of Education, and it clarifies the membership of the Telecommunications Relay Services Advisory Council.

**Committee Amendment "A" (H-65)**

This amendment makes several technical changes to the bill for clarification and consistency. It replaces the term "hearing impaired person" with "hard-of-hearing person" for consistency with language in the bill, and it provides a more detailed definition of "hard-of-hearing person" than is included in the bill.

**Enacted Law Summary**

Public Law 2009, chapter 68 clarifies that the 70% rate reduction in intrastate toll calls established by the Public Utilities Commission for deaf, hard-of-hearing and speech-impaired persons applies when there are toll charges assessed for the calls. The law also replaces certain references to teletypewriters with references to telecommunications devices for the deaf and updates several definitions to reflect the new ways in which the deaf and hard-of-hearing community uses telecommunications services. This law also clarifies that an entity can qualify as a telecommunications relay service provider even if there are parts of the State where it is not technologically feasible to provide the service. Finally, it clarifies that the Division of Deafness is within the Department of Labor not the Department of Education, and it clarifies the membership of the Telecommunications Relay Services Advisory Council.

**LD 789      An Act To Make Certain Changes to the Laws Regarding E-9-1-1 Surcharge Collection from Prepaid Wireless and Voice over Internet Protocol Providers**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLAHERTY	ONTP MAJ OTP-AM MIN	

This bill makes several changes to the laws governing the collection of the E911 surcharge for prepaid wireless service and voice over Internet protocol, or VOIP, service.