

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

facility. The resolve requires the Governor's Office of Energy Independence and Security to report to the Joint Standing Committee on Utilities and Energy no later than February 15, 2010 regarding the findings and recommendations of the stakeholder group. After receipt and review of the report, the committee is authorized to report out legislation on the subject of cogeneration energy zones to the Second Regular Session of the 124th Legislature.

LD 1052 An Act To Allow the Use of Net Metering for Energy Production by Consumers

ONTP

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

This bill defines "net metering" as a service under which electricity produced by a customer is delivered to the customer's transmission and distribution utility and the transmission and distribution utility offsets the value of that electricity from the electricity provided to the customer by the transmission and distribution utility. This bill requires a transmission and distribution utility to offer net metering to a customer who produces alternative or renewable energy and to pay the customer the wholesale rate for electricity for any credit owed the customer annually.

LD 1056 An Act To Simplify the Assessment of E-9-1-1 Surcharges on Prepaid Wireless Telecommunications Service

PUBLIC 400

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM MAJ OTP-AM MIN	H-270

This bill modifies the current method for collecting E-9-1-1 surcharges for prepaid wireless services to require retailers of prepaid wireless services to collect the E-9-1-1 surcharge from purchasers at the point of sale in a manner similar the collection of sales taxes on those services at the point of sale.

Committee Amendment "A" (H-270)

This amendment is the majority report of the committee. Like the bill, the amendment modifies the current method for collecting E-9-1-1 surcharges to require retailers of prepaid wireless services to collect the E-9-1-1 surcharge from purchasers at the point of sale. The amendment makes the following changes to the bill.

1. It adds language to the provision of law governing the E-9-1-1 surcharge clarify the separate collection and remittance procedures for the statewide E-9-1-1 surcharge and the prepaid wireless E-9-1-1 surcharge.
2. It changes the prepaid wireless E-9-1-1 surcharge amount from 15 cents per retail transaction, as proposed in the bill, to 30 cents per retail transaction.
3. It amends the provision in the bill regarding disclosure of the prepaid wireless E-9-1-1 surcharge to address those instances when it is not practicable to state the surcharge separately on an invoice, receipt or similar document.
4. It clarifies the provision in the bill regarding remittance of the prepaid wireless E-9-1-1 surcharge to ensure it is parallel to statutory requirements and rules governing sales tax remittance, particularly with respect to remittance on a basis other than monthly for certain sellers.

Joint Standing Committee on Utilities and Energy

5. It clarifies that the State Tax Assessor rather than the Public Utilities Commission shall establish procedures for a seller to document that a sale is not a retail transaction for the purposes of the prepaid wireless E-9-1-1 surcharge.
6. It limits the allowance for the State Tax Assessor to retain up to 2 percent of remitted prepaid wireless E-9-1-1 surcharges to the first two years after the effective date of this law, and it provides \$10,000 from the E-9-1-1 fund for the State Tax Assessor to establish procedures for administering the collection and remittance of the prepaid wireless E-9-1-1 surcharges.
7. It eliminates the provisions in the bill regarding absolute immunity for prepaid wireless telecommunications service providers and sellers.
8. It amends the provision in the bill regarding the E-9-1-1 funding obligation imposed with respect to telecommunications services to apply to both the statewide E-9-1-1 surcharge and the prepaid wireless E-9-1-1 surcharge.

Committee Amendment "B" (H-271)

This amendment is the minority report of the committee. The amendment replaces the bill. The amendment makes certain changes to the law governing collection of the E-9-1-1 surcharge on prepaid wireless telecommunications service to clarify the determination of whether a prepaid wireless customer has a nexus to the State and to clarify the calculation of an approximate number of customers that is included in one of the methods for determining the surcharge amount that a prepaid wireless telecommunications service provider must remit to the State.

The amendment also directs the Public Utilities Commission to make recommendations to the Joint Standing Committee on Utilities and Energy by January 15, 2010 regarding the best method of protecting the integrity of the E-9-1-1 fund and ensuring access to federal grant funds related to the E-9-1-1 system, and it authorizes the committee to report out legislation on this subject to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Public Law 2009, chapter 400 modifies the method for collecting E-9-1-1 surcharges for prepaid wireless services to require retail sellers of prepaid wireless services to collect the E-9-1-1 surcharge from purchasers at the point of sale. The law establishes the prepaid wireless E-9-1-1 surcharge amount as 30 cents per retail transaction, which is consistent with the surcharge of 30 cents per month per line or number for other telecommunications services, and requires that the surcharge be separately stated on an invoice, receipt or similar document provided to the purchaser when practicable. This law adds language to the statute governing the E-9-1-1 surcharge clarify the separate collection and remittance procedures for the statewide E-9-1-1 surcharge and the prepaid wireless E-9-1-1 surcharge. This law requires that prepaid wireless E-9-1-1 surcharges be remitted to the Treasurer of the State consistent with the remittance of sales taxes. It allows the State Tax Assessor to retain up to 2 percent of remitted prepaid wireless E-9-1-1 surcharges to the first two years after the effective date of the law, and it provides \$10,000 from the E-9-1-1 fund for the State Tax Assessor to establish procedures for administering the collection and remittance of the prepaid wireless E-9-1-1 surcharges.

Public Law 2009, chapter 400 takes effect January 1, 2010.

LD 1061 Resolve, Regarding Maine's Renewable Resource Portfolio Requirements

RESOLVE 51

Sponsor(s)

BLISS

Committee Report

OTP-AM

Amendments Adopted

S-124