

# 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*

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**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	S-124

## *Joint Standing Committee on Utilities and Energy*

This bill requires that a competitive electricity provider of a new renewable capacity resource in the portfolio of supply sources for retail electricity sales in the State must supply all of the electricity from its renewable resource generation facility to the New England Power Pool or the northern Maine independent system for a minimum period of one year. Under the bill, a competitive electricity provider that imports its electricity from a generating facility located outside of the New England Power Pool or the northern Maine independent system may not subject the delivery of electricity to economic withholding or curtailment except for a transmission line outage or when the interpool tie lines are operating at full transfer capacity. A competitive electricity provider that fails to comply with the provisions of this bill may not be considered eligible as a new renewable capacity resource for 12 months.

### **Committee Amendment "A" (S-124)**

This amendment replaces the bill with a resolve. The amendment directs the Public Utilities Commission to review and make recommendations for improvements to the portfolio requirements for new renewable capacity resources that must be met by competitive electricity providers in this State. The amendment specifically requires the commission to examine the costs and benefits of imposing additional requirements on owners and operators of new renewable capacity resources used to satisfy the new renewable portfolio requirements, which was proposed in the bill, and to develop recommendations to strengthen incentives for the development of new renewable resources within the State.

The amendment requires the commission to submit a report of its findings and recommendations for the portfolio requirements for new renewable capacity resources to the Joint Standing Committee on Utilities and Energy by January 15, 2010, and it authorizes the committee to submit legislation concerning this subject to the Second Regular Session of the 124th Legislature.

### **Enacted Law Summary**

Resolve 2009, chapter 51 directs the Public Utilities Commission to review and make recommendations for improvements to the portfolio requirements for new renewable capacity resources that must be met by competitive electricity providers in this State. The resolve specifically requires the commission to examine the costs and benefits of imposing additional requirements on owners and operators of new renewable capacity resources used to satisfy the new renewable portfolio requirements and to develop recommendations to strengthen incentives for the development of new renewable resources within the State.

The resolve requires the commission to submit a report of its findings and recommendations for the portfolio requirements for new renewable capacity resources to the Joint Standing Committee on Utilities and Energy by January 15, 2010, and it authorizes the committee to submit legislation concerning this subject to the Second Regular Session of the 124th Legislature.

### **LD 1075      An Act To Establish the Community-based Renewable Energy Pilot Program**

**PUBLIC 329**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD	OTP-AM	H-463

This bill includes a number of provisions designed to encourage the development of community-based energy facilities and to achieve a goal of having 5 percent of electricity consumed by retail customers produced by community-based energy facilities by 2017.

1. It requires the State to give preference to community-based energy facilities in purchasing electricity for state-owned buildings and facilities.