

# MAINE STATE LEGISLATURE

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



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second 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  
SECOND 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 Second 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:

<i>CARRIED OVER</i> .....	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i> .....	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124<sup>th</sup> Legislature is Monday, July 12, 2010. 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 543 An Act Concerning the Allocation of Power Generated by GNE, LLC

P & S 40

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H JACKSON	OTP-AM	H-803

This bill, which was carried over from the First Regular Session of the 124th Legislature, requires electricity generated by GNE, LLC hydropower facilities to be first allocated to the paper production facilities located in Millinocket and East Millinocket.

### Committee Amendment "A" (H-803)

This amendment replaces the bill. This amendment provides that electricity generated by the hydropower facilities identified in Private and Special Law 2001, chapter 45 that is not under contract to be sold to the paper production facilities in Millinocket and East Millinocket or to any other entity may be offered for sale by the owner of the hydropower facilities to any municipally owned electricity provider serving the Katahdin region. The parties to such an offer are required to negotiate in good faith to reach mutually agreeable terms of sale. The owner of the hydropower facilities may offer to a municipally owned electricity provider serving the Katahdin region a right of first refusal with respect to the purchase of electricity generated by the hydropower facilities.

### Enacted Law Summary

Private and Special Law 2009, chapter 40 provides that electricity generated by the hydropower facilities identified in Private and Special Law 2001, chapter 45 that is not under contract to be sold to the paper production facilities in Millinocket and East Millinocket or to any other entity may be offered for sale by the owner of the hydropower facilities to any municipally owned electricity provider serving the Katahdin region. The parties to such an offer are required to negotiate in good faith to reach mutually agreeable terms of sale. The owner of the hydropower facilities may offer to a municipally owned electricity provider serving the Katahdin region a right of first refusal with respect to the purchase of electricity generated by the hydropower facilities.

## LD 1222 Resolve, To Promote Geothermal Energy

RESOLVE 161

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-369

This bill, which was carried over from the First Regular Session of the 124th Legislature, is a concept draft pursuant to Joint Rule 208. This bill proposes to create a tax incentive program for geothermal energy, similar to the federal Energy Improvement and Extension Act of 2008 and the state solar and wind energy rebate program, to address the needs of residents who live in areas where solar or wind power are not viable options. Under the proposed incentive program, homeowners who install geothermal heating and cooling systems would be eligible for a one-time tax credit of a percentage of the total investment for residential ground loop or ground water geothermal heat pump installations, with a maximum credit for a single residence.

### Committee Amendment "A" (S-369)

This amendment replaces the bill, which was a concept draft, with a resolve. The amendment directs the Executive

## *Joint Standing Committee on Utilities and Energy*

Department, Governor's Office of Energy Independence and Security to examine policy options and develop recommendations to promote and provide incentives for the installation of residential geothermal heating and cooling systems, particularly in multifamily residences. It requires the Governor's Office of Energy Independence and Security, by January 15, 2011, to submit a report of its findings and recommendations, including draft legislation, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and authorizes the committee to submit a bill relating to the report to the First Regular Session of the 125th Legislature.

### **Enacted Law Summary**

Resolve 2009, chapter 161 directs the Executive Department, Governor's Office of Energy Independence and Security to examine policy options and develop recommendations to promote and provide incentives for the installation of residential geothermal heating and cooling systems, particularly in multifamily residences. It requires the Governor's Office of Energy Independence and Security, by January 15, 2011, to submit a report of its findings and recommendations, including draft legislation, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and authorizes the committee to submit a bill relating to the report to the First Regular Session of the 125th Legislature.

### **LD 1350     An Act To Establish the Maine Transmission Mitigation Trust Fund**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON	ONTP	

This bill, which was carried over from the First Regular Session of the 124th Legislature, imposes a state excise tax per megawatt hour of electricity transmitted over certain high-voltage electric transmission property. The bill also creates the Maine Transmission Mitigation Trust and the Maine Transmission Mitigation Trust Fund. The revenue from the imposition of the state excise tax on certain high-voltage electric transmission property is deposited in the trust fund, which is managed by the trust. The trustees of the trust are required to distribute 20% of the trust fund, up to \$10,000,000, annually to municipalities that have submitted winning bids to the trust for projects to install underground utility infrastructure. The remainder of the trust fund must be paid to electricity customers in proportion to each customer's purchases of electricity transmitted over the State's transmission and distribution utilities transmission lines.

### **LD 1430     An Act To Ensure Electric Capacity To Serve Maine Consumers**

**ONTP**

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

This bill, which was carried over from the First Regular Session of the 124th Legislature, amends the laws governing electric utilities to define "capacity resource" to include distributed generation resource. It specifies that determinations relating to capability responsibility, which is defined in the bill as the amount of electric generation capacity required to meet the needs of electricity users within the State, must be made by the State. It establishes a goal of supporting the integrated use of demand response programs and distributed generation resources in order to fulfill the State's capability responsibility. Finally, it amends the law to require, rather than permit, the Public Utilities Commission to enter into contracts for interruptible, demand response or energy efficiency capacity