

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON UTILITIES AND
ENERGY**

April 2010

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STATE OF MAINE

124TH 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 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:

<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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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 124th 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

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

Joint Standing Committee on Utilities and Energy

resources.

LD 1504 An Act To Provide Predictable Benefits to Maine Communities That Host Wind Energy Developments

PUBLIC 642

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	H-829 FITTS S-501

This bill requires that proposals for expedited wind energy development projects must demonstrate to the siting authority that the proposed generating facility will provide a tangible benefit to Maine ratepayers in the form of a reduction in long-term electric rates.

Committee Amendment "A" (S-501)

This amendment replaces the bill. Part A of the amendment does the following.

1. It requires an applicant for an expedited wind energy development to establish a community benefits package in an amount of no less than \$4,000 per year per wind turbine. The package is an aggregate collection of tangible benefits resulting from an expedited wind energy development from: payments to the host community or communities; payments that reduce energy costs in the host community or communities; and donations for land or natural resource conservation.
2. It also requires an applicant for an expedited wind energy developments to provide, as part of any permit application, detailed documentation of tangible benefits to be provided.
3. It provides certain exceptions from the community benefits package requirement. Specifically, the requirement is waived for any development that has an installed capacity of less than 20 megawatts or is owned by a nonprofit, public or quasi-public entity, and the requirement does not apply to those turbines included in the development that are located in a host community in which the legislative body has voted to waive or reduce the requirement or located on Passamaquoddy Indian territory or Penobscot Indian territory at the option of the respective tribe or nation. It also allows the Aroostook Band of Micmacs to be treated as a host community with respect to expedited wind energy developments on Band Trust Land, as defined in the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171, 105 Stat. 1143 (1991), if the band obtains through appropriate legislation municipal authority that is substantially equivalent to the authority possessed by the Penobscot Nation and the Passamaquoddy Tribe under the Maine Revised Statutes, Title 30, section 6206 within their respective Indian territories.
4. It specifies that community benefit agreement payments to counties acting as host communities may be used for projects and programs of public benefit located anywhere within that county.
5. It requires the Department of Economic and Community Development and the Executive Department, State Planning Office, to the extent practicable within existing resources, to provide assistance to host communities, upon a community's request, in connection with benefits from expedited wind energy developments.
6. It requires the Executive Department, Governor's Office of Energy Independence and Security, in its annual assessment and report on wind energy, to include a summary of tangible benefits provided, including community benefits packages and community benefit agreement payments and to review the community benefits package requirement and actual amounts of negotiated community benefits packages relative to the required minimum.

Part B of the amendment amends the law governing appeals of final actions of the Commissioner of Environmental