

# 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**

July 2009

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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 adds language to limit the number of ocean energy generating units in the Maine Offshore Wind Energy Research Center to 6 units in operation at any one time in that area and it provides a definition of ocean energy generating units;
6. It clarifies the language in the bill regarding the initial identification of offshore wind energy test areas by the Department of Environmental Protection and subsequent modification of the initial list of identified areas;
7. It adds language to provide that identification of an offshore wind energy test area or areas constitutes final agency action of the Department of Conservation; and
8. It adds an emergency preamble and emergency clause.

### **Enacted Law Summary**

Public Law 2009, chapter 270 contains several provisions to facilitate research and development and demonstration of renewable ocean energy technologies.

Part A of this law streamlines state permitting of offshore wind energy demonstration projects by creating a general permit administered by the Department of Environmental Protection for qualified offshore wind energy demonstration projects located in specific identified offshore areas.

Part B of this law streamlines the process for issuance of a state submerged lands lease for an offshore wind energy demonstration project granted a general permit in accordance with Part A of the bill or a tidal energy demonstration project granted a general permit under Part D of the bill.

Part C of this sets forth a public process to identify up to 5 specific offshore areas in which an offshore wind energy demonstration project may be granted a general permit as provided in Part A of the bill based on consideration of potential effects on natural resources and existing uses, community support and other factors. The law specifies that identification of an offshore wind energy test area or areas constitutes final agency action of the Department of Conservation.

Part C further provides for designation of one of these areas as the Maine Offshore Wind Energy Research Center to facilitate offshore wind energy-related research and development conducted by or in cooperation with the University of Maine System. The law allows the University of Maine System to hold more than one general permit for an offshore wind energy project in the Maine Offshore Wind Energy Research Center as long as the projects employ differing wind energy technologies, and it limits the number of ocean energy generating units in the Maine Offshore Wind Energy Research Center to 6 units in operation at any one time in that area.

Part D of this law streamlines state permitting of tidal energy demonstration projects by creating a general permit administered by the Department of Environmental Protection for projects eligible for a pilot project license from the Federal Energy Regulatory Commission.

Public Law 2009, chapter 270 was enacted as an emergency measure effective June 4, 2009.

**LD 1467**

**An Act Relating to the Carrabassett Valley Sanitary District**

**ONTP**

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

## *Joint Standing Committee on Utilities and Energy*

This bill provides that the common-law rule that holds that a claim of adverse possession or prescriptive easement may not be maintained against land owned by the government or a quasi-governmental entity does not apply in the limited case where a transmission line from a generating facility is located on or over property owned by the Carrabassett Valley Sanitary District and within 300 feet of a utility substation. The bill also shortens the prescriptive period from 20 to 10 years in this limited case.

**LD 1494    An Act To Amend the Charter of the Limestone Water and Sewer District**

**P & S 26**

Sponsor(s)

MARTIN J L  
JACKSON

Committee Report

Amendments Adopted

This bill prohibits a person serving an appointed member of the Greater Limestone Wastewater Treatment Facility Board from serving as an officer of the elected board of trustees of the Limestone Water and Sewer District. The bill also limits the jurisdiction of the wastewater treatment facility board to the operation and maintenance of the facility, compliance with environmental regulations applicable to that facility, rate changes and changes in the terms and conditions of wastewater service provided by the district to the Loring Development Authority of Maine. It also clarifies that the elected board of trustees of the district remains vested with authority over all other affairs of the district, including the authority to borrow money and issue bonds in the name of the district.

**Enacted Law Summary**

Private and Special Law 2009, chapter 26 prohibits a person serving an appointed member of the Greater Limestone Wastewater Treatment Facility Board from serving as an officer of the elected board of trustees of the Limestone Water and Sewer District. This law also limits the jurisdiction of the wastewater treatment facility board to the operation and maintenance of the facility, compliance with environmental regulations applicable to that facility, rate changes and changes in the terms and conditions of wastewater service provided by the district to the Loring Development Authority of Maine. It also clarifies that the elected board of trustees of the district remains vested with authority over all other affairs of the district, including the authority to borrow money and issue bonds in the name of the district.