

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

pursuant to Title 35-A, section 116.

**LD 1581 Resolve, Regarding Commercial Electricity Customers Whose Bills
Increased after a Decrease in Electricity Use**

RESOLVE 179

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS HOBBINS	OTP-AM	H-700 H-739 FITTS

This bill requires the Public Utilities Commission to ensure that there is no increase in an electricity customer's bill as a result of that customer's reduction in demand or consumption of electricity attributable to the implementation of energy conservation or energy efficiency measures.

Committee Amendment "A" (H-700)

This amendment replaces the bill with a resolve. The amendment addresses those commercial electricity customers that experienced higher electricity bills after a decrease in electricity use and that have been found to be eligible for the best rate option in the Public Utilities Commission's investigation into rate class changes applicable to transmission and distribution general service customers due to energy efficiency or demand reduction, Public Utilities Commission Docket # 2009-397. The amendment requires that those particular commercial customers receive credits for the difference between what the customers were actually charged for delivery service during the 12-month period preceding the commission's final order in Public Utilities Commission Docket # 2009-397 and what the customers would have been charged under the best rate option during that period.

House Amendment "A" To Committee Amendment "A" (H-739)

This amendment ensures that the cost of customer credits required by this resolve are recoverable by the utility.

Enacted Law Summary

Resolve 2009, chapter 179 addresses those commercial electricity customers that experienced higher electricity bills after a decrease in electricity use and that have been found to be eligible for the best rate option in the Public Utilities Commission's investigation into rate class changes applicable to transmission and distribution general service customers due to energy efficiency or demand reduction, Public Utilities Commission Docket # 2009-397. The resolve requires that those particular commercial customers receive credits for the difference between what the customers were actually charged for delivery service during the 12-month period preceding the commission's final order in Public Utilities Commission Docket # 2009-397 and what the customers would have been charged under the best rate option during that period. The cost of customer credits required by this resolve are recoverable by the utility.

**LD 1589 An Act To Authorize Sanitary Districts, Water Utilities and Sewer
Districts To Waive an Automatic Lien Foreclosure**

PUBLIC 490

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE NASS R	OTP-AM	H-600 H-630 HINCK

Joint Standing Committee on Utilities and Energy

This bill authorizes sanitary districts to waive automatic foreclosure of a sanitary district lien mortgage.

Committee Amendment "A" (H-600)

This amendment makes it clear that a notice of waiver of automatic foreclosure must be dated.

House Amendment "A" (H-630)

This amendment authorizes sewer districts and water utilities to waive automatic foreclosure of lien mortgages.

Enacted Law Summary

Public Law 2009, chapter 490 authorizes sanitary and sewer districts as well as water utilities to waive automatic foreclosure of lien mortgages.

LD 1601 An Act To Create the Lincolnville Sewer District

P & S 32

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-360

This bill creates the Lincolnville Sewer District.

Committee Amendment "A" (S-360)

This amendment makes certain technical changes to the bill to clarify that the Lincolnville Sewer District's purposes include providing water service in addition to sewer services, that the trustees of the new district have staggered terms as specified in the Maine Revised Statutes, Title 35-A, section 6410 and that after the first board is appointed by the municipal officers of the Town of Lincolnville trustees are elected and vacancies filled in accordance with the Title 35-A, section 6410. This amendment also provides that the trustees must be residents and voters of the district.

Enacted Law Summary

Private and Special Law 2009, chapter 32 creates the Lincolnville Sewer District.

LD 1643 An Act To Facilitate the Involvement of the Office of the Public Advocate in the FairPoint Communications Bankruptcy Case

**P & S 30
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK HOBBINS	OTP-AM	H-618

This bill authorizes an allocation of \$100,000 to cover costs to be incurred through a contract for legal services to be provided by bankruptcy counsel for the FairPoint Communications bankruptcy proceedings in New York. This bill authorizes the Office of the Public Advocate to impose a special assessment to cover the cost of those legal services only on those telecommunications providers already subject to assessment under the Maine Revised Statutes, Title 35-A, section 116, subsection 8.

Committee Amendment "A" (H-618)