

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

LD 1661 An Act To Create a Position at the Public Utilities Commission

ONTP

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

This bill adds one Utility Analyst - Public Service Coordinator III position at the Public Utilities Commission as required by the policy of the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration. The Public Utilities Commission partners with the United States Department of Transportation with respect to the federal gas pipeline safety program and has assumed certain gas pipeline inspection and enforcement responsibilities from the Pipeline and Hazardous Materials Safety Administration. The new position is created to carry out these gas pipeline safety inspection and enforcement responsibilities. Funds for this position are allocated from the Public Utilities Commission Regulatory Fund and are partially reimbursed by the United States Department of Transportation.

LD 1680 An Act To Assist in Reviewing Wind Energy Applications

PUBLIC 492
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	S-370

This bill amends the laws governing the siting of wind energy developments. It makes certain provisions of the laws governing the Maine Land Use Regulation Commission consistent with the corresponding provisions applicable to the Department of Environmental Protection. These provisions allow the commission to require a preapplication notice of filing; allow the commission to require an applicant to attend a public meeting during the review of a wind energy development; allow the commission to extend the processing time with the consent of the applicant; and clarify that, in certain circumstances, associated facilities are not subject to the same time limits. The bill clarifies that the provisions of law regarding a development's effects on scenic character apply to all wind energy developments, as defined in the Maine Revised Statutes, Title 35-A, of 100 kilowatts or greater in the expedited areas of the commission's jurisdiction, including wind energy developments that do not qualify as grid-scale. It specifies that in the jurisdiction of the commission, all wind energy developments are subject to fee provisions as extraordinary projects, allowing the commission to recover costs associated with processing of the applications, including the cost of noise or other studies.

Committee Amendment "A" (S-370)

This amendment clarifies the provision of the bill regarding the consideration by the Maine Land Use Regulation Commission of the effects of a wind energy development on scenic character and existing uses relating to scenic character for a wind energy development with a generating capacity of 100 kilowatts or greater but less than grid-scale.

Enacted Law Summary

Public Law 2009, chapter 492 amends the laws governing the siting of wind energy developments. It makes certain provisions of these laws governing the Maine Land Use Regulation Commission consistent with the corresponding provisions applicable to the Department of Environmental Protection. These provisions allow the commission to require a preapplication notice of filing; allow the commission to require an applicant to attend a public meeting

Joint Standing Committee on Utilities and Energy

during the review of a wind energy development; allow the commission to extend the processing time with the consent of the applicant; and clarify that, in certain circumstances, associated facilities are not subject to the same time limits. The law clarifies that the provisions of law regarding a development's effects on scenic character apply to all wind energy developments, as defined in the Maine Revised Statutes, Title 35-A, of 100 kilowatts or greater in the expedited areas of the commission's jurisdiction, including wind energy developments that do not qualify as grid-scale. It specifies that in the jurisdiction of the commission, all wind energy developments are subject to fee provisions as extraordinary projects, allowing the commission to recover costs associated with processing of the applications, including the cost of noise or other studies.

Public Law 2009, chapter 492 was enacted as an emergency measure effective March 5, 2010.

**LD 1682 An Act To Amend the Electric Utility Industry Laws as They Relate to
Renewable Resources**

PUBLIC 542

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-372 S-414 HOBBS

This bill amends various definitions in the Maine Revised Statutes, Title 35-A relating to renewable resources. Specifically, this bill amends the law in the following ways.

1. The bill amends definitions of "eligible resource," "new renewable capacity resources," "renewable energy credit" and "renewable resource" in the law governing electrical generation portfolio requirements. These changes:
 - a. Limit all eligible resources qualifying under the basic 30% portfolio requirement, including cogeneration facilities, to those resources not exceeding 100 megawatts;
 - b. Add a new 100-megawatt limit on all new renewable resources that can qualify for the new renewable resource portfolio requirement above 30%;
 - c. Add a requirement that hydroelectric generators, other than those that qualify as small power production facilities under federal regulations, must meet state and federal fish passage requirements in order to qualify for the basic 30% portfolio requirement; and
 - d. Specify that biomass generators that qualify as renewable resources under the basic 30% portfolio requirement include those fueled by anaerobic digestion of agricultural products, by-products and wastes.
2. The bill clarifies the definition of "renewable capacity resource" in the law governing capacity resource adequacy and removes from the definition facilities that qualify as small power production facilities that do not otherwise qualify as renewable resources under Title 35-A, section 3210, subsection 2, paragraph C.
3. The bill modifies the law governing green power options to clarify that 100-megawatt capacity limits do not apply to resources that qualify as "green power supply" or for "renewable energy credit." Under current law, because of certain cross-references, it is unclear whether the 100-megawatt capacity limits apply to qualifying resources other than wind power or to all qualifying resources.
4. The bill amends the definition of "eligible renewable resource" in the law governing the community-based renewable energy pilot program to make it consistent with the changes to the definition of "renewable resource" in