

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**

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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:

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 HOUSES..... 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 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

Resolve 2009, chapter 168 directs the Public Utilities Commission, in consultation with representatives of transmission and distribution utilities, gas utilities and water utilities as well as representatives of owners of rental units and representatives of tenants and other interested persons, to seek to develop appropriate and reasonable procedures to allow owners of rental units to receive notice of disconnection of electric, gas or water service to a tenant. The commission is directed to examine a variety of issues related to this matter and is authorized to take action pursuant to existing laws and rules or to adopt rules as necessary to achieve the goals of the resolve. The commission is required to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2011 the results of its examination as well as any procedures established.

See also LD 1644.

Resolve 2009, chapter 168 was finally passed as an emergency measure effective March 24, 2010.

LD 1696 An Act Regarding Community-based Renewable Energy

**PUBLIC 565
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS	OTP-AM	H-730

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to revise recently enacted legislation on feed-in tariffs and community-based energy generation facilities to correct some issues that have arisen.

Committee Amendment "A" (H-730)

This amendment replaces the bill, which was a concept draft. The amendment makes community-based renewable energy projects eligible for funds from the voluntary Renewable Resource Fund for community demonstration projects. The amendment also transfers all duties regarding the administration of the Renewable Resource Fund to the Efficiency Maine Trust as of July 1, 2010, instead of having responsibilities for that fund divided between the trust and the Public Utilities Commission. The amendment specifies that, under the community-based renewable energy pilot program, the municipal legislative body can delegate to its municipal officers the authority to pass the required resolution of support for a community-based renewable energy project.

The amendment clarifies that, as of July 1, 2010, community-based renewable energy projects continue to be eligible to apply for funding from the Regional Greenhouse Gas Initiative Trust Fund as nonelectric savings programs. Until July 1, 2010, current law provides that these projects are eligible to apply for funding from the Energy and Carbon Savings Trust Fund, which becomes the Regional Greenhouse Gas Initiative Trust Fund on that date.

The amendment also prohibits a state agency or instrumentality that is administering American Reinvestment and Recovery Act of 2009 funds from prohibiting a community-based renewable energy project that is eligible to receive such funds under federal guidelines from applying to the state agency or instrumentality for such funds.

Enacted Law Summary

Public Law 2009, chapter 565 makes community-based renewable energy projects eligible for funds from the voluntary Renewable Resource Fund for community demonstration projects and transfers all duties regarding the administration of the Renewable Resource Fund to the Efficiency Maine Trust as of July 1, 2010, instead of having responsibilities for that fund divided between the trust and the Public Utilities Commission. The law also specifies that, under the community-based renewable energy pilot program, the municipal legislative body can delegate to its municipal officers the authority to pass the required resolution of support for a community-based renewable energy project.

Joint Standing Committee on Utilities and Energy

This law clarifies that, as of July 1, 2010, community-based renewable energy projects continue to be eligible to apply for funding from the Regional Greenhouse Gas Initiative Trust Fund as nonelectric savings programs. Until July 1, 2010, current law provides that these projects are eligible to apply for funding from the Energy and Carbon Savings Trust Fund, which becomes the Regional Greenhouse Gas Initiative Trust Fund on that date.

This law also prohibits a state agency or instrumentality that is administering American Reinvestment and Recovery Act of 2009 funds from prohibiting a community-based renewable energy project that is eligible to receive such funds under federal guidelines from applying to the state agency or instrumentality for such funds.

Public Law 2009, chapter 565 was enacted as an emergency measure effective March 29, 2010.

LD 1697 An Act To Protect Universal Service

ONTP

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

This bill prohibits instrumentalities, institutions or agencies of the State from providing telecommunications service or information service to any person other than itself or its tenants. The bill also prohibits instrumentalities, institutions or agencies of the State from procuring such services in a manner that constrains or limits alternative proposals to meet instrumentalities', institutions' or agencies' needs. The bill establishes a right of action for injunctive relief and damages for violation of these requirements. The bill also repeals authority for the University of Maine to install lines on existing utility facilities within or along a right of way for the purpose of transmitting data and communications.

LD 1717 An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses

**PUBLIC 591
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P BLISS	OTP-AM	H-745

This bill allows a municipality, on its own or through agreement with other municipalities, counties, nonprofit organizations, private lenders or other entities, to establish a clean energy improvement financing program under which financing for a clean energy improvement located on a qualifying real property is secured, with the written agreement of all owners of record of the property, by a municipal lien on the property that takes precedence over all other claims on the property, excepting only claims for property taxes and liens for nonpayment of sewer or water utility services, and that is enforced by the municipality in the same manner as is a municipal property tax lien. It defines "clean energy improvement" as an energy efficiency improvement or energy generation system that relies on solar arrays and installations, geothermal installations or wind power installations as authorized by the municipality.

Committee Amendment "A" (H-745)

This amendment replaces the bill. The amendment does the following.

1. It enacts the Property Assessed Clean Energy Act, or PACE Act, which authorizes the Efficiency Maine Trust and municipalities to establish property assessed clean energy programs, referred to as PACE programs, under which