

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE**  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES  
AND TECHNOLOGY**

July 2011

**MEMBERS:**

SEN. MICHAEL D. THIBODEAU, CHAIR  
SEN. CHRISTOPHER W. RECTOR  
SEN. PHILIP L. BARTLETT II

REP. STACEY ALLEN FITTS, CHAIR  
REP. JAMES M. HAMPER  
REP. DEAN A. CRAY  
REP. LARRY C. DUNPHY  
REP. AARON F. LIBBY  
REP. JON HINCK  
REP. ALEXANDER CORNELL DU HOUX  
REP. ROBERTA B. BEAVERS  
REP. MARK N. DION  
REP. LOUIS J. LUCHINI

**STAFF:**

JEAN GUZZETTI, LEGISLATIVE ANALYST  
JON CLARK, DEPUTY DIRECTOR  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

*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; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY* ..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125<sup>th</sup> Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

***Joint Standing Committee on Energy, Utilities and Technology***

1. Whose charter does not establish, or authorize the district to establish, a lien on real estate served by the district; and
2. That has been approved to exercise the lien provisions of the law by the voters of the district voting in a referendum.

Public Law 2011, chapter 26 was enacted as an emergency measure effective April 11, 2011.

**LD 183      An Act Relating To Net Energy Billing for Solar Energy Users      ONTP**

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

Under current rules of the Public Utilities Commission, a customer who owns a small renewable or highly efficient generator may elect net energy billing under which the customer is billed on the basis of net energy used by that customer, taking into account electricity generated by the customer and electricity delivered to the customer by the transmission and distribution utility. The rules allow the customer to obtain credit for electricity generated by the customer's generator in excess of that used by the customer during any billing period, but only over a period of 12 months. At the end of the 12-month period, any accumulated unused credits are lost.

This bill requires the commission to permit certain customers to choose net energy billing and prohibits the commission from limiting the amount of credit that a customer may earn if the customer's generator relies on solar arrays and installations. At the suggestion of the sponsor of this bill, the committee voted a unanimous ought-not-to-pass report.

**LD 192      An Act To Bring a Green Data Center to Maine      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL C WOODBURY	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to create a program to encourage the development of a data center in this State that is powered by indigenous renewable energy sources, uses the new so-called "Three Ring Binder" fiber-optic infrastructure and creates jobs in the State.

**LD 197      An Act To Improve Response to Gas Safety Emergencies      PUBLIC 27**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK ALFOND	OTP-AM	H-26

## ***Joint Standing Committee on Energy, Utilities and Technology***

This bill requires the Public Utilities Commission, in the event of a natural gas explosion or fire or other natural gas event involving a gas utility or natural gas pipeline utility that results in injury to persons or damage to property, to:

1. Immediately seek to ensure, to the full extent of its authority and resources, that all evidence of the natural gas event is retained and secured;
2. In any commission proceeding concerning the natural gas event, afford any person injured by the event and any person who suffered any property damage in the event an opportunity to address the commission regarding the event;
3. Use administrative penalties collected from a gas utility or natural gas pipeline utility for violations relating to the event to equitably compensate persons not otherwise fully compensated for injuries or property damage suffered as a result of the event; and
4. Cooperate with and assist, to the extent reasonable and practicable, any person seeking recovery in a civil action against a natural gas utility or natural gas pipeline utility for personal injury or property damage suffered as a result of the event.

### **Committee Amendment "A" (H-26)**

This amendment replaces the bill. This amendment:

1. Requires the State Fire Marshal to investigate and secure evidence of a gas explosion event in accordance with a protocol adopted by the State Fire Marshal;
2. Allows the Public Utilities Commission to reimburse the State Fire Marshal for expenses associated with investigating a gas explosion event involving a gas utility or a natural gas pipeline utility subject to the jurisdiction of the commission;
3. Directs the Public Utilities Commission to allow a person injured by a gas explosion event or who suffered property damage an opportunity to address the commission in a proceeding concerning the gas explosion event;
4. Requires the Public Utilities Commission, in any final order regarding the application of administrative penalties to benefit any person affected or potentially affected by the underlying violation, to make specific findings of fact supporting the commission's decision, including findings supporting any amount the commission decides to apply as well as findings supporting any denial of a request or portion of a request for an application of the penalties to benefit a person affected or potentially affected by the violation; and
5. Directs the Public Utilities Commission, in determining whether to apply any administrative penalties relating to the gas explosion event to benefit customers affected or potentially affected by the violation, and in determining the amount to apply, to consider documented property losses suffered by a person as a result of the event and allows the commission to apply an amount to equitably compensate the person for losses not otherwise fully compensated.

### **Enacted Law Summary**

Public Law 2007, chapter 27:

1. Requires the State Fire Marshal to investigate and secure evidence of a gas explosion event in accordance with a protocol adopted by the State Fire Marshal;
2. Allows the Public Utilities Commission to reimburse the State Fire Marshal for expenses associated with investigating a gas explosion event involving a gas utility or a natural gas pipeline utility subject to the jurisdiction of the commission;

*Joint Standing Committee on Energy, Utilities and Technology*

- 3. Directs the Public Utilities Commission to allow a person injured by a gas explosion event or who suffered property damage an opportunity to address the commission in a proceeding concerning the gas explosion event;
- 4. Requires the Public Utilities Commission, in any final order regarding the application of administrative penalties to benefit any person affected or potentially affected by the underlying violation, to make specific findings of fact supporting the commission's decision, including findings supporting any amount the commission decides to apply as well as findings supporting any denial of a request or portion of a request for an application of the penalties to benefit a person affected or potentially affected by the violation; and
- 5. Directs the Public Utilities Commission, in determining whether to apply any administrative penalties relating to the gas explosion event to benefit customers affected or potentially affected by the violation, and in determining the amount to apply, to consider documented property losses suffered by a person as a result of the event and allows the commission to apply an amount to equitably compensate the person for losses not otherwise fully compensated.

**LD 241      An Act To Promote Energy Independence and Renewable Energy      ONTP**  
**Production**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK T SHERMAN	ONTP	

This bill requires the Public Utilities Commission to accept all renewable resources electricity, as defined in Maine Revised Statute, Title 35-A, section 3210 located in this state, into the standard-offer service provided to customers not located within the New England independent system operator control area. The renewable resources electricity is required to meet reasonable terms and conditions established by the commission by rule or order. In establishing the terms and conditions the commission must ensure that charges to customers for standard-offer service are not increased as a result of the inclusion of those renewable resources. The committee voted this bill ought-not-pass and voted to send a letter to the Federal Energy Regulatory Commission expressing concerns over reliability in the Northern Maine Independent System Operator territory.

**LD 243      An Act To Ensure Emergency Communications for Persons with      PUBLIC 173**  
**Disabilities**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER THIBODEAU	OTP	

This bill adds telecoil technology to the types of specialized customer communications equipment that may be made available by the Department of Labor, Bureau of Rehabilitation Services to low-income deaf, hard-of-hearing, late-deafened or speech-impaired persons and persons with disabilities to provide or facilitate emergency alert notifications.

**Enacted Law Summary**

Public Law 2001, chapter 173 adds telecoil technology to the types of specialized customer communications equipment that may be made available by the Department of Labor, Bureau of Rehabilitation Services to low-income deaf, hard-of-hearing, late-deafened or speech-impaired persons and persons with disabilities to provide or facilitate emergency alert notifications.