

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH 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

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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
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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 125th 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 125th 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

LD 328 **An Act To Move Propane Safety Oversight to the Maine Fuel Board**

ONTP

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

This bill moves jurisdiction over propane gas systems from the Public Utilities Commission to the Maine Fuel Board.

See LD 908.

LD 331 **Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission**

**RESOLVE 31
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-85

This resolve provides for legislative review of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-85)

This amendment authorizes final adoption of changes to Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission only if the commission:

1. Removes all the commission's provisionally adopted changes to the rule;
2. Replaces the definitions of "emergency" and "emergency excavation" in the rule with a definition of "emergency excavation" that is the same as the definition in the Maine Revised Statutes, Title 23, section 3360-A, subsection 1, paragraph B;
3. Modifies the rule to provide that the period after which a Dig Safe System ticket must be renewed is 60 days and that the ticket may be renewed twice;
4. Modifies that part of the rule governing enforcement action procedure to change references to "notice of probable violation" to a more neutral terminology, such as "notice of investigation," and references to "probable violation" to a more neutral terminology, such as "possible violation"; and
5. Removes a provision from the commission's rule that creates confusion as to the responsibilities of contractors and subcontractors. Current law provides that in the case of an excavation involving subcontractors, the excavator that is directly responsible for performing the excavation shall ascertain that all notifications are performed. The commission's rule includes a conflicting provision that requires each excavator performing work in an excavation area to notify the Dig Safe System. The amendment directs that this conflicting provision be removed.

Enacted Law Summary

Joint Standing Committee on Energy, Utilities and Technology

Resolve 2011, chapter 31 authorizes final adoption of changes to Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission only if the commission:

1. Removes all the commission's provisionally adopted changes to the rule;
2. Replaces the definitions of "emergency" and "emergency excavation" in the rule with a definition of "emergency excavation" that is the same as the definition in the Maine Revised Statutes, Title 23, section 3360-A, subsection 1, paragraph B;
3. Modifies the rule to provide that the period after which a Dig Safe System ticket must be renewed is 60 days and that the ticket may be renewed twice;
4. Modifies that part of the rule governing enforcement action procedure to change references to "notice of probable violation" to a more neutral terminology, such as "notice of investigation," and references to "probable violation" to a more neutral terminology, such as "possible violation"; and
5. Removes a provision from the commission's rule that creates confusion as to the responsibilities of contractors and subcontractors. Current law provides that in the case of an excavation involving subcontractors, the excavator that is directly responsible for performing the excavation shall ascertain that all notifications are performed. The commission's rule includes a conflicting provision that requires each excavator performing work in an excavation area to notify the Dig Safe System. This law directs that this conflicting provision be removed.

Resolve 2011, chapter 31 was finally passed as an emergency measure effective May 9, 2011.

LD 361 Resolve, To Evaluate the Energy Use of the State House and the Burton M. Cross State Office Building

RESOLVE 40

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX THIBODEAU	OTP-AM	H-92

This bill requires the Efficiency Maine Trust to conduct an energy audit of the State House. The Efficiency Maine Trust is required to report its findings, including, but not limited to, recommendations regarding ways to save energy and reduce the use of oil in the short term such as the use of energy-efficient lighting and minimizing heat loss and in the long term such as the use of geothermal or wind energy, to the Legislative Council no later than December 7, 2011.

Committee Amendment "A" (H-92)

This amendment strikes the resolve and directs the Efficiency Maine Trust to conduct or contract for an energy audit of the State House and the Burton M. Cross State Office Building. The amendment directs the Efficiency Maine Trust to allocate \$200,000 for the completion of the energy audit and the implementation of cost-effective energy efficiency measures in the State House and the Burton M. Cross State Office Building.

Enacted Law Summary

Resolve 2011, Chapter 40 directs the Efficiency Maine Trust to conduct or contract for an energy audit of the State House and the Burton M. Cross State Office Building. It requires the trust to report the results and recommendations of audit to the Director of the Department of Administrative and Financial Services and the Executive Director of the Legislative Council no later than December 7, 2011. Additionally, this law directs the Efficiency Maine Trust to allocate \$200,000 for the completion of the energy audit and the implementation of cost-effective energy efficiency measures in the State House and the Burton M. Cross State Office Building.