

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
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

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
125TH 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 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 407 An Act To Clarify the Dig Safe Standards

PUBLIC 72
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY THIBODEAU	OTP-AM	H-78

This bill requires the Public Utilities Commission to clarify the rules applicable to the dig safe underground facility damage prevention system to include a clear enunciation of the standards applicable to excavations around state highways, including guidance on notice requirements and acceptable premarking procedures. The bill also requires the Public Utilities Commission to convene a working group to study issues relating to clarifying the rules applicable to the dig safe system and to develop guidance on notice requirements and acceptable premarking procedures.

Committee Amendment "A" (H-78)

This amendment replaces the bill. This amendment:

1. Adds an emergency preamble and clause to the bill;
2. Modifies the law that requires an excavator to renotify an underground facility damage prevention system if the excavator does not commence an excavation within 30 days of approval by the system to extend the time of commencement to 60 days;
3. Requires an excavator to commence an emergency excavation within 12 hours of providing notice to the underground facility damage prevention system or as soon thereafter as can be safely accomplished;
4. Creates a new provision for road grading of unpaved public roads that allows grading to occur during a 12-month period after notice has been provided to underground facility owners, as long as the activity occurs in a manner that does not disturb those underground facilities;
5. Creates an exemption from the notice requirements for quarries and borrow pits;
6. Directs the Public Utilities Commission to provide payment schedules for persons fined for violations of the dig safe laws for whom paying the fine at once would create an undue financial hardship; and
7. Establishes a work group to develop recommendations for clarifying and simplifying the so-called "dig safe" laws and rules.

Enacted Law Summary

Public Law 2011, chapter 72:

1. Adds an emergency preamble and clause to the bill;
2. Modifies the law that requires an excavator to renotify an underground facility damage prevention system if the excavator does not commence an excavation within 30 days of approval by the system to extend the time of commencement to 60 days;
3. Requires an excavator to commence an emergency excavation within 12 hours of providing notice to the underground facility damage prevention system or as soon thereafter as can be safely accomplished;

Joint Standing Committee on Energy, Utilities and Technology

- 4. Creates a new provision for road grading of unpaved public roads that allows grading to occur during a 12-month period after notice has been provided to underground facility owners, as long as the activity occurs in a manner that does not disturb those underground facilities;
- 5. Creates an exemption from the notice requirements for quarries and borrow pits;
- 6. Directs the Public Utilities Commission to provide payment schedules for persons fined for violations of the dig safe laws for whom paying the fine at once would create an undue financial hardship; and
- 7. Establishes a work group to develop recommendations for clarifying and simplifying the so-called "dig safe" laws and rules.

Public Law 2011, chapter 72 was enacted as an emergency measure effective May 9, 2011.

LD 425 An Act To Stimulate Demand for Renewable Resources Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R		

Current law requires that each competitive electricity provider in this State demonstrate that no less than 30% of its portfolio of supply sources for retail electricity sales in this State is accounted for by eligible resources. This bill amends the definition of "renewable capacity resource" to add waste energy resources. It defines "waste energy resource" as a source of electrical generation that is fueled by municipal solid waste in conjunction with recycling and whose total power capacity does not exceed 35 megawatts. In addition, the waste energy resource is required to meet Maine's air emissions standards for resource recovery facilities and licensing standards for solid waste facilities. It establishes a 3.5% portfolio requirement for electricity from waste energy resources. It allows competitive electricity providers to meet the portfolio requirements for waste energy resources through the use of renewable energy credits or an alternative compliance payment to be set by the Public Utilities Commission.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1180.

LD 429 An Act To Clarify the Role of the Public Advocate PUBLIC 79

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM	S-46

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to clarify the role of the Public Advocate.

Committee Amendment "A" (S-46)

This amendment replaces the bill, which was a concept draft. It:

- 1. Authorizes the Public Advocate to represent and promote the interests of the using and consuming public in appropriate proceedings of the Legislature and in regional or national forums, including but not limited to any proceeding of an independent system operator or the Federal Energy Regulatory Commission;