

# MAINE STATE LEGISLATURE

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**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

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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 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*

- 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;

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2. Requires the Public Advocate, when taking a position on any matter in any proceeding or forum, to exercise independent judgment to ensure the position is consistent with the requirements of the law governing the Public Advocate and promotes stabilization and lowering of prices paid by those members of the using and consuming public whose interests the Public Advocate is representing; and
3. Repeals the Railroad Crossing Information Council, on which the Public Advocate serves. The council serves as a repository of information concerning the establishment or maintenance of private railroad crossings and provides information and assistance to persons regarding private crossings of railroads.

### **Enacted Law Summary**

Public Law 2011, chapter 79:

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;
2. Requires the Public Advocate, when taking a position on any matter in any proceeding or forum, to exercise independent judgment to ensure the position is consistent with the requirements of the law governing the Public Advocate and promotes stabilization and lowering of prices paid by those members of the using and consuming public whose interests the Public Advocate is representing; and
3. Repeals the Railroad Crossing Information Council, on which the Public Advocate serves. The council serves as a repository of information concerning the establishment or maintenance of private railroad crossings and provides information and assistance to persons regarding private crossings of railroads.

**LD 431      An Act To Require the Efficiency Maine Trust To More Effectively  
Administer Funds**

**PUBLIC 84**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM	S-47

This bill:

1. Prohibits the Efficiency Maine Trust from expending state funds on any energy efficiency or renewable energy program or project for a consumer that will result in any greater costs to that consumer; and
2. Modifies the definition of "energy savings improvement" under the PACE program to include an upgrade of any heating equipment that will result in increased energy efficiency.

### **Committee Amendment "A" (S-47)**

This amendment strikes that part of the bill that prohibited the Efficiency Maine Trust from expending state funds on any energy efficiency or renewable energy program or project for a consumer that will result in any greater costs to that consumer and amends the definition of "energy savings improvement" under the PACE Act to clarify that the term includes heating equipment that meets or exceeds standards established or approved by the trust.

### **Enacted Law Summary**

Public Law 2011, Chapter 84 amends the definition of "energy savings improvement" under the PACE Act to clarify that the term includes heating equipment that meets or exceeds standards established or approved by the trust.