

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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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 463

An Act Concerning Policy Objectives of the Public Utilities Commission

PUBLIC 109

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK THIBODEAU	OTP-AM	H-121

This bill amends the powers and duties of the Public Utilities Commission to specify that essential policy objectives of the commission include, but are not limited to, the promotion of system reliability, the reduction of the cost of power to Maine ratepayers and long-term sustainable resource planning.

Committee Amendment "A" (H-121)

This amendment moves the language proposed in the bill to a different section of law. It moves the bill's proposed language from the chapter in the Maine Revised Statutes, Title 35-A setting out the general powers and duties of the commission to the chapter governing commission authority and responsibilities for electric industry restructuring.

Enacted Law Summary

Public Law 2011, Chapter 109 amends the Public Utilities Commission's authority and responsibilities under Chapter 32, Electric Industry Restructuring, to include the promotion of system reliability, the reduction of the cost of electricity to Maine ratepayers and long-term sustainable resource planning.

LD 485

An Act To Ensure the Greatest Possible Public Benefit from Energy Efficiency Spending

ONTP

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

This bill amends provisions of law targeting the Efficiency Maine Trust's use of funds raised through the assessment on transmission and distribution utilities for conservation programs. It repeals requirements that a certain percentage of funding go to low-income residential customers and small business customers. It repeals a requirement for an equitable geographic distribution of funds. The bill requires that during the years 2011, 2012, 2013 and 2014, funds are allocated to the conservation programs that are the most cost-effective as measured in savings to electric ratepayers in the State per trust dollar allocated.

LD 493

An Act To Provide Municipalities with Reciprocal Rights To Rent Space for Street Lights on Utility Poles in Municipal Rights-of-way

ONTP

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

This bill authorizes municipal officers to order a transmission and distribution utility that owns poles in the municipality's public streets or ways to rent space on those poles for municipal street lights subject to certain

Joint Standing Committee on Energy, Utilities and Technology

conditions.

The transmission and distribution utility may assess the municipality a reasonable rental charge for the use of the pole space. The Public Utilities Commission is required to establish by rule or order a maximum rental charge that may be assessed and the aggregate rental charge may not exceed the aggregate fees the municipality receives from the transmission and distribution utility for occupying space in the public way or street.

The transmission and distribution utility is required to allow the municipality to install the street lights or to install the street lights for the municipality for a fee established by the commission by rule or order. If the municipality is allowed to install the street lights, the work must be done by a qualified person. The transmission and distribution utility may not require the street lights to conform to any standard or code more stringent than those established by applicable state law or rule.

The transmission and distribution utility may appeal the order of the municipal officers to the commission, and if the commission determines that the installation would pose an unreasonable safety hazard or would unreasonably interfere with the business of any person with an interest in the wires, cables or appurtenances attached to or located on the poles, the commission may prohibit the municipality from attaching any street lights to the poles; otherwise, the commission is required to permit the municipality to proceed with its order.

The commission is required to examine whether persons other than transmission and distribution utilities should be allowed to install and maintain municipally owned street lights and, if so, what particular training, licensing or credentialing, if any, those persons should be required to possess in order to be able to undertake that work. The commission is required to report its findings and recommendations to the Joint Standing Committee on Energy, Utilities and Technology no later than January 2, 2012.

LD 502 An Act To Place a Moratorium on Expedited Permitting of Grid-scale Wind Energy Development ONTP

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

This bill places a 6-month moratorium on the submission of applications or granting of permits for expedited grid-scale wind energy developments in the State to allow time for further consideration and review of implementation policies. The permitting of wind energy developments, including grid-scale wind energy developments, under nonexpedited procedures and statute is unaffected by this bill and remains available for those parties pursuing permits for the placement of a wind energy development.

The committee considered 14 bills related to wind energy development during the first regular session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366 An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.