

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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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

report to the Joint Standing Committee on Energy, Utilities and Technology by January 15, 2012. The committee may submit a bill relating to smart meter cyber security and privacy to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2011, chapter 82 directs the Public Utilities Commission to examine the current cyber security and privacy requirements of transmission and distribution utilities that may be applied to smart meters and to identify potential regulatory gaps. The commission is required to monitor federal efforts regarding cyber security and privacy issues with respect to smart meters and to report to the Joint Standing Committee on Energy, Utilities and Technology by January 15, 2012. The committee may submit a bill relating to smart meter cyber security and privacy to the Second Regular Session of the 125th Legislature.

During the session, the commission had a number of open dockets regarding smart meters. The commission issued an order regarding the removal of smart meters or opting out of smart meter installation. See Public Utilities Commission docket 2010-345.

LD 761 An Act To Provide Rebates for Renewable Energy Technologies

**PUBLIC 314
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY RECTOR	OTP-AM	H-455

This bill reinstates the solar and wind energy rebate program, which provided rebates for the purchase of certain solar and wind energy equipment, until June 30, 2015. The program had expired December 31, 2010.

Committee Amendment "A" (H-455)

This amendment allows for rebates for renewable energy technologies to be eligible for funding from the Voluntary Renewable Resource Fund rather than reinstating an assessment on electricity for the purpose of providing rebates for certain solar and wind technology, as proposed in the bill. It requires the Efficiency Maine Trust to adopt rules regarding the selection criteria and qualification criteria for the use of funds from the Voluntary Renewable Resource Fund. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 314 adds rebates for renewable energy technologies as an eligible activity for funding from the Voluntary Renewable Resource Fund. It requires the Efficiency Maine Trust to adopt rules regarding the selection criteria and qualification criteria for the use of funds from the Voluntary Renewable Resource Fund.

Public Law 2011, chapter 314 was enacted as an emergency measure effective June 13, 2011.

LD 772 An Act To Modify the Auditing Requirements for Certain Small Water Utilities

PUBLIC 77

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE JACKSON	OTP-AM	H-93

Joint Standing Committee on Energy, Utilities and Technology

This bill allows the Public Utilities Commission, for good cause, to excuse water utilities with revenues under \$200K from filing their annual balance sheets with the commission. Currently the PUC can exempt any public utility with revenues up to \$50K. This provision does not require an audit of accounts. The title and the summary of the bill refer to modifying auditing requirements: the text of the bill does not affect auditing requirements.

Committee Amendment "A" (H-93)

This amendment replaces the bill. Under current rules and decisions of the Public Utilities Commission, water utilities with revenues under \$50,000 are exempt from annual auditing requirements otherwise required by the commission pursuant to the Maine Revised Statutes, Title 35-A, section 505. This amendment codifies this existing exemption. The amendment also provides that consumer-owned water utilities with revenues greater than \$50,000 but not exceeding \$250,000 are exempt from commission's annual auditing requirements, but that such water utilities must cause to be conducted, in accordance with generally accepted auditing standards, an annual review of their accounts. Also, not less than once every 5 years and for any year used as a test year for rate-making purposes, such water utilities must cause to be conducted an audit of their accounts. The amendment does not limit or affect any other reporting, review, auditing or other requirement imposed by a creditor of the water utility or by any other applicable law or government authority.

Enacted Law Summary

Public Law 2011, chapter 77 modifies the auditing requirements for certain small water utilities. Under current rules and decisions of the Public Utilities Commission, water utilities with revenues under \$50,000 are exempt from annual auditing requirements otherwise required by the commission pursuant to the Maine Revised Statutes, Title 35-A, section 505. Public Law 2011, chapter 77 codifies this existing exemption. It also provides that consumer-owned water utilities with revenues greater than \$50,000 but not exceeding \$250,000 are exempt from commission's annual auditing requirements, but that such water utilities must cause to be conducted, in accordance with generally accepted auditing standards, an annual review of their accounts. Also, not less than once every 5 years and for any year used as a test year for rate-making purposes, such water utilities must cause to be conducted an audit of their accounts. This law does not limit or affect any other reporting, review, auditing or other requirement imposed by a creditor of the water utility or by any other applicable law or government authority.

LD 789 An Act To Eliminate the Governor's Office of Energy Independence and Security ONTP

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

This bill eliminates the Governor's Office of Energy Independence and Security and related cross-references.

LD 793 An Act To Protect Ratepayers While Enhancing Energy Independence and Security PUBLIC 277

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-194