

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

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

Joint Standing Committee on Energy, Utilities and Technology

This bill does the following.

1. It directs the Department of Environmental Protection to take all necessary steps to withdraw the State from all memoranda of understanding and state contracts with other states relating to the regional greenhouse gas initiative authorized pursuant to Maine law. Upon successful completion of the withdrawal, the department is required to submit legislation to the Legislature making necessary changes to laws relating to the regional greenhouse gas initiative.
2. It directs the Public Utilities Commission to order Maine's 3 investor-owned transmission and distribution utilities to take all steps necessary to end membership in Independent System Operator New England and to file with the commission a plan to form an alternative structure to hold, manage and dispatch the transmission assets of the investor-owned transmission and distribution utilities and to oversee the wholesale electricity market. The plan must, to the maximum extent possible, ensure that electricity is provided to Maine consumers at the lowest available cost.
3. It removes the authority of the Public Utilities Commission to order transmission and distribution utilities to contract for capacity resources.

Committee Amendment "A" (S-194)

This amendment replaces the bill and requires the State to withdraw from the regional greenhouse gas initiative if other states that participate in the regional greenhouse gas initiative and in the same wholesale electricity market administered and overseen by the regional transmission organization as Maine have a total carbon dioxide emissions budget for the calendar year 2009 that totals less than 35,000,000 tons.

Enacted Law Summary

Public Law 2011, chapter 277 requires the State to withdraw from the regional greenhouse gas initiative if other states that participate in the regional greenhouse gas initiative and in the same wholesale electricity market administered and overseen by the regional transmission organization as Maine have a total carbon dioxide emissions budget for the calendar year 2009 that totals less than 35,000,000 tons.

LD 795 An Act To Expand Net Energy Billing

PUBLIC 262

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE	OTP-AM	S-216

Under current rules of the Public Utilities Commission, eligible customers may elect net energy billing under which the eligible customer is billed on the basis of net energy used by that eligible customer. This bill defines "eligible customer" for the purposes of net energy billing and requires the commission to permit net energy billing of any eligible customer that has legal rights to energy generated by an eligible generator located within the same transmission and distribution utility service territory as the eligible customer.

Committee Amendment "A" (S-216)

This amendment modifies the definition of net energy billing to more closely reflect the definition already in rules of the Public Utilities Commission. It deletes definitions that are not needed for this section. It also adds unallocated language that directs the commission to amend its rule to require that the length of contracts for interconnection agreements is sufficient for the purpose of securing financing.