

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 916 An Act To Clarify Notification Procedures during an Emergency
Excavation**

**LEAVE TO
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	LV/WD	

This bill establishes steps that an underground facility operator must take in order to conduct an emergency excavation, including:

1. Immediately notifying the underground facility damage prevention system, otherwise known as "Dig Safe";
2. As soon as practicable, locating its underground facilities and marking the excavation area; and
3. Excavating the marked area after determining there are safe working conditions and upon the earlier of when the damage prevention system clears the area for excavation and when 4 or more hours have passed after notification to the system.

This bill also requires an underground facility operator to commence an emergency excavation within 12 hours after notification to the damage prevention system unless the circumstances of the emergency require a greater amount of time as determined by the underground facility operator.

See LD 407.

LD 923 An Act To Prevent Conflict of Interest in Efficiency Maine Audits

ONTP

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

The bill requires the Efficiency Maine Trust Board to adopt rules that prohibit individuals or businesses that conduct an energy audit from financially benefiting from the installation or completion of any energy savings measure identified in that energy audit.

**LD 935 An Act To Create Fair and Open Competition in Line Extension
Construction**

Carried Over

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

This bill establishes standards governing transmission and distribution utility line extension practices, including standards for charges for line extensions, limits on cost recovery, standards for charges for make-ready work,

Joint Standing Committee on Energy, Utilities and Technology

customer service requirements and requirements for accounting of line extension construction costs.

In a letter to the Office of Public Advocate, the committee requested that office to convene a stakeholder meeting to discuss the bill and to present proposed amendments during the next legislative session.

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

LD 956 An Act To Improve Maine's Renewable Portfolio Standard ONTP

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

This bill modifies the portfolio requirements that competitive electricity providers must satisfy in selling electricity in this State. This bill removes all size limits on renewable resources eligible to meet the portfolio requirements. This bill also adds low-carbon-emitting resources to the list of resources that are eligible to meet the portfolio requirements.

The committee did not pass this bill, but through LD 1570, during the same session, directed the Public Utilities Commission to complete an in-depth analysis of the new renewable capacity portfolio standard established in Maine Revised Statutes, Title 35, section 3210, subsection 3-A.

LD 999 An Act Regarding the Public Utilities Commission's Ability To Use PUBLIC 283 Certain Funds

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-437

This bill corrects a statutory oversight regarding the statutory reference to the Public Utilities Commission's ability to use up to \$100,000 from the conservation program fund to promote the green power offer and other green power supply products and renewable energy credit products.

Committee Amendment "A" (H-437)

This amendment strikes and replaces the bill and eliminates the Public Utilities Commission's authority to use up to \$100,000 per year from the conservation program fund to provide information to consumers regarding renewable energy generated in the State. This amendment permits the commission to use a total of \$100,000 for that purpose during the calendar years 2011 and 2012.

Enacted Law Summary

Public Law 2011, chapter 283 eliminates the Public Utilities Commission's authority to use up to \$100,000 per year from the conservation program fund to provide information to consumers regarding renewable energy generated in the State. Unallocated language permits the commission to use a total of \$100,000 for that purpose during the calendar years 2011 and 2012.