

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 1028 An Act To Ensure Open and Transparent Bidding for the Lowest ONTP
Electric Rates

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a framework and process that will ensure that ratepayers in this State do not bear an undue burden for electrical energy development costs by requiring an open and transparent bidding process for electricity and the establishment of rates. The concept draft was voted ought-not-to-pass at the request of the sponsor, with a request that the concept presented in the bill be kept in mind as the committee considered other bills.

LD 1035 Resolve, To Establish Baseline Information on Health Impacts from ONTP
Grid-scale Wind Energy Development

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

This resolve directs the Department of Environmental Protection, Department of Health and Human Services, Public Utilities Commission and Executive Department, State Planning Office to establish an interagency task force to develop a database of scientific studies that document possible health impacts from grid-scale wind energy developments. The interagency task force is directed to report to the Governor and the Joint Standing Committee on Energy, Utilities and Technology by October 30, 2012 with recommendations regarding how to incorporate information from the database in the regulation and siting requirements that govern the establishment of grid-scale wind energy developments in Maine.

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.

LD 1042 An Act To Preserve and Protect Citizens' Property Rights and Values ONTP

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

This bill establishes a property value guarantee program to ensure that a landowner whose real property is located within 3 miles of the base of a wind tower is compensated for any reduction in property value resulting from the proximity of the wind tower.

The committee considered 14 bills related to wind energy development during the First Regular Session of the 125th

Joint Standing Committee on Energy, Utilities and Technology

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.

LD 1059 An Act To Correct a Statutory Oversight Regarding Renewable Capacity Resources Portfolio Requirements for Consumer-owned Utilities **MAJORITY (ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	ONTP MAJ OTP-AM MIN	

This bill corrects a statutory oversight to require consumer-owned utilities that sell retail generation service within their respective service territories to comply with the new renewable capacity resources portfolio requirement.

Committee Amendment "A" (H-456)

This amendment, which is the minority report of the committee, exempts current contracts held by consumer-owned transmission and distribution utilities from the requirements of the new renewable capacity resources portfolio standard until January 1, 2017 or until the latest date of expiration of their contracts, whichever comes first, and clarifies that consumer-owned transmission and distribution utilities are not expected to be licensed as competitive electricity providers in order to provide retail generation service within their territories.

LD 1061 An Act To Amend the Lien Process for Unpaid Water Rates **PUBLIC 97**

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

Under current law, all utilities currently have a lien on rental property to secure payment for utility services (35-A MRSA §706). Enforcement of the lien requires court action. This bill gives to private water companies the additional lien powers that consumer-owned water utilities and consumer-owned sanitary districts have: the authority to impose a lien on any real estate served to secure payment of unpaid rates; the authority, in the case of multi-unit rental property, to include in the lien on the rental property interest on the unpaid rate; and the authority to create a mortgage lien on the real estate and to foreclose that mortgage without court action.

Enacted Law Summary

Public Law 2011, chapter 97 gives to private water companies the lien powers that consumer-owned water utilities and consumer-owned sanitary districts have: the authority to impose a lien on any real estate served to secure payment of unpaid rates; the authority, in the case of multi-unit rental property, to include in the lien on the rental property interest on the unpaid rate; and the authority to create a mortgage lien on the real estate and to foreclose that mortgage without court action.