

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 1066 An Act To Increase Home Weatherization and Energy Independence

**DIED IN
CONCURRENCE**

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

This bill establishes an assessment on #2 heating oil, kerosene and propane to fund weatherization and heating fuels efficiency programs. It provides a rebate for low-income households until the household participates in weatherization or heating fuels efficiency programs.

Committee Amendment "A" (H-438)

This amendment, which is the minority report of the committee, adds a safety valve to the assessment on heating fuels by suspending the assessment when the average price of the heating fuel, as determined by the Governor's Office of Energy Independence and Security, is equal to or greater than 90% of the highest average price of that heating fuel in the State. The assessment cannot be reinstated until the average price of the heating fuel in the State is equal to or less than 70% of the highest average price of the heating fuel in the State. The amendment also requires that each customer category is assigned funding from the Heating Fuels Efficiency and Weatherization Fund that is approximately equal to the assessment value that was collected from that customer category.

LD 1077 An Act To Enhance Public Participation in Decisions Relating to the Large-scale Extraction and Transportation of Water

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DR HILL	ONTP MAJ OTP MIN	

This bill amends the law enacted in 2009 governing agreements by consumer-owned water utilities that involve large-scale extraction or transportation of water.

Current law requires consumer-owned water utilities to: (1) hold a public meeting to present the terms of the agreement and hear public comments; (2) give notice of the public meeting to each customer, the PUC, the OPA and each municipality in which the water source is located and publish the notice in a paper with general circulation in the area; and (3) make the proposed agreement available for public inspection prior to the meeting. Current law applies to certain types of large-scale extraction and large-scale transportation of water beyond the boundaries of the municipality or township in which the water is naturally located. Current law excludes contracts with existing customer or another water utility; water transported for use in well drilling, construction, concrete mixing, swimming pool filling, servicing portable toilets, firefighting, hospital operations, aquaculture, agricultural applications or civil emergencies; water distilled as a by-product of a manufacturing process; or water transported from the a source that, before July 1, 1987, was used to supply water for bottling and sale and that is used exclusively for bottling and is sold in its pure form or as a carbonated or flavored beverage product.

This bill makes the following changes to current law: (1) expands the scope of the law to include water agreements by a municipality or the Maine Land Use Regulation Commission; (2) removes exceptions for contracts with an existing customer or contracts with a water utility; and (3) adds new voter-approval requirements for all such

Joint Standing Committee on Energy, Utilities and Technology

agreements. In the case of a LURC agreement, the vote would be by the voters in the county "impacted" by the agreement; in the case of a consumer-owned water utility or a municipality, the voters could approve the proposed contract at a town meeting; in the case of a consumer-owned water utility, all voters in all municipalities "in which that utility operates" would be eligible to vote, the voters in each municipality would need to approve the agreement, if the utility operates in more than one municipality, no more than one referendum on a proposal would be permitted within in 12-month period and the other party to the agreement may be required to pay for the referendum.

**LD 1091 An Act To Expand the Availability of Natural Gas to the Citizens of
Maine**

PUBLIC 261

Sponsor(s)

KATZ

Committee Report

OTP-AM

Amendments Adopted

S-178

This bill defines a "natural gas service expansion project" (NGSEP) under the laws governing the Finance Authority of Maine (FAME) as any development for the purpose of facilitating the production, generation, transmission, delivery or furnishing of natural gas to persons located in this state. It provides that such projects are "eligible projects" but are not "major business expansion projects." As "eligible projects," NGSEPs would be eligible for FAME's mortgage insurance program (also called commercial loan insurance program) and revenue obligation securities program. As a result of not being a major business expansion project, NGSEPs would not be required to result in a net gain of at least 50 jobs to receive FAME assistance and FAME's assistance would not be limited by the \$25M revenue obligation securities loan cap applicable to major business expansion projects (10 MRSA §1043(2)(J)) and the \$120M cap on moral obligation securities for all such major business expansion projects (10 MRSA §1053(6)(B)). The bill directs FAME to consult with the Public Utilities Commission to develop a moral obligation program for NGSEPs and report back to the Legislature by January 15, 2012.

Committee Amendment "A" (S-178)

This amendment replaces the bill. The amendment:

1. Modifies the definition of "energy distribution system project" under the laws governing the Finance Authority of Maine to include systems that distribute or transmit natural gas;
2. Authorizes the Finance Authority of Maine to issue revenue obligation securities relating to energy distribution system projects under the program limits currently established in law for electric rate stabilization projects and provides that loans for energy distribution system projects may not exceed the limits established annually by the authority;
3. Establishes standards under which the Finance Authority of Maine may approve providing financial assistance to energy distribution system projects; and
4. Requires the Public Utilities Commission, upon request of the Finance Authority of Maine, to provide assistance in analyzing financial, economic or technical issues relating to projects regulated by the commission. At the request of the commission, the Finance Authority of Maine must assess the applicant a fee to reimburse the commission for any costs incurred by the commission that cannot be absorbed within its existing resources.

Enacted Law Summary

Public Law 2011, chapter 261:

1. Modifies the definition of "energy distribution system project" under the laws governing the Finance Authority of Maine to include systems that distribute or transmit natural gas;