

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
125<sup>TH</sup> 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 125<sup>th</sup> 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 125<sup>th</sup> 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*

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**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	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;

*Joint Standing Committee on Energy, Utilities and Technology*

- 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.

**LD 1112      An Act To Improve Maine's Renewable Energy Portfolio Standard      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX MASON	ONTP	

This bill applies a 150% renewable energy credit multiplier to energy produced by efficient resources as defined under the Maine Revised Statutes, Title 35-A, section 3210, subsection 2, paragraph A.

**LD 1158      An Act To Change the Regulation of Liquefied Petroleum Gas      ONTP**  
**Distribution Facilities**

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

This bill requires the Public Utilities Commission to adopt major substantive rules regarding safety jurisdiction over certain gas utilities in conjunction with the Maine Fuel Board. Until those rules are adopted, the commission may not adopt or enforce rules that are more stringent than the requirements of federal law and regulations.

See LD 908.

**LD 1170      An Act To Establish a Code of Ethics for Individuals Involved in      ONTP**  
**Grid-scale Wind Energy Development**

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

This bill directs the Attorney General to develop through rulemaking a wind energy development code of ethics to prohibit inappropriate communications and interactions between municipal, county or state officials and wind