

# 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  
125<sup>TH</sup> LEGISLATURE  
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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*

- 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 Distribution Facilities      ONTP**

<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 Grid-scale Wind Energy Development      ONTP**

<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

***Joint Standing Committee on Energy, Utilities and Technology***

energy developers involved in a grid-scale wind energy development. The rules must prohibit conflicts of interest and include methods to monitor compliance. The rules are major substantive rules. The bill includes monetary penalties for violations of the wind energy development code of ethics.

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 1191      *Resolve, To Encourage Business Development by Creating Limits on the Time Certain Utilities May Hold a Business Customer's Deposit*      RESOLVE 38**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD BARTLETT	OTP-AM	H-127

This bill provides that a public utility may hold a deposit from a nonresidential customer for no longer than one year, after which time the deposit must be returned to the customer.

**Committee Amendment "A" (H-127)**

This amendment replaces the bill with a resolve that directs the Public Utilities Commission to amend its rules to require that deposits paid by small businesses with impeccable bill-paying histories be returned to those businesses after a reasonable time period. The commission may consider establishing different rules for different-sized utilities to account for differences in the risk to ratepayers associated with defaults by businesses. The commission may consider basing eligibility for return of a deposit on the size of the deposit that was required of the business, such as a business whose deposit was less than \$10,000. The commission is directed to establish a reasonable time period, such as 5 years, before a business is eligible for a return of the deposit. Rules adopted pursuant to this resolve are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A and must be provisionally adopted by January 15, 2012.

**Enacted Law Summary**

Resolve 2011, chapter 38 directs the Public Utilities Commission to amend its rules to require that deposits paid by small businesses with impeccable bill-paying histories be returned to those businesses after a reasonable time period. The commission may consider establishing different rules for different-sized utilities to account for differences in the risk to ratepayers associated with defaults by businesses. The commission may consider basing eligibility for return of a deposit on the size of the deposit that was required of the business, such as a business whose deposit was less than \$10,000. The commission is directed to establish a reasonable time period, such as 5 years, before a business is eligible for a return of the deposit. Rules adopted pursuant to this resolve are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A and must be provisionally adopted by January 15, 2012.

**LD 1204      *An Act To Create Jobs through Home Energy Efficiency*      ONTP**

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