

# 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***

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	

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

The bill establishes the Maine Residential Energy Conservation Program within the Efficiency Maine Trust. It requires an owner of a residential property who is applying for a permit for substantial renovation of a residential structure or a seller of a residential property to obtain an energy audit by an energy advisor, providing a copy of the audit report to a buyer in the case of a sale; either make a minimum required expenditure on home energy improvements or install all energy efficiency measures identified by an energy advisor in an audit report with a payback period of 10 years or less; and obtain an inspection of the dwelling from an energy advisor after improvements have been installed to ensure compliance. If home energy improvements are made in anticipation of a sale, the cost of compliance must be borne by the buyer. The bill provides exemptions for certain sales and transfers and for certain residential structures.

**LD 1234      *An Act To Restore the Uniform Visual Permitting Standard for Wind Power Projects*      ONTP**

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

This bill eliminates specific visual permitting standards for wind energy development to provide that wind energy developments are subject to the same visual permitting standards as other developments.

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 1236      *An Act To Amend the Legislative Findings in the Maine Wind Energy Act*      ONTP**

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

This bill amends the Maine Wind Energy Act to amend the findings of the Legislature regarding the presumption of benefits of wind energy development. The bill also removes the requirement that a primary siting authority presume that a grid-scale wind energy development project provides energy and emissions-related benefits. The bill also corrects a conflict created by Public Law 2009, chapters 615 and 655, which affected the same provision of law, by incorporating the changes made by both laws and removing the requirement that the Public Utilities Commission, when determining public need for a transmission line, consider state renewable energy generation goals.

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.