

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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STAFF:

JEAN GUZZETTI, LEGISLATIVE ANALYST
JON CLARK, DEPUTY DIRECTOR
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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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.

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energy savings design considerations and targets for school construction projects and gives school administrative units increased flexibility in contracting with energy service companies for energy efficiency and load management improvements. Part C expands counties' ability to contract with energy service companies to include load management systems. Part D expands the Maine Municipal Bond Bank's Efficiency Partners Program, which provides loans for efficiency upgrades to municipal and public school buildings, to include load management projects and expands the bank's aggregation powers for nonprofits and municipalities to include the services of energy service companies and products vendors.

LD 1275

Resolve, To Promote Greater Transparency and Accountability through Regional Transmission Organization Reform

RESOLVE 68

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	S-225

This bill requires a nonprofit corporation exercising operating or administrative authority over the operation of high-voltage electric transmission facilities within this State to demonstrate that it has an open and transparent governance structure. The bill provides factors the Secretary of State shall consider in evaluating such a showing. The bill requires a corporation exercising operating or administrative authority over the operation of high-voltage electric transmission facilities within this State to include a certification in its annual report that it has an open and transparent governance structure. The bill also provides that a foreign corporation exercising operating or administrative authority over the operation of high-voltage electric transmission facilities within this State must file a certificate signed by a duly authorized officer affirming that the corporation has an open and transparent governance structure designed to protect the public's interest and that it will meet certain criteria in order to obtain authority to carry on its activities in this State. The bill requires that a foreign corporation is not authorized to carry on activities in this State unless the Secretary of State has filed an application for authority by such corporation meeting all the requirements of the Maine Revised Statutes, Title 13-B, section 1202.

Committee Amendment "A" (S-225)

This amendment directs the Public Utilities Commission, the Governor's Office of Energy Independence and Security and the Office of the Public Advocate to confer with comparable agencies in other states that are participants in the regional transmission organization for New England and to develop a plan to pursue transparency and accountability at the regional transmission organization. It requires the Public Utilities Commission, the Governor's Office of Energy Independence and Security and the Office of the Public Advocate develop model governance requirements for a regional transmission organization and formally propose the model to comparable agencies in other states. The commission must report on the progress of these efforts in its annual report for the years 2011, 2012 and 2013.

Enacted Law Summary

Resolve 2011, chapter 68 directs the Public Utilities Commission, the Governor's Office of Energy Independence and Security and the Office of the Public Advocate to confer with comparable agencies in other states that are participants in the regional transmission organization for New England and to develop a plan to pursue transparency and accountability at the regional transmission organization. It requires the Public Utilities Commission, the Governor's Office of Energy Independence and Security and the Office of the Public Advocate develop model governance requirements for a regional transmission organization and formally propose the model to comparable agencies in other states. The commission must report on the progress of these efforts in its annual report for the years 2011, 2012 and 2013.

Also related to transparency at the regional transmission organization for New England, as part of its deliberations on LD 668 of the same legislative session, the committee sent a letter to the Office of Public Advocate requesting

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that the office coordinate a meeting among the leadership of legislative committees within the ISO-New England region that have jurisdiction over energy issues to discuss policies that can be adopted to encourage greater transparency of governance, more stakeholder input and cost containment as important considerations during the ISO-New England decision making process.

LD 1291 Resolve, To Promote Community Wind Energy Development **ONTP**

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

This resolve is a concept draft pursuant to Joint Rule 208. This resolve proposes to establish a study group to develop a bidding process for use by the State to lease certain state-owned lands to community wind energy developers. The intent of the bidding and leasing process would be to create a long-term income stream for the State to be used for development of other wind energy projects.

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 1311 An Act To Specify That Providers of Voice Over Internet Protocol Services and Internet Protocol Enabled Services Do Not Constitute Telephone Utilities **ONTP**

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

This bill establishes that interconnected voice over Internet protocol service is not a telephone service and that a voice over Internet protocol provider is not a telephone utility.

See LD 1466.

LD 1323 An Act To Support Solar Energy Development in Maine **MAJORITY (ONTP) REPORT**

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

This bill creates the Maine Solar Energy Act, which:

1. States specific legislative findings that it is in the public interest to explore opportunities for and encourage