

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 1441 An Act To Amend the Yarmouth Water District Charter

P & S 8

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODBURY	OTP	

This bill amends the Yarmouth Water District's charter to allow the district to purchase 2 wells from the Town of Cumberland and to conduct water from the Town of Cumberland to the Yarmouth Water District's service territory. The bill also amends the charter to give the board of trustees greater latitude as to when it schedules meetings.

Enacted Law Summary

Private and Special Law 2011, chapter 8 amends the Yarmouth Water District's charter to allow the district to purchase 2 wells from the Town of Cumberland and to conduct water from the Town of Cumberland to the Yarmouth Water District's service territory. It also amends the charter to give the board of trustees greater latitude as to when it schedules meetings.

LD 1443 An Act To Improve the Permitting Process for Wind Energy Developments and To Protect Maine's Quality of Place

ONTP

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

This bill requires that all approvals for a license, permit or certification for wind energy developments be decided through an adjudicatory proceeding. The bill requires the consideration of cumulative environmental impact and impacts to wildlife when approving wind energy developments. It prohibits wind energy facilities constructed at 1,000 feet or more above sea level from being greater than 75 feet in height. The bill requires all expansions of an expedited wind energy zone to be done through major substantive rulemaking rather than routine technical rulemaking and it requires wind energy developers to establish an escrow account for decommissioning.

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 1447 An Act To Create Jobs through the Establishment of the Renewable Energy Resources Feed-in Tariff Program

ONTP

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

This bill requires the Public Utilities Commission to establish a renewable energy resources feed-in tariff program. It requires that transmission and distribution utilities purchase electricity produced by renewable energy systems at

Joint Standing Committee on Energy, Utilities and Technology

commission-prescribed rates that give high-performing generators a rate of return of no more than 3.5%. It requires that utilities enter into standard contracts with qualified project owners. It includes provisions for commission and legislative oversight of the program.

LD 1455 An Act To Create Efficiencies in State Government by Transferring the Duties of the Public Advocate to the Office of the Attorney General LEAVE TO WITHDRAW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	LTW	

This bill transfers the major duties and responsibilities of the Public Advocate to the Attorney General effective January 1, 2013 and requires the Attorney General by January 1, 2012 to submit proposed legislation to make all statutory changes necessary to terminate the Office of the Public Advocate and to complete the transfer of the powers, duties and responsibilities of the Public Advocate to the Attorney General.

LD 1466 Resolve, To Direct the Public Utilities Commission To Develop a Plan To Reform Telecommunications Regulation RESOLVE 69 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-399

The bill establishes a finding that the public interest is best served by a State telecommunications regulatory structure that places equal regulatory obligations and burdens on all telecommunications providers, regardless of the mode of the communications. It establishes as an ultimate goal of the State to revise and reform the regulatory structure to provide equal regulatory requirements for all telecommunications providers by January 1, 2013. The bill provides that beginning January 1, 2012, the Public Utilities Commission is required to take all actions within its authority to regulate incumbent local exchange carriers essentially in the same manner as it regulates competitive local exchange carriers, unless the telephone utility consents otherwise. It does not require the Public Utilities Commission to change provisions regarding an obligation to serve as carrier of last resort, eligible telecommunications carrier or the wholesale obligations of any incumbent local exchange carrier, or, prior to January 1, 2013, change the obligations of a telephone utility imposed by a commission order that was in effect on January 1, 2011. The bill requires the Public Utilities Commission, by December 31, 2011, to submit a plan to the Legislature to ensure that, by January 1, 2013, all telecommunications providers, whether currently regulated or not, are regulated equally.

Committee Amendment "A" (H-399)

This amendment replaces the bill with a resolve that directs the Public Utilities Commission to develop a plan to reform telecommunications regulation and to process any filings submitted by telephone utilities for exemptions under the Maine Revised Statutes, Title 35-A with as much deliberative speed as possible, within the constraints of existing resources. It also makes several discrete changes to the regulatory structure pending the opportunity to implement the plan for regulatory reform.

The Public Utilities Commission's plan must be consistent with certain legislative findings, including that regulatory burdens should be the minimum necessary to protect the public welfare, and, to the maximum extent practicable, the regulatory burdens on different modes of providing telecommunications services should be the same; regulatory