

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES
AND TECHNOLOGY**

June 2012

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STATE OF MAINE

125TH LEGISLATURE
SECOND REGULAR SESSION



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 Second 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.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public Law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125th Legislature is Thursday, August 30, 2012. 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 1703 An Act To Create the New Gloucester Water District

**P & S 19
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING SNOWE-MELLO	OTP-AM	H-684

This bill creates the New Gloucester Water District.

Committee Amendment "A" (H-684)

This amendment strikes redundant language from the bill. It adds a time frame according to which the trustees of the water district must be appointed and strikes the exception that the registrar of voters is not required to prepare or the clerk to post a new list of voters. Because of the limited time frame to secure funding to address water contamination in the New Gloucester Upper Village, the referendum for the legal voters to approve the creation of the New Gloucester Water District has been scheduled at a time that may occur before legislative approval of the bill as amended. Because of the unique and extraordinary circumstances giving rise to the bill, the bill and this amendment allow for that referendum to be held before legislative approval. If the referendum is held prior to legislative approval and the majority of legal voters approve creation of the water district, the bill as amended will take effect immediately upon the Governor's signature. If the referendum occurs after legislative approval, the bill as amended will take effect if approved by the majority of legal voters voting in the referendum.

Enacted Law Summary

Private and Special Law 2011, chapter 19 creates the New Gloucester Water District. The law is subject to referendum approval. Because of unique and extraordinary circumstances giving rise to the law, it allows for the referendum to be held before legislative approval. If the referendum is held prior to legislative approval and the majority of legal voters approve creation of the water district, the law will take effect immediately upon the Governor's signature. If the referendum occurs after legislative approval, the law will take effect if approved by the majority of legal voters voting in the referendum.

Private and Special Law 2011, chapter 19 was enacted as an emergency measure effective January 26, 2012, subject to referendum approval.

LD 1706 An Act To Protect Maine's Biomass and Forest Products Industries by Allowing Biomass Generators To Enter into Short-term Contracts

**DIED BETWEEN
HOUSES**

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

This bill authorizes the Public Utilities Commission to enter into short-term contracts with qualifying biomass generators. This bill limits the price for the capacity and renewable energy credits generated by a qualifying biomass generator to the projected market price at the time of delivery. The average price of energy generated by a qualifying biomass generator may not exceed the lesser of a rate that, together with revenues from any sales of capacity resources and renewable energy credits, is sufficient for the qualifying biomass generator to be financially capable of normal operations, and 2¢ per kilowatt-hour over the projected wholesale market price of energy at the time of delivery.

Joint Standing Committee on Energy, Utilities and Technology

Committee Amendment "A" (H-809)

This amendment is the minority report of the committee. This amendment replaces the bill and changes the title. This amendment provides that, upon a determination by the Public Utilities Commission that a biomass facility has not been operating for 90 days or more due to economic hardship, the biomass facility is temporarily eligible as a new renewable capacity resource and for renewable energy credits for a period of 3 years. If during that 3 year period the biomass facility no longer needs the additional revenue from the renewable energy credits, the value of the renewable energy credits must be transferred to the Efficiency Maine Trust for deposit into the conservation program fund established by the Efficiency Maine Trust. The Public Utilities Commission may adopt routine technical rules to implement these provisions.

The amendment further requires the Department of Economic and Community Development to convene a task force to identify ways to improve the economic stability of biomass facilities in this State. The department is required to report to the joint standing committee of the Legislature having jurisdiction over energy and utility matters by March 1, 2013.

This amendment was adopted in the Senate but not in the House.

Senate Amendment "A" To Committee Amendment "A" (S-539)

This amendment amends Committee Amendment "A" to remove the requirement that a biomass generator that is unable to operate due to economic hardship must cease operating for at least 90 days before becoming eligible to be counted towards a competitive electricity provider's new renewable capacity resource requirement.

This amendment was adopted in the Senate but not in the House.

LD 1761 An Act To Improve and Ensure Adequate Funding for E-9-1-1 Services

**VETO
SUSTAINED**

Sponsor(s)

FITTS

Committee Report

OTP-AM

Amendments Adopted

H-826

This bill takes initial steps to update the State's emergency services communications laws as the State and the nation prepare to migrate to the next evolutionary step in 9-1-1 service, increases the E-9-1-1 monthly surcharge by 5¢ and changes the E-9-1-1 surcharge remittance from monthly to quarterly for local exchange telephone utilities, cellular or wireless providers and interconnected voice over Internet protocol providers whose average monthly surcharge remittance payment for the prior calendar year is less than \$5,000.

Committee Amendment "A" (H-826)

This amendment increases the E-9-1-1 monthly surcharge, which is currently 45¢, to 65¢ for 18 months and then decreases the surcharge to 40¢ thereafter. The amendment also adds an appropriations and allocations section.