

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
125<sup>TH</sup> 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

125<sup>TH</sup> 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 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.

<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 &amp; 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&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; 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 125<sup>th</sup> 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.

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The resolve directs the commission to remove the definition of "customer," provisions related to certain snow safety requirements and the requirement for liquefied petroleum gas system operators to promote the "811" and "OK to Dig" notification process. It requires the commission to amend provisions related to operators, "Red Tag" marking requirements, record retention requirements and corrective action periods when a violation is noted.

Resolve 2011, chapter 143 was finally passed as an emergency measure effective March 20, 2012.

### **LD 1799** An Act Regarding the Collection of Fees for Prepaid Wireless Service

**PUBLIC 600**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-846

This bill establishes a methodology for the determination of the amount of fees imposed on prepaid wireless telecommunications service. Under the bill, the Public Utilities Commission is required to establish by rule the amount of a fee imposed on prepaid wireless telecommunications consumers for contribution to the state universal service fund, if any, and the telecommunications education access fund. The amount of the fee is the result of \$25 multiplied by a percentage determined by the commission by rule.

The bill also reallocates and amends the method of collection of the statewide prepaid wireless E-9-1-1 surcharge levied on prepaid wireless telecommunications service consumers and combines collection of the surcharge with the collection of the fees imposed on prepaid wireless telecommunications consumers for contribution to the state universal service fund and the telecommunications education access fund. The seller of prepaid wireless telecommunications services is required to collect the fees and surcharges from the prepaid wireless consumer for each retail transaction occurring in this State. The amount of the prepaid wireless fee, which is the sum of the 2 fees and the surcharge, must be separately stated on an invoice, receipt or similar document that is provided to the prepaid wireless consumer by the seller, when practicable. The seller is required to remit the fees and surcharges to the State Tax Assessor in the same manner as the sales tax. The State Tax Assessor is required to remit the fees and surcharges to the Public Utilities Commission for disbursement by the commission to the various funds.

#### **Committee Amendment "A" (H-846)**

This amendment limits the Public Utilities Commission's adjustment of the amount of fees collected for the state universal service fund and the telecommunications education access fund to not more often than once every 24 months. This amendment establishes a fund at the commission to accept the fees from the State Tax Assessor, and this amendment removes some unnecessary language and makes technical changes. It also adds an appropriations and allocations section.

#### **Enacted Law Summary**

Public Law 2011, chapter 600 establishes a methodology for the determination of the amount of fees imposed on prepaid wireless telecommunications service. Under the law, the Public Utilities Commission is required to establish by rule the amount of a fee imposed on prepaid wireless telecommunications consumers for contribution to the state universal service fund, if any, and the telecommunications education access fund. The amount of the fee is the result of \$25 multiplied by a percentage determined by the commission by rule. The law limits the Public Utilities Commission's adjustment of the amount of fees collected for the state universal service fund and the telecommunications education access fund to not more often than once every 24 months.

The law also amends the method of collection of the statewide prepaid wireless E-9-1-1 surcharge levied on prepaid wireless telecommunications service consumers and combines collection of the surcharge with the collection of the fees imposed on prepaid wireless telecommunications consumers for contribution to the state universal service fund

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and the telecommunications education access fund. The seller of prepaid wireless telecommunications services is required to collect the fees and surcharges from the prepaid wireless consumer for each retail transaction occurring in this State. The amount of the prepaid wireless fee, which is the sum of the 2 fees and the surcharge, must be separately stated on an invoice, receipt or similar document that is provided to the prepaid wireless consumer by the seller, when practicable. The seller is required to remit the fees and surcharges to the State Tax Assessor in the same manner as the sales tax. The State Tax Assessor is required to remit the fees and surcharges to the Public Utilities Commission for disbursement by the commission to the various funds.

**LD 1803 An Act To Implement the Recommendations of the Dig Safe Work Group**

**PUBLIC 588  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-842

This bill amends the so-called dig safe law to exclude liquefied propane gas distribution systems that are not included within the scope of safety regulation of the Public Utilities Commission in its role as an agent to the United States Department of Transportation from the definition of an underground facility. The bill clarifies that the dig safe law applies to state agencies and departments and allows the Public Utilities Commission to impose administrative penalties on any person who violates the dig safe law, including a state agency or department. The administrative penalties paid to resolve violations of the dig safe law are dedicated to further the prevention of damage to underground facilities in specific proportions through funding training by private nonprofit groups; dissemination of damage prevention information through the use of radio, television and print media advertising; and the creating of grants to assist facilities operators in funding mapping of their facilities. Finally, the bill requires the Public Advocate to establish and convene a dig safe work group to facilitate the creation of a centralized one-call system to notify the operators of underground facilities of pending excavations.

**Committee Amendment "A" (H-842)**

This amendment creates an exemption from the requirement to notify the underground facility damage prevention system, established pursuant to the so-called dig safe law, for grading private unpaved roads. It also changes the circumstances under which an excavator notifies a private landowner of excavations that occur on that landowner's property and the excavator's liability for work completed on that land. This amendment removes the provisions of the bill that directs how the administrative penalties are used. This amendment specifies the membership of the "dig safe" work group, requires the work group convene within 60 days of the effective date of the bill, and adds additional items to the work group's scope of work. Finally, this amendment addresses major substantive rulemaking proposed for authorization in LD 1790, H.P. 1315, "Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission," by conditionally authorizing final adoption of portions of Chapter 895 only if the Public Utilities Commission makes specific changes to the rule.

This amendment also adds an emergency preamble and emergency clause to the bill.

**Enacted Law Summary**

Public Law 2011, chapter 588 amends the so-called dig safe law. It excludes from the definition of an underground facility liquefied propane gas distribution systems not subject to safety regulation by the Public Utilities Commission. It clarifies that the dig safe law applies to state agencies and departments and allows the Public Utilities Commission to impose administrative penalties on any person who violates the dig safe law, including a state agency or department. It creates an exemption from the requirement to notify the underground facility damage prevention system for grading completed on private unpaved roads. It also changes the circumstances under which an excavator notifies a private landowner of excavations that occur on that landowner's property and the excavator's