

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2013

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STATE OF MAINE

126TH LEGISLATURE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 126th Legislature is October 9, 2013. 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 4 Resolve, Regarding Legislative Review of Chapter 675: Infrastructure Surcharge and Capital Reserve Accounts, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 9
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-7

This resolve provides for legislative review of Chapter 675: Infrastructure Surcharge and Capital Reserve Accounts, a major substantive rule of the Public Utilities Commission. The major substantive rule sets the requirements and procedures for establishing and monitoring the creation of capital reserve accounts and the use of an infrastructure replacement surcharge by a water utility. Specifically, the rule addresses the maximum amount of funds that can be collected, the authorized uses of the funds and the reporting requirements of water utilities that establish these types of mechanisms to fund infrastructure improvements. These rules were the final product of multi-step process:

1. P.L. 2011, chapter 106 directed the Public Utilities Commission to convene a work group to study the funding of infrastructure improvements for water utilities;
2. On January 15, 2012, the commission submitted a report summarizing the findings of that work group to the Joint Standing Committee on Energy, Utilities and Technology; and
3. In P.L. 2011, chapter 602, the Legislature enacted policies to establish these funding mechanisms and directed the commission to adopt major substantive rules.

Committee Amendment "A" (H-7)

This amendment authorizes the adoption of Chapter 675: Infrastructure Surcharge and Capital Reserve Accounts, a major substantive rule of the Public Utilities Commission only if the commission amends the rule to clarify some language regarding the maximum amounts of the infrastructure surcharge, to use consistent terms regarding attributing funds and to provide that the Office of the Public Advocate, the Public Utilities Commission's advisory staff and the water utility can agree in advance of the infrastructure surcharge filing on the current cost of debt and the return on equity and capital structure to be used.

Enacted Law Summary

Resolve 2013, chapter 9 authorizes the adoption of Chapter 675: Infrastructure Surcharge and Capital Reserve Accounts, a major substantive rule of the Public Utilities Commission only if the commission amends the rule to clarify language regarding the maximum amounts of the infrastructure surcharge, to use consistent terms regarding attributing funds and to provide that the Office of the Public Advocate, the Public Utilities Commission's advisory staff and the water utility can agree in advance of the infrastructure surcharge filing on the current cost of debt and the return on equity and capital structure to be used.

Resolve 2013, chapter 9 was finally passed as an emergency measure effective April 16, 2013.

LD 38 Resolve, Regarding Legislative Review of Chapter 201: Provider of Last Resort Service Quality, a Major Substantive Rule of the Public Utilities Commission

CARRIED OVER

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

Joint Standing Committee on Energy, Utilities and Technology

This resolve provides for legislative review of Chapter 201: Provider of Last Resort Service Quality, a major substantive rule of the Public Utilities Commission.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

The committee sent a letter to the Public Utilities Commission requesting the commission to meet with stakeholders to seek to develop modifications to the proposed rules that better address the various issues that stakeholders have raised.

LD 60 An Act To Reduce the Number of Public Safety Answering Points LEAVE TO WITHDRAW

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

Current law requires the Public Utilities Commission, Emergency Services Communication Bureau to establish a total of between 16 and 24 public safety answering points. This bill reduces to 2 the total number of public safety answering points. This bill was withdrawn by the sponsor.

LD 81 An Act To Amend the Charter of the Ogunquit Sewer District P & S 3 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL MCGOWAN	OTP-AM	S-5

This bill resolves a conflict in the charter of the Ogunquit Sewer District created when the charter was amended by Private and Special Law 2011, chapter 24 to add language regarding sinking funds for the retirement of obligations made by the district, however, that private and special law did not repeal already existing language from 1963 regarding sinking funds. This bill resolves the conflict by repealing that 1963 provision.

Committee Amendment "A" (S-5)

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

Enacted Law Summary

Private and Special Law, chapter 3 resolves a conflict in the charter of the Ogunquit Sewer District created when the charter was amended by Private and Special Law 2011, chapter 24 to add language regarding sinking funds for the retirement of obligations made by the district, however, Private and Special Law 2011, chapter 24 did not repeal already existing language from 1963 regarding sinking funds. This law resolves the conflict by repealing that 1963 provision.

Private and Special Law 2013, chapter 3 was enacted as an emergency measure effective April 9, 2013.