

# MAINE STATE LEGISLATURE

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

**STAFF:**

JEAN GUZZETTI, LEGISLATIVE ANALYST  
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* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126<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.

*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 126<sup>th</sup> 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

### Enacted Law Summary

Public Law 2013, chapter 325 modifies the permitting process for grid-scale wind energy developments by providing for public comment and the opportunity for the public to request a hearing and by permitting an intervenor to request an adjudicatory hearing. It provides a rebuttable presumption that wind energy development constitutes a significant adverse effect on natural resources if proposed in a Bicknell's Thrush habitat 25 acres or larger in which Bicknell's Thrush have been documented. The public law also requires that a grid-scale wind energy development permit application must contain options for best practical mitigation to reduce impacts on scenic or wildlife resources.

**LD 441**      **Resolve, Directing the Public Utilities Commission To Develop a Plan To Reform Regulation of Consumer-owned Water Utilities**      **RESOLVE 47**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL DION	OTP-AM	S-94

This resolve directs the Public Utilities Commission to develop a plan to reform water regulation and report to the Joint Standing Committee on Energy, Utilities and Technology no later than December 31, 2013. The Joint Standing Committee on Energy, Utilities and Technology may report out a bill to reform water regulation to the Second Regular Session of the 126th Legislature. It also directs the commission to seek to process any filings submitted by water utilities for exemptions under the laws governing utilities with as much deliberate speed as possible, within the constraints of existing resources.

#### Committee Amendment "A" (S-94)

This amendment replaces the resolve and directs the Public Utilities Commission to develop a plan to reform regulation of consumer-owned water utilities. It changes the date for the commission to report to the Joint Standing Committee on Energy, Utilities and Technology from December 31, 2013 to January 31, 2014. It also directs the commission to continue to process any filings submitted by consumer-owned water utilities for exemptions under the laws governing utilities with as much deliberate speed as possible, within the constraints of existing resources.

### Enacted Law Summary

Resolve 2013, chapter 47 directs the Public Utilities Commission to develop a plan to reform regulation of consumer-owned water utilities and to submit the plan to the Joint Standing Committee on Energy, Utilities and Technology by January 31, 2014. The commission is directed to continue to process any filings submitted by consumer-owned water utilities for exemptions under the laws governing utilities with as much deliberate speed as possible, within the constraints of existing resources.

**LD 616**      **An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission**      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY SHERMAN	OTP-AM OTP-AM ONTP	

This bill amends unallocated language in Public Law 2007, chapter 661, "An Act To Implement Recommendations of the Governor's Task Force on Wind Power Development," to remove Carrying Place Township, Concord Township, Highland Plantation, Lexington Township and Pleasant Ridge Plantation from the expedited permitting

***Joint Standing Committee on Energy, Utilities and Technology***

area for the purposes of that Act and directs the Maine Land Use Planning Commission to amend its rules accordingly.

**Committee Amendment "A" (H-527)**

This amendment, which is the majority report of the committee, requires the Maine Land Use Planning Commission to adopt major substantive rules to establish a process to remove a specific location from the expedited permitting area for certain wind energy development under the Maine Revised Statutes, Title 35-A, chapter 34-A. This amendment prohibits the Department of Environmental Protection from accepting an application for a permit for an expedited wind energy development under certain circumstances in Carrying Place Township, Concord Township, Highland Plantation, Lexington Township and Pleasant Ridge Plantation until after the process for removal of a specified place from the expedited permitting area is established by the Maine Land Use Planning Commission. The amendment adds an appropriations and allocations section.

**Committee Amendment "B" (H-528)**

This amendment, which is the minority report of the committee, replaces the bill. It requires the Maine Land Use Planning Commission to adopt major substantive rules to establish a process to remove a specific location from the expedited permitting area for certain wind energy development under the Maine Revised Statutes, Title 35-A, chapter 34-A. It specifies that the process must include a petition and limits the removal to places that are adjacent to locations that are not within the expedited permitting area and requires that the removal of the place not compromise the fulfillment of the State's wind energy policies. The amendment also adds an appropriations and allocations section.

The bill was committed back to the Joint Standing Committee on Energy, Utilities and Technology. The bill was then 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).

**LD 646      An Act To Remove the 100-megawatt Limit on Renewable Sources of Energy      CARRIED OVER**

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

This bill removes the 100-megawatt maximum capacity limit for a source of electrical generation to qualify as a renewable resource for purposes of meeting the State's renewable resource portfolio requirement.

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).

**LD 675      An Act To Amend the Charter of the Veazie Sewer District      P & S 13  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN	OTP-AM	H-138

This bill amends the territory of the Veazie Sewer District by including all of the Town of Veazie that lies between the Penobscot River and Interstate 95.

**Committee Amendment "A" (H-138)**

This amendment requires the Veazie Sewer District to conduct the election of its trustees in the same manner and at