

# 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

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# STATE OF MAINE

126<sup>TH</sup> LEGISLATURE

FIRST REGULAR SESSION



## 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*

**LD 1479**

### **An Act To Clarify Telecommunications Regulation Reform**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

This bill limits the amount of funds a provider of last resort service can receive from the state universal service fund. The bill establishes a procedure for the Public Utilities Commission to conduct an emergency rate case in response to a petition for a temporary increase in rates.

This bill provides that the Public Utilities Commission may not reassign the provider of last resort service obligation without the consent of the current service provider unless that provider is unable to provide the service in accordance with state law. This bill provides that the rate charged to customers for provider of last resort service must be uniform throughout the State for a service provider, must be within 2 standard deviations of the national average and may not be set at a level that will jeopardize the receipt of federal funding to support telecommunications services.

This bill amends the section of law related to the assessment to fund the Public Utilities Commission and the Office of the Public Advocate to include all utilities that were included prior to the enactment of Public Law 2011, chapter 623. It expands the assessment to include a person that provides voice over Internet protocol service over facilities that it, or an affiliated company, owns or leases, regardless of whether that service provider paid the assessment prior to March 1, 2012.

This bill is reported out by the Joint Standing Committee on Energy, Utilities and Technology pursuant to Public Law 2011, chapter 623, Part A, section 25 and Part D, section 7. As required by the public law, the Public Utilities Commission submitted to the committee a report to create a framework for establishing rates for provider of last resort service and a report regarding assessments paid by voice service providers on January 15, 2013.

The Joint Standing Committee on Energy, Utilities and Technology has not taken a position on the substance of this bill and by reporting this bill out the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of this bill. The committee is reporting the bill out for the sole purpose of turning the issues raised in the Public Utilities Commission's reports into a printed bill that can be referred to the committee for an appropriate public hearing and subsequent processing in the normal course. The committee is taking this action to ensure clarity and transparency in the legislative review of the framework for setting the rates for provider of last resort service.

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).

This amendment, which is the majority report, replaces the bill. It clarifies provisions regarding the collection of the assessment on public utilities and qualified telecommunications providers to fund the Public Utilities Commission under the Maine Revised Statutes, Title 35-A, section 116. It removes the requirement that providers of radio paging service contribute to the universal service fund. It prohibits the Public Utilities Commission from reassigning the provider of last resort obligation unless the current service provider is unable or unwilling to provide the service or has substantially failed or is likely to fail in providing the service. It establishes that a provider of provider of last resort service may file for a general rate increase under Title 35-A, chapter 3 and provides criteria for those rates. It allows the commission to approve a temporary rate increase for a provider of provider of last resort service with more than 75,000 working access lines through an expedited rate case or through a determination made 60 days into an investigation as a result of a filing for a general rate increase. This amendment allows the commission to provide no more than \$6,000,000 in universal service fund support to a provider of provider of last resort service with more than 75,000 access lines.

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

This amendment, which is the minority report, replaces the bill. This amendment clarifies provisions regarding the assessments collected from public utilities and qualified telecommunications providers to fund the Public Utilities Commission pursuant to the Maine Revised Statutes, Title 35-A, section 116. This amendment removes the requirement of the bill that all providers of voice over Internet protocol service that provide the service over facilities that the provider or an affiliated company owns or leases pay the assessment under section 116. This amendment removes the requirement that providers of radio paging service contribute to the universal service fund. This amendment removes the prohibition on commission reassignment of the provider of last resort obligation. This amendment adds specific records regarding cost allocation to the documents that must be filed for an expedited rate case.

**LD 1501    An Act To Apply the Precautionary Principle to Decision Making in Certain State Agencies**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill requires the Public Utilities Commission and the Department of Environmental Protection to employ the precautionary principle in their decision-making process regarding a review of proposed action in matters of environmental safety and public health. The precautionary principle must be used in cases in which, after a review of the best scientific information available, there are reasonable grounds for concern that a proposed action will have potentially dangerous effects on the environment or human, animal or plant health although scientific uncertainty exists regarding these potentially dangerous effects. In cases in which the precautionary principle must be used, its use requires the burden of proof to be placed on the proponent of the proposed action to show that the proposed action presents no appreciable risk of harm to the environment or human, animal or plant health.

**Committee Amendment "A" (H-460)**

This amendment is the minority report of the committee and replaces the bill. This amendment provides that, in an adjudicatory proceeding initiated after the effective date of this legislation, if the Public Utilities Commission determines, after a review of the best scientific information available, there are reasonable grounds for concern that a proposed action that is the subject of the adjudicatory proceeding will result in serious or irreversible damage to the environment or human, animal or plant health, the commission may require, as a condition of approval of the proposed action, that all cost-effective measures be taken to prevent that damage.

**LD 1507    An Act To Include Useful Thermal Energy as a Renewable Energy Source**

**ONTP**

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

This bill provides that renewable energy credits may be based on renewable energy derived from geothermal, solar thermal or biomass thermal sources that can be metered, that is delivered to an end user in the form of direct heat, steam, hot water or other thermal form and that is used for heating, cooling, humidity control, process use or other thermal end use, the energy requirements for which nonrenewable fuel or electricity would be otherwise consumed. The bill requires the Public Utilities Commission by rule to provide a methodology for measurement of useful thermal energy and valuation of that energy for purposes of calculating renewable energy credits.

The committee voted this bill ought-not-to-pass, but carried over a number of bills related to renewable energy