

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

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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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

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

Joint Standing Committee on Energy, Utilities and Technology

policies and plans to include the potential to incentivize useful thermal energy as a renewable energy source in its consideration of those bills. The bills that the committee carried over are: LD 646, An Act to Remove the 100-megawatt Limit on Renewable Sources of Energy, LD 1085, An Act to Establish the Renewable Energy Feed-in Tariff, LD 1252, An Act to Improve Maine's Economy and Energy Security with Solar and Wind Energy and LD 1278, An Act to Ensure Equitable Support for Long-term Energy Contracts.

**LD 1517 An Act To Amend the Laws Governing Decision-making Authority
 Regarding Energy Infrastructure Corridors**

PUBLIC 360

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HARVELL | OTP-AM | H-459 |

This bill makes the following changes to the laws governing the Interagency Review Panel.

1. It adds as members of the panel the Governor's senior economic advisor and the Director of the Governor's Office of Policy and Management within the Executive Department or the director's designee.
2. It eliminates one of the public members of the panel.
3. It requires that a decision by the panel regarding an energy infrastructure corridor proposal be approved by the Governor before the State may enter into a binding contract with respect to the proposal.
4. It specifies that payments for appraisal costs collected from potential developers of an energy infrastructure corridor must be deposited in the energy infrastructure benefits fund.

This bill also changes the date on which the section of law governing energy infrastructure corridors is scheduled to be repealed from July 30, 2015 to July 30, 2017.

Committee Amendment "A" (H-459)

The bill removes a public member from the Interagency Review Panel; this amendment restores that member. The bill proposes to add the Governor's senior economic advisor to the panel; this amendment replaces this member with the Public Advocate. The amendment also provides that appraisal costs collected from potential developers may be used not only for the costs of appraisal services but also to reimburse members of the review panel for expenses.

Enacted Law Summary

Public Law 2013, chapter 360 makes the following changes to the laws governing the Interagency Review Panel.

1. It adds as members of the panel the Public Advocate and the Director of the Governor's Office of Policy and Management within the Executive Department or the director's designee.
2. It requires that a decision by the panel regarding an energy infrastructure corridor proposal be approved by the Governor before the State may enter into a binding contract with respect to the proposal.
3. It specifies that payments for appraisal costs collected from potential developers of an energy infrastructure corridor may be used not only for the costs of appraisal services but also to reimburse members of the review panel for expenses.

This bill also changes the date on which the section of law governing energy infrastructure corridors is scheduled to be repealed from July 30, 2015 to July 30, 2017.