

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<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**

August 2015

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# STATE OF MAINE

127<sup>TH</sup> 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 127<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. An appendix provides a summary of relevant session statistics.

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 First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. 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 192      An Act To Clarify the Law Governing the Collection of Unpaid Sanitary District Charges**

**PUBLIC 174**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-121

This bill makes three changes to the section of the Maine Sanitary District Enabling Act governing the administration of liens on real estate to enforce the collection of unpaid sanitary district charges. The bill removes language regarding committing a rate, toll, rent or other charge to the treasurer of a sewer district. The bill requires that a district provide to an owner of record a copy of a sewer lien certificate if the owner did not receive a demand notice. The bill also changes the law so that a mortgage holder of record or an owner of record who did not receive a required copy of the lien certificate has an additional three months to pay in full before the lien automatically forecloses.

**Committee Amendment "A" (S-121)**

This amendment adds a mandate preamble to the bill. It clarifies the date when sewer and municipal water system liens arise and are initially perfected, which is the date the service is provided. It also clarifies and expands upon a requirement in the bill that the treasurer of a sanitary district must mail a copy of a lien certificate to a record owner of real estate that did not receive a demand notice for the payment of an unpaid rate, toll, rent or other charge of the sanitary district.

**Enacted Law Summary**

Public Law 2015, chapter 174 removes language regarding committing a rate, toll, rent or other charge to the treasurer of a sewer district. It clarifies the date when sewer and municipal water system liens arise and are initially perfected, which is the date the service is provided. It also clarifies that the treasurer of a sanitary district must mail a copy of a lien certificate to a record owner of real estate that did not receive a demand notice for the payment of an unpaid rate, toll, rent or other charge of the sanitary district. It also provides that a mortgage holder of record or an owner of record who did not receive a required copy of the lien certificate has an additional three months to pay in full before the lien automatically forecloses.

**LD 200      Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, 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-17

This resolve provides for legislative review of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission.

**Committee Amendment "A" (H-17)**

This amendment requires the Public Utilities Commission to make an additional change to Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the commission, before final adoption is authorized. It requires a specific time frame, not to exceed 10 business days, for a non-member operator to notify the commission that the non-member operator's contact person who receives excavation notifications has changed or that the contact information of the contact person has changed for purposes of maintaining the commission's OKTODIG database.

*Joint Standing Committee on Energy, Utilities and Technology*

**Enacted Law Summary**

Resolve 2015, chapter 9 provides for legislative review of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission. It also requires the Public Utilities Commission to make an additional change to Chapter 895 before final adoption is authorized. It requires a specific time frame, not to exceed 10 business days, for a non-member operator to notify the commission that the non-member operator's contact person who receives excavation notifications has changed or that the contact information of the contact person has changed for purposes of maintaining the commission's OKTODIG database.

Resolve 2015, chapter 9 was finally passed as an emergency measure effective April 14, 2015.

**LD 216 An Act To Amend the Charter of the Hampden Water District**

**P & S 2  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING DAVITT	OTP-AM	S-9

This bill amends the Hampden Water District charter to change a trustee's term of office from five years to three years and to change what constitutes a vacancy on the board of trustees and how a vacancy may be filled.

**Committee Amendment "A" (S-9)**

This amendment provides that current terms of the trustees of the Hampden Water District are modified to transition from the current five-year terms to the three-year terms established in the bill. The amendment also removes language from the bill and from the district's current charter that defines particular circumstances that create a vacancy in the position of trustee; the amendment authorizes the board of trustees to define in its bylaws particular circumstances under which a vacancy is deemed to be created, such as when a trustee ceases to be a resident of the district.

**Enacted Law Summary**

Private and Special Law 2015, chapter 2 amends the Hampden Water District charter to change a trustee's term of office from five years to three year and provides that current terms of the trustees of the Hampden Water District are modified to transition from five-year terms to three-year terms. It allows trustees to call and hold a special election to fill a vacancy of the board. It removes language from the district's current charter that defines particular circumstances that create a vacancy in the position of trustee and instead authorizes the board of trustees to define in its bylaws particular circumstances under which a vacancy is deemed to be created, such as when a trustee ceases to be a resident of the district.

Private and Special Law 2015, chapter 2 was enacted as an emergency measure effective April 16, 2015.

**LD 237 An Act To Address Recommendations from the Report by the Office of Program Evaluation and Government Accountability Regarding the Public Utilities Commission**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY L WOODSOME	OTP-AM	H-53

This bill establishes a consumer advisor position in the Office of the Public Advocate to advise citizens participating in proceedings before the Public Utilities Commission. The position is established to address a recommendation in