

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH 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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STAFF:

DIERDRE SCHNEIDER, 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 127th 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 & 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&S XXX</i>	<i>chapter # of enacted private & 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 127th 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

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

Joint Standing Committee on Energy, Utilities and Technology

the Office of Program Evaluation and Government Accountability's 2013 report on the Public Utilities Commission that the Public Utilities Commission and the Public Advocate explore ways to facilitate consumers' ability to effectively represent themselves in adjudicatory proceedings before the Public Utilities Commission.

Committee Amendment "A" (H-53)

This amendment adds an appropriations and allocations section to the bill.

LD 273 An Act To Encourage and Enhance the Future of Waste-to-energy CARRIED OVER
Facilities by Establishing a Portfolio Requirement for Electricity from
Waste Energy Resources

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

This bill does the following.

1. It amends the definition of renewable capacity resource to include waste energy resources.
2. It defines "waste energy resource" as a source of electrical generation that is fueled by municipal solid waste in conjunction with recycling and whose total power capacity does not exceed 35 megawatts. In addition, the waste energy resource would have to meet Maine's air emissions standards for resource recovery facilities and licensing standards for solid waste facilities and ensure that residuals from the waste energy resource are disposed of at a landfill meeting Maine's licensing standards.
3. It requires 3.5 percent of a competitive energy providers portfolio to come from waste energy resources.
4. It allows competitive energy providers to satisfy the portfolio requirements for waste energy resources through an alternative compliance payment mechanism, the rate of which is to be established by rule yearly, by the Public Utilities Commission. Payment made by providers is to fund the Efficiency Maine Trust and Renewable Resource Fund.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 295 An Act To Promote Tidal Energy Projects ONTP

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

This bill expands the definition of "tidal energy demonstration project" as it relates to general permits for tidal energy demonstration projects to cover tidal range projects. Tidal range projects capture the potential energy created by the difference in sea level (or head) across a marine enclosure.

This bill amends Public Law 2009, chapter 615 to allow the Public Utilities Commission to direct the renewal of a long-term contract for up to 25 years. This potential 25 year extension would be in addition to the current allowable term for a long-term contract of 20 years.

It increases the allowed installed capacity for both deep-water offshore wind energy pilot projects and tidal energy demonstration projects from 30 megawatts to 45 megawatts and allows up to 30 megawatts of that power to be