

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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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

LD 650 An Act To Amend the Brunswick Sewer District Charter

P & S 5

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY TUCKER	OTP	

This bill raises the debt limit of the Brunswick Sewer District from \$20,000,000 to \$25,000,000, pending a referendum held by November 7, 2017 approving the increase.

Enacted Law Summary

Private and Special Law 2015, chapter 5 raises the debt limit of the Brunswick Sewer District from \$20,000,000 to \$25,000,000, pending a referendum held by November 7, 2017 approving the increase.

LD 660 An Act To Protect Homeowners from Damage in the Event of a Failure of Public Water Systems

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DECHANT	OTP-AM	H-189

This bill allows a consumer-owned water utility to establish a homeowner protection fund to reimburse a homeowner in the event of a water system failure that causes damage to the homeowner's property. The Public Utilities Commission is required to adopt rules governing the creation and use of such a fund.

Committee Amendment "A" (H-189)

This amendment replaces the bill, which establishes a homeowner protection fund, and enables contingency allowance funds to be used to reimburse a consumer in the event of a water system failure that causes damage to the consumer's property. This amendment clarifies that the use of contingency funds by a consumer-owned water utility does not waive a utility's immunities or limitations on damages that exist under the Maine Tort Claims Act, any other statute or the common law. This amendment also increases the annual contingency allowance from ten percent to 12 percent for a utility with annual revenues up to \$85,000, and from five percent to seven percent for a utility with total annual revenues in excess of \$85,000.

LD 743 An Act To Protect the Environment and Assist Municipalities with the Recycling, Reuse and Processing of Solid Waste

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact measures to support the State's solid waste management hierarchy and provide for the effective and efficient management of solid waste throughout the State by encouraging the conversion of municipal solid waste to electrical energy as a means to minimize the amount of municipal solid waste that is disposed of and stored in landfills.

The bill encourages materials management and conversion of municipal solid waste into electrical energy through the establishment of a net electrical billing process that will have the effect of reducing energy costs to

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municipalities who are the primary disposers of the waste. The net electrical billing process will also serve to encourage the reduction, recycling and effective management of municipal solid waste; preserve many existing well-paying jobs; enhance the diversification of the State's energy resource mix; stabilize the State's energy supply infrastructure; and result in a net environmental benefit to the State and its citizens.

1. The bill would establish a waste management net electrical billing program in accordance with the following provisions.
 - A. An eligible participating waste-to-energy facility in the State would be authorized to develop and offer a contract for the conversion of municipal solid waste to electricity that provides net electrical billing credits based upon the number of metered kilowatt-hours produced by the incineration of the municipal solid waste that is originated with each eligible governmental entity customer that enters into a contract. No contract would be authorized unless it is certified by the Department of Environmental Protection.
 - B. There would be two types of metering in the program:
 - (1) Generation meters registering the flow of electricity produced through the incineration of municipal solid waste at each eligible participating waste-to-energy facility; and
 - (2) Consumption meters registering the consumption of electricity by the eligible governmental entity customer.
 - C. Each eligible participating waste-to-energy facility would annually calculate the annual electrical crediting ratio by taking the total metered electrical power generated and dividing it by the total number of tons of municipal solid waste processed during the reporting year. The annual electrical crediting calculation would be certified and provided by each eligible participating waste-to-energy facility to the Department of Environmental Protection and the Public Utilities Commission on or before a date determined by the Department of Environmental Protection.
 - D. Based on net electrical crediting calculations, the Department of Environmental Protection, in cooperation with the Public Utilities Commission, would set the annual ratio at which net electrical billing credits will be determined by each eligible participating waste-to-energy facility during the next program administrative year.
 - E. Each eligible participating waste-to-energy facility would provide monthly data on the number of electrical billing credits each participating eligible governmental entity customer has earned during the preceding 30-day period to the electrical utility that provides service to each participating eligible governmental entity customer. Copies of the report would be provided monthly to the participating eligible governmental entity customer. Contracts supporting the net electrical billing process would be developed between eligible participating waste-to-energy facilities and utilities, as well as the utilities and the eligible governmental entity customers participating in the program. A contract would not be used unless it is certified by the Department of Environmental Protection and the Public Utilities Commission.
 - F. Each electrical utility would apply the reported net electrical billing credits for each participating eligible governmental entity customer on its next electrical service billing. Any credits not used on a given monthly electrical billing for a participating eligible governmental entity customer would be carried over and applied to a future monthly electrical service bill for that customer.
 - G. The program would be administered by the Department of Environmental Protection in consultation with the Public Utilities Commission.
 - H. The Board of Environmental Protection would adopt routine technical rules necessary for the operation and administration of the program.

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2. The bill would establish definitions necessary to implement the waste management net electrical billing program, including:

- A. Defining "eligible governmental entity customer" as a governmental entity organized and existing pursuant to the laws of the State that provides an annual written certification that it operates an established program of solid waste reduction, recycling and composting relative to the solid waste it collects before it sends that solid waste to an eligible participating waste-to-energy facility for processing and conversion into electricity;
- B. Defining "eligible participating waste-to-energy facility" as a facility licensed pursuant to the provisions of the Maine Revised Statutes, Title 38 that converts municipal solid waste to electricity through an incineration process that is licensed by the Department of Environmental Protection, reduces the volume of the municipal solid waste it processes by at least 80 percent and the weight by at least 65 percent and is not a party to a power purchase agreement;
- C. Defining "municipal solid waste" as solid waste that has been collected by a participating eligible governmental entity customer other than waste that the customer has diverted through reduction, recycling and composting before it is sent to an eligible participating waste-to-energy facility for processing and conversion into electricity; and
- D. Defining "net electrical billing credits" as the monetary credits that are applied by an electrical utility to the monthly bill of an eligible governmental entity customer that has earned those credits by sending municipal solid waste that it has collected to an eligible participating waste-to-energy facility for conversion into electricity.

LD 796 An Act To Allow a Municipality To Choose Its Power Provider

ONTP

Sponsor(s)
PARRY
COLLINS

Committee Report
ONTP

Amendments Adopted

This bill provides a process to allow a municipality to choose a single transmission and distribution utility via a referendum when that municipality is served by more than one utility. The decision to hold a referendum must be made by a majority vote of the municipal officials. A referendum to choose a single utility must occur during a gubernatorial or presidential election in November and must be called, advertised and conducted according to the law relating to municipal elections.

The bill also requires that the Public Utilities Commission approve a petition by the municipal officials to have only one utility furnishing service in the municipality. The Public Utilities Commission must approve a petition if it finds the chosen utility is willing to furnish service to the entire municipality, the chosen utility has the financial ability to meet its obligations under the Maine Revised Statutes, Title 35-A and the chosen utility is willing and able to pay a fair and reasonable price, as determined by the commission, for the assets of the second utility needed to furnish service to the entire municipality. Upon approval, the Public Utilities Commission is directed to order the second utility to sell its assets used to serve the municipality to the chosen transmission and distribution utility. This bill also allows the Public Utilities Commission to adopt routine technical rules to implement these provisions.