

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
128<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**

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# STATE OF MAINE

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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 128<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.

*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 128<sup>th</sup> Legislature is Wednesday, November 1, 2017. 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 406**

**An Act To Amend the Law Regarding Joint Use of Certain Utility and Telecommunications Infrastructure**

**PUBLIC 199**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D BERRY S	OTP-AM	S-177

This bill makes the following changes to the laws governing joint use of equipment regulated by the Public Utilities Commission.

1. It changes the conditions under which the commission may order joint use of equipment by eliminating the requirement that a hearing be held upon the commission's motion or that a complaint be filed by an affected entity before the commission may order joint use of equipment. It also eliminates the requirement that the commission find that the parties have failed to agree on the terms and conditions or compensation for the joint use of equipment before the commission may enter an order.
2. It adds unlit fiber providers, telecommunications service providers and information service providers to the list of entities that may be subject to an order for joint use of equipment.
3. It expands the types of subscribers whose interests must be taken into account by the commission when taking actions or issuing orders related to joint use of equipment.
4. It requires the commission to adopt rules governing joint use of equipment.

**Committee Amendment "A" (S-177)**

This amendment replaces the bill. Like the bill, it adds unlit fiber providers, telecommunications service providers and information service providers to the list of entities that may be subject to an order for joint use of equipment. It defines the term "joint use entity" and requires that the interests of customers of a joint use entity be considered in any order or actions taken by the Public Utilities Commission. It requires that a joint use entity seeking access to the poles, ducts, conduits or rights-of-way owned or controlled by another joint use entity have the technical and financial capabilities to fulfill its obligations related to such joint use and that the Public Utilities Commission develop a process to ensure this through its rules. It requires that rules adopted by the Public Utilities Commission promote competition, further the state broadband policy and ensure safe, nondiscriminatory access on just and reasonable terms. It requires that the Public Utilities Commission amend its rules by January 15, 2018, to address the terms and conditions of joint use. It provides that the jurisdiction of the Public Utilities Commission over joint use entities not otherwise under its jurisdiction is only for limited purposes, and it makes changes to the Maine Revised Statutes, Title 35-A, sections 2301 and 2501 for consistency with those provisions.

**Enacted Law Summary**

Public Law 2017, chapter 199 adds unlit fiber providers, telecommunications service providers and information service providers to the list of entities that may be subject to an order for joint use of equipment. It defines the term "joint use entity" and requires that the interests of customers of a joint use entity be considered in any order or actions taken by the Public Utilities Commission. It requires that a joint use entity seeking access to the poles, ducts, conduits or rights-of-way owned or controlled by another joint use entity have the technical and financial capabilities to fulfill its obligations related to such joint use and that the Public Utilities Commission develop a process to ensure this through its rules. It requires that rules adopted by the Public Utilities Commission promote competition, further the state broadband policy and ensure safe, nondiscriminatory access on just and reasonable terms. It requires that the Public Utilities Commission amend its rules by January 15, 2018, to address the terms and conditions of joint use. It provides that the jurisdiction of the Public Utilities Commission over joint use entities not otherwise under its jurisdiction is only for limited purposes, and it makes changes to the Maine Revised

*Joint Standing Committee on Energy, Utilities and Technology*

Statutes, Title 35-A, sections 2301 and 2501 for consistency with those provisions.

**LD 421      An Act To Promote Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREA D DOW D	ONTP	

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

This bill proposes to increase funding to the ConnectME Authority from \$1,000,000 to \$5,000,000 to expand universal broadband and high-speed Internet into rural areas identified as the 6% of the State unserved by high-speed Internet. This bill proposes to make expanding high-speed Internet into unserved rural areas a key emphasis in the economic development of the state and to multiply the return to the State by directing the ConnectME Authority to use the increased funding to increase the rate of strategic broadband investment and leverage additional federal funding to provide middle-mile and last-mile infrastructure in the unserved areas and to correct broadband deficiencies identified in the ConnectME Authority's baseline update of 2013.

**LD 422      An Act To Create the Water Resources Planning Committee      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M CARSON B	OTP-AM ONTP	H-94

This bill imposes a two-year moratorium, beginning November 1, 2017, on new contracts or agreements by a consumer-owned water utility, municipality, state agency or other governmental entity involving the extraction of more than 75,000 gallons of groundwater during any week or more than 50,000 gallons of groundwater on any day. The bill also directs the Commissioner of Environmental Protection to convene a working group to develop the statutory and regulatory framework for the establishment of the Maine Water Trust, which must be designed to ensure a safe and plentiful drinking water supply to all residents of the State by regulating the use of groundwater for commercial purposes under laws that establish the absolute control and dominion of the State over all groundwater supplies in the State. The commissioner must, on or before January 15, 2019, report the recommendations of the working group to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters, which may report out a bill to implement those recommendations to the First Regular Session of the 129th Legislature.

**Committee Amendment "A" (H-94)**

This amendment is the majority report of the committee and it replaces the bill and changes the title. The amendment requires the Department of Agriculture, Conservation and Forestry to convene the Water Resources Planning Committee. The amendment describes requirements related to committee membership, meetings and reporting. It details three phases on which the committee is required to focus effort. It also requires the committee to conduct an annual review of state policy in regard to water resources, provide guidance to municipalities and develop and disseminate educational materials on water resources and the regulatory regime.