

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES  
AND TECHNOLOGY**

October 2018

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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**

federal universal service support funds are not subject to the state service provider tax and that federal support for such services is not subject to fees assessed under the state universal service fund, the state telecommunications education access fund and the statewide E-9-1-1 surcharge.

**Committee Amendment "A" (S-390)**

This amendment amends the sales and use tax laws to specify that federal universal service support funds paid directly to the seller are not included in the definition of "sale price." It removes language regarding rulemaking by the Public Utilities Commission, and it clarifies language regarding adjusting the prepaid wireless telecommunications service fee.

**Senate Amendment "A" (S-524)**

This amendment adds an effective date of January 1, 2019 to the bill.

**Enacted Law Summary**

Public Law 2017, chapter 422 clarifies that telephone services available to income-eligible Maine consumers that are supported by federal universal service support funds are not subject to the state service provider tax, that federal universal service support funds paid directly to the seller are not included in the definition of "sale price," and that federal support for such services is not subject to fees assessed under the state universal service fund, the state telecommunications education access fund and the statewide E-9-1-1 surcharge.

It provides that notwithstanding the prohibitions under the Maine Revised Statutes, Title 35-A, section 7104, subsection 3-A and Title 35-A, section 7104-B, subsection 2-A on the Public Utilities Commission's adjusting the prepaid wireless telecommunications service fee more than once every 24 months, the Public Utilities Commission may adjust the prepaid wireless telecommunications service fee if needed to conform to this law.

This law takes effect January 1, 2019.

**LD 1785 An Act To Amend the Greater Augusta Utility District Charter**

**Leave to Withdraw Pursuant to Joint Rule**

Sponsor(s)  
WARREN C  
KATZ R

Committee Report

Amendments Adopted

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

This bill proposes to make technical changes to the charter of the Greater Augusta Utility District to accommodate the district's growth and change in services and to change its voting membership.

**LD 1798 Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority**

**RESOLVE 44 EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-633

This resolve provides for legislative review of portions of Chapter 101: ConnectME Authority, a major substantive rule of the ConnectME Authority.

**Joint Standing Committee on Energy, Utilities and Technology**

**Committee Amendment "A" (H-633)**

This amendment allows for the final adoption of portions of Chapter 101: ConnectME Authority, a major substantive rule of the ConnectME Authority, as long as the ConnectME Authority makes several changes, including the correction of a drafting error in the definitions section in order to provide a more comprehensive definition of "broadband service provider", clarification regarding the release of records of the issuance of a denial for a protective order, clarification of language regarding the gathering of additional information, and clarification of the timeframe for project completion and report submissions.

**Enacted Law Summary**

Resolve 2017, chapter 44 allows for the final adoption of portions of Chapter 101: ConnectME Authority, a major substantive rule of the ConnectME Authority, as long as the ConnectME Authority makes several changes, including the correction of a drafting error in the definitions section in order to provide a more comprehensive definition of "broadband service provider", clarification regarding the release of records of the issuance of a denial for a protective order, clarification of language regarding the gathering of additional information and clarification of the timeframe for project completion and report submissions.

Resolve 2017, chapter 44 was finally passed as an emergency measure effective April 8, 2018.

**LD 1799      Resolve, Regarding Legislative Review of Portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a Major Substantive Rule of the Public Utilities Commission**

**RESOLVE 49  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-704

This resolve provides for legislative review of portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a major substantive rule of the Public Utilities Commission.

**Committee Amendment "A" (H-704)**

This amendment allows for the final adoption of portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators by the Public Utilities Commission as long as the Public Utilities Commission makes several changes, including:

1. The addition of a provision relating to complaints by individual generators of unreasonable, preferential, discriminatory or anticompetitive behavior on the part of a transmission and distribution utility;
2. The addition of a provision and definitions to make clear that a transmission and distribution utility may not have an affiliate that owns generation or generation-related assets that are directly interconnected to any facilities owned or operated by the transmission and distribution utility or if the point of interconnection of generation or generation-related assets of the affiliate is within the service territory of the transmission and distribution utility;
3. The clarification of the applicability of the rule to affiliated generators;
4. The addition of a standard that explicitly prohibits preferential, discriminatory or other anticompetitive conduct by a transmission and distribution utility;
5. The clarification that access to books and records is for the purpose of verifying compliance with the rule and that access to such books and records also applies to books and records that predate an affiliated generator's