

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH 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

129TH 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 129th 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 129th Legislature is Thursday, September 19, 2019. 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

extensions with a minimum homes-per-mile requirement not to exceed 15 homes per mile.

2. It prohibits automatic franchise renewals beyond the initial term of the franchise renewal period, except for automatic franchise renewals in effect on the effective date of this legislation, which require advance notification of expiration from the cable system operator to the municipality. A cable system operator may not refuse to provide the municipality with required information to complete the renewal process.

3. It prohibits a cable system operator from modifying or amending the State's model franchise agreement without the consent of the municipality as arrived at during negotiations.

4. It includes provisions for the use and support of public, educational and governmental access channels and requires that these channels be placed in the same numerical sequence location as the local commercial network broadcast channels. It also also requires all cable system operators in the State to carry public, educational and governmental access channels on the basic cable or video service offerings or tiers and specifies that the channels may not be separated or moved numerically from other channels carried on the basic cable or video service offerings or tiers without the agreement of the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels, unless the change is required by federal law. In the event of transfer of the franchise license, the same channel numbers used by the incumbent cable system operator must be retained. It provides that any public, educational or governmental access channel that has been moved within the 24 months preceding the effective date of this legislation and without the consent of the originator must be restored within 60 days to its original location and number.

5. It requires all cable system operators in the State to work with the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels to ensure that the signal sent from the point of origination to the cable system operator and delivered to the cable subscriber is of the same quality and format as originally created. A cable system operator is required to set up a toll-free telephone number for requests to resolve a signal quality problem.

6. It requires all cable system operators in the State to provide the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels access to the entity that controls the electronic program guides in the same manner as the local broadcast channels if requested by the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels. In addition, if channels are selected through a menu system, public, educational and governmental access channel designations must be displayed in a similar manner as local broadcast channel designations on the electronic program guide are displayed.

LD 1383

An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding High-impact Electric Transmission Lines

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRIGNON C	OTP-AM ONTP OTP-AM	H-435

This bill requires a transmission and distribution utility, prior to taking land or an easement by eminent domain, to obtain the approval of the body of government having jurisdiction over the land or easement. Following approval by the body of government, the transmission and distribution utility is still required to obtain a certificate of public convenience and necessity from the Public Utilities Commission. The bill makes explicit that the exemption from municipal zoning ordinances regarding real estate used by public utilities does not apply to an elective transmission upgrade, which is a transmission line for which a person developing the transmission line has agreed to pay all of the costs of developing the transmission line without passing those costs on to ratepayers.

Joint Standing Committee on Energy, Utilities and Technology

Committee Amendment "A" (H-435)

This amendment is the majority report of the committee. The amendment replaces the bill. It amends the laws governing municipal zoning ordinance exemptions and the right of eminent domain in relation to use of land for a high-impact electric transmission line, which is redefined as a line greater than 50 miles in length and capable of operating at 200 kilovolts or more that is not a generator interconnection facility and is not constructed primarily for electric reliability within the State. The amendment provides that the exemption in current law from a municipal zoning ordinance when the Public Utilities Commission has determined it is reasonably necessary for public convenience and necessity for real estate to be used for a high-impact electric transmission line is authorized only if the municipal officers by affirmative vote approve the commission's exemption. The amendment also requires a transmission and distribution utility, after obtaining approval from the Public Utilities Commission to take a location by eminent domain for a high-impact electric transmission line, to obtain the approval of the municipal officers, or county commissioners in the case of unorganized or deorganized territory, before exercising the right of eminent domain.

Committee Amendment "B" (H-436)

This amendment is one of two minority reports of the committee. The amendment, which replaces the bill, does the following.

1. It modifies the definition of "high-impact electric transmission line" to include only a transmission line that is: greater than 50 miles in length and for which a petition for a certificate of public convenience and necessity under the Maine Revised Statutes, Title 35-A, section 3132 is filed after June 1, 2019; not a generator interconnection transmission facility; capable of operating at 200 kilovolts or more; and not constructed to provide electric reliability within the State.
2. It provides that, before issuing a certificate of public convenience and necessity for a high-impact electric transmission line, the Public Utilities Commission must hold hearings in each county through which the line will pass.
3. It requires a transmission and distribution utility, after obtaining approval from the Public Utilities Commission to take a location by eminent domain for a high-impact electric transmission line, to obtain the approval of the municipal officers, or county commissioners in the case of unorganized or deorganized territory, before exercising the right of eminent domain.

This amendment was not adopted.

LD 1398 An Act To Allow the Efficiency Maine Trust To Provide Support for New Home Construction ONTP

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

This bill provides that the Efficiency Maine Trust must ensure that conservation programs for residential consumers provide support for energy efficiency or conservation measures in new homes not just in retrofits or improvements of existing homes.