

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

November 2020

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STATE OF MAINE

129TH LEGISLATURE
FIRST REGULAR SESSION



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

over the past year, determine the average regulatory cost per customer per year for all consumer-owned public utilities and all investor-owned public utilities in each utility industry and amend their rules or introduce legislation to address a significant discrepancy in the average regulatory costs.

Committee Amendment "A" (H-713)

This amendment, which is the majority report of the committee, replaces the bill. The amendment does the following:

1. It requires the Public Utilities Commission and the Public Advocate, respectively, in calculating assessments charged to public utilities to apportion the assessment within each category of public utility, that is, transmission and distribution, gas, telephone and water, between investor-owned utilities and consumer-owned utilities. The assessment must be apportioned based on an accounting of the portion of the commission's resources and the Public Advocate's resources, respectively, devoted to matters related to investor-owned utilities and the portion devoted to matters related to consumer-owned utilities.
2. It requires the commission, in its annual report, to report on any filing fees or penalties collected from public utilities in the previous year for which the amount of the filing fee or penalty has not been adjusted in the previous five years and to provide draft legislation to adjust the dollar value of filing fees and penalties based on the actuarially compounded Consumer Price Index for each fee and penalty since the last adjustment.
3. It requires the commission and the Public Advocate each to report annually, beginning in 2021, on the portion of agency resources devoted to matters related to investor-owned utilities and the portion of resources devoted to matters related to consumer-owned utilities and on agency expenses per dollar of intrastate gross operating revenue for investor-owned utilities and consumer-owned utilities.
4. It amends the law governing filing fees for reorganizations of utilities to authorize the commission to order a filing fee of up to .05% of the estimated total value of the reorganization and to require the commission to order payment of a filing fee equal to .05% of the estimated total value of the reorganization if a reorganization would result in the transfer of ownership and control of a public utility or the parent company of a public utility. Under current law the commission may charge a filing fee of up to \$50,000 to an applicant seeking approval for a reorganization.
5. It requires the commission to submit legislation to the First Regular Session of the 130th Legislature to adjust all fees and penalties paid by public utilities based on the actuarially compounded Consumer Price Index for each fee or penalty since enactment.

At adjournment, this amendment had been adopted by the House and had not been taken up by the Senate. This bill was carried over in the Senate to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1892 An Act To Make Changes to the So-called Dig Safe Law

**PUBLIC 592
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S LAWRENCE M	OTP-AM	H-685

This bill specifies that liquefied propane gas distribution systems that have underground pipes are subject to the so-called dig safe law. It also increases the administrative penalties for violations of the so-called dig safe law from \$500 to \$1,000 for a violation and from \$5,000 to \$10,000 for a subsequent violation occurring within 12 months of an earlier violation.

Joint Standing Committee on Energy, Utilities and Technology

Committee Amendment "A" (H-685)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2019, chapter 592 specifies that liquefied propane gas distribution systems that have underground pipes are subject to the so-called dig safe law. The law also increases the administrative penalties for violations of the so-called dig safe law from \$500 to \$1,000 for a violation and from \$5,000 to \$10,000 for a subsequent violation occurring within 12 months of an earlier violation.

Public Law 2019, chapter 592 was enacted as an emergency measure effective March 17, 2020.

LD 1895 An Act Regarding Positions at the Public Utilities Commission

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE M BERRY S		

This bill reclassifies the Public Utilities Commission's director of emergency services communication to be consistent with other commission directors. The bill also adds four positions to the commission: a Utility Analyst to perform utility rate case revenue requirement analysis and other activities; a Utility Analyst to perform communications and customer outreach activities; a Senior Consumer Assistance Specialist to perform administrative work in the receipt, analysis and resolution of consumer complaints; and a Public Service Coordinator II to perform 9-1-1 standards compliance, contract management and other tasks related to the administration of the Emergency Services Communication Bureau.

This bill, which had been voted (OTP-A/ONTP) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1896 An Act To Amend the Laws Governing Thermal Renewable Energy Credits

PUBLIC 576

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLIE BERRY S	OTP-AM ONTP	S-384

This bill provides that retail electricity sales pursuant to a supply contract or standard-offer service arrangement executed by a competitive electricity provider that is in effect on September 19, 2019, are exempt from the requirement for the purchase of thermal renewable energy credits until the end date of the existing term of the supply contract or standard-offer service arrangement. It also allows the Public Utilities Commission to set separate alternative compliance payment rates for Class I resources, Class IA resources and thermal renewable energy credits under the laws governing renewable resources.

Committee Amendment "A" (S-384)

This amendment is the majority report of the committee. The amendment removes the provision of the bill regarding separate alternative compliance payment rates for different resource classes and thermal renewable energy credits. It also removes the emergency preamble and emergency clause, which were related to the provision removed from the bill.