

## Joint Standing Committee on Utilities and Energy

**LD 105**                      **An Act to Clarify Great Northern Paper, Inc.'s Status to Furnish Electricity**                      **ONTP**

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

LD 105 proposed to repeal the law that allows Great Northern Paper, Inc. to furnish electricity to and from the Millinocket mill, whether or not that mill is owned by Great Northern Paper, Inc., without being considered an electric utility.

**LD 553**                      **An Act to Amend the Charter of the Kennebec Water District**                      **ONTP**

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

LD 553 proposed to amend the charter of the Kennebec Water District to change certain provisions relating to trustee compensation and to restrict certain outside activities of trustees to reduce potential conflicts of interest.

**LD 1464**                      **An Act to Amend the No Trespassing Zone Around the Water Intake Pipes of the Portland Water District**                      **P & S 63**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUGH RAND	OTP-AM	H-773

LD 1464 proposed to protect the water supply maintained by the Portland Water District by changing the way that the restricted area around the intake pipes in Sebago Lake is measured. The bill proposed that the restricted area be measured from the two intake pipes instead of from a point on the shore.

**Committee Amendment "A" (H-773)** proposed that the 3,000-foot no trespassing zone be measured from the southernmost intake.

***Enacted law summary***

Private and Special Law 1999, chapter 63 protects the water supply maintained by the Portland Water District by changing the way that the restricted area around the intake pipes in Sebago Lake is measured. The law provides for a 3,000-foot no trespassing zone measured from the southernmost intake pipe. This ensures continued boating access to the channel surrounding Indian Island in Lower Bay of Sebago Lake.

**LD 1500**

**An Act to Provide Assistance to Low-income Energy Consumers**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M KONTOS	OTP-AM	

LD 1500 proposed to establish a nonlapsing trust fund to finance a statewide low-income electric assistance program using the Maine corporate income taxes derived from the sale of electric utilities' generation-related assets. This bill proposed to allow the Public Utilities Commission to require transmission and distribution utilities to collect funds to augment the trust fund allocation to the extent needed. The bill proposed that the Maine State Housing Authority administer both the trust and the program. The bill proposed to design the program based on the eligibility requirements of Central Maine Power's Electricity Lifeline Program. An advisory board would be established to advise the authority regarding all aspects of the low-income electric assistance program.

**Committee Amendment "A" (H-618)**, which was reported out of the committee during the First Regular Session, proposed to replace most of the bill. This amendment proposed to transfer funds from the General Fund to the Low-income Electric Trust Fund equal to the amount of transfer taxes that were to be deposited in the General Fund as a result of sales or transfers of generation assets required to be divested pursuant to the electric restructuring law; to provide that the electric utility bill payment assistance program funded by the Low-income Electric Trust Fund become active on March 1, 2002; to require that until that date existing utility-administered programs remain in place; and to direct consumer-owned electric utilities to develop and implement programs to provide assistance to low-income consumers between March 1, 2000 and March 1, 2002.

**House Amendment "A" (H-692)**, offered during the First Regular Session, proposed to replace the bill. Under this amendment, that portion of the corporate income taxes collected from electric utilities by the State Tax Assessor attributable to the gain on the sale or transfer of generation assets divested after May 21, 1999 would be required to be paid by the State Tax Assessor to the Maine State Housing Authority for deposit them in the Maine Low-income Energy Assistance Fund. The Maine State Housing Authority would be authorized to apply money in the fund to operate the Maine Low-income Energy Assistance Program to provide weatherization, energy conservation and fuel assistance to persons who qualify for assistance pursuant to the Weatherization Assistance for Low-income Persons Program administered through the United States Department of Energy or the Low-income Home Energy Assistance Program administered through the United States Department of Health and Human Services. The authority would be authorized to use up to 10% of the funds to cover the administrative costs of operating the program. The authority would be required to apply the funds in a manner that maximizes federal assistance under the Weatherization Assistance for Low-income Persons Program and the Low-income Home Energy Assistance Program.

**Senate Amendment "A" to Committee Amendment "A" (S-338)**, offered during the First Regular Session, proposed to amend committee amendment "A" to reduce the amount of funds deposited in the Low-income Electric Consumer Trust Fund. Under this amendment, only taxes attributable to transfers on sales made after May 21, 1999 would be transferred to the fund.

**Senate Amendment "A" to House Amendment "A" (S-354)**, offered during the First Regular Session, proposed to specify that funds in the Maine Low-income Energy Assistance Fund may be used for appliance replacement rather than for fuel assistance.

**Committee Amendment "B" (H-891)**, reported out of the committee during the Second Regular Session, proposed to replace most of the bill. This amendment proposed to provide for an appropriation of \$70,000,000 from the General Fund to the Low-income Electric Consumer Trust Fund, an amount approximately equal to the amount of corporate income taxes and real estate transfer taxes that were deposited in the General Fund as a result of sales or transfers of generation assets required to be divested pursuant to the electric restructuring law; to provide that the low-income program funded by the Low-income Electric Consumer Trust Fund becomes active on March 1, 2002; to require that until that date existing utility-administered programs remain in place; and to direct consumer-owned electric utilities to develop and implement programs to provide assistance to low-income consumers between March 1, 2001 and March 1, 2002.

**LD 1810                      An Act to Protect the Drinking Water Supply of the Portland Water District                      ONTP**

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

LD 1810 proposed to close the existing boat-launching ramp in Standish and replace it with a new boat-launching ramp, also in Standish, at a location selected by the Portland Water District. The bill proposed that that land and funding for the new boat-launching ramp be provided by the Portland Water District.

**LD 2140                      An Act to Enhance the Economic Security of Low-income Households with Respect to Utility Service                      PUBLIC 664**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON	OTP      MAJ ONTP      MIN	

LD 2140 proposed to authorize the Public Utilities Commission to approve discount rates for low-income natural gas customers.

**House Amendment "A" (H-920)** proposed to permit the Public Utilities Commission to establish a bill payment assistance program for residential low-income customers of natural gas utilities, provided the program was funded by the General Fund.

***Enacted law summary***

Public Law 1999, chapter 664 authorizes the Public Utilities Commission to approve discount rates for low-income natural gas customers who are certified eligible for welfare assistance.

**LD 2282                      An Act to Clarify the Treatment of Certain Small Consumer-owned Transmission and Distribution Utilities                      ONTP**

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

LD 2282 proposed to direct the Public Utilities Commission, on the request of a small consumer-owned transmission and distribution utility, to exempt the utility from most provisions of Title 35-A. Current law authorizes the commission to grant such exemptions. The Isle au Haut Electric Power Company ("IAH") had filed and failed to obtain resolution of such a request with the commission. The committee, while voting to kill the bill, sent a letter to the commission requesting that the commission move forward on that case.

**LD 2288                      An Act to Eliminate Regulation of Public Heating Utilities                      PUBLIC 579**

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

LD 2288 proposed to remove the term "public heating utility" from the definition of "public utility" in the laws governing public utilities, thereby eliminating regulation of these entities by the Public Utilities Commission.

***Enacted law summary***

Public Law 1999, chapter 579 removes the term "public heating utility" from the definition of "public utility" in the laws governing public utilities, thereby eliminating regulation of these entities by the Public Utilities Commission.

**LD 2289                      An Act to Provide Standard-offer Service to Certain Customers                      PUBLIC 578  
EMERGENCY**

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

LD 2289 proposed to allow the Public Utilities Commission to require that transmission and distribution utilities take the necessary steps to secure electricity for some 40 customers that are not physically connected to a bulk power system in the State.

***Enacted law summary***

Public Law 1999, chapter 578 allows the Public Utilities Commission to require that transmission and distribution utilities take the necessary steps to secure electricity (default standard offer service) for some 40 customers that are not physically connected to a bulk power system in the State.

Public Law 1999, chapter 578 was enacted as an emergency measure effective March 22, 2000.

**LD 2294**

**An Act to Promote Competition in the Natural Gas Industry**

**PUBLIC 605**

Sponsor(s)  
CAREY

Committee Report  
OTP-AM

Amendments Adopted  
S-528

LD 2294 proposed to authorize gas utilities to exercise the power of eminent domain in the same manner and under the same conditions as natural gas pipeline utilities.

**Committee Amendment "A" (S-528)** proposed to replace the bill and to:

1. Repeal the eminent domain provisions governing natural gas pipeline utilities;
2. Grant eminent domain authority to natural gas utilities, which are defined as intrastate natural gas pipeline utilities and gas utilities other than gas utilities over which the commission's jurisdiction is limited to safety issues;
3. Establish certain conditions and standards for and limitations on the exercise of eminent domain authority, most of which reflect those that currently govern eminent domain authority exercised by natural gas pipeline utilities;
4. Require that the utility have received appropriate authorizations from the Public Utilities Commission with respect to the proposed pipeline prior to seeking to exercise eminent domain authority;
5. Provide that the commission must approve the location of any taking and find that the taking is necessary and in the public interest;
6. Require the commission to issue its written decision within certain time limits; and
7. To provide for an effective date of 90 days after adjournment or August 1, 2000, whichever is later.

***Enacted law summary***

Public Law 1999, chapter 605 repeals the eminent domain provisions governing natural gas pipeline utilities and grants eminent domain authority, with certain conditions and limitations, to intrastate natural

gas pipeline utilities and gas utilities other than gas utilities over which the commission's jurisdiction is limited to safety issues.

**LD 2317**

**An Act Increasing the Authorized Indebtedness of the Veazie Sewer District**

**P & S 71  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	OTP-AM	H-832 H-866 DAVIDSON

LD 2317 proposed to increase the debt limit of the Veazie Sewer District from \$1,000,000 to \$2,000,000 subject to referendum.

**Committee Amendment "A" (H-832)** proposed to replace the bill. The amendment, subject to approval in a district referendum, proposed to:

1. Increase the debt limit of the Veazie Sewer District to \$2,000,000; and
2. Allow the district to increase its debt limit in the future through the referendum process without further legislative approval.

The amendment also proposed to add an emergency to the bill.

**House Amendment "A" to Committee Amendment "A" (H-866)** proposed to change the wording of the question to be voted on to focus on the increase in the debt limit.

***Enacted law summary***

Private and Special Law 1999, chapter 71, subject to approval in a district referendum, increases the debt limit of the Veazie Sewer District to \$2,000,000 and allows the district to increase its debt limit in the future through the referendum process without further legislative approval.

Private and Special Law 1999, chapter 71 was enacted as an emergency measure effective March 30, 2000, subject to approval in a district referendum.

**LD 2335**

**An Act to Revise the Charter of the Madawaska Water District**

**P & S 66  
EMERGENCY**

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

LD 2335 proposed to revise the charter of the Madawaska Water District to delete references to a section of the Maine Revised Statutes, Title 35-A that has been repealed and to clarify the procedures under which the district may establish a higher debt limit and issue its notes and bonds.



3. to designate the numerals "9-1-1" as the primary telephone number to request emergency services following the activation of the E-9-1-1 services for a telephone exchange;
4. to prohibit the use of the numerals "9-1-1" for purposes, including commercial advertising, other than to request emergency services and to require 9-1-1 to be in block lettering when used to advertise the number and its use to the public;
5. to require telephone companies to publish 9-1-1 as the primary emergency telephone number for those exchanges in which E-9-1-1 services have been activated.

**Committee Amendment "A" (S-560)** proposed to replace the bill, though several substantive provisions of the bill were incorporated in the amendment. The amendment proposed:

1. to remove that portion of the bill that would have retroactively reinstated the E-9-1-1 surcharge and instead to reenact the surcharge and provide for delayed collection of the surcharge by those telecommunications service providers who continued to collect the surcharge after its repeal. Monies collected after the repeal of the surcharge would be directed to be deposited in the E-9-1-1 fund as payment in lieu of the surcharge amounts that would have been imposed and collected but for the delayed collection schedule;
2. to remove that portion of the bill that would have allowed public safety agencies access to the audio recordings of E-9-1-1 calls for purpose of investigation of complaints;
3. to consolidate and clarify those portions of the bill relating to the inclusion of the number 9-1-1 in telephone directories;
4. to narrow and clarify the portion of the bill limiting the use of the number 9-1-1 for commercial purposes;
5. to provide that certain costs incurred by local exchange carriers in providing database development services for the development of the E-9-1-1 system be reimbursed from the E-9-1-1 fund, provided the expenses are approved by the Public Utilities Commission; and
6. to require the Department of Public Safety, Emergency Services Communication Bureau to undertake an examination of issues related to possible reimbursement of costs incurred by wireless service providers related to the development of the E-9-1-1 system.

#### ***Enacted law summary***

Public Law 1999, chapter 651 reenacts the E-9-1-1 surcharge and provides for delayed collection of the surcharge by those telecommunications service providers who continued to collect the surcharge after its repeal; establishes certain requirements relating to the inclusion of the number 9-1-1 in telephone directories; prohibits confusing commercial use of number 9-1-1; provides that certain costs incurred by local exchange carriers in providing database development services for the development of the E-9-1-1 system are reimbursed from the E-9-1-1 fund; and requires the Department of Public Safety, Emergency Services Communication Bureau to undertake an examination of issues related to possible reimbursement of costs incurred by wireless service providers related to the development of the E-9-1-1 system.

Public Law 1999, chapter 651 was enacted as an emergency measure effective April 10, 2000.

<u>Sponsor(s)</u> COLWELL KONTOS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-856
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LD 2397 proposed to allow affiliates of transmission and distribution utilities to take an ownership interest in generation facilities on the premises of a customer if such facilities are for the sole use of the customers or their tenants or associates and not for retail sales of electricity.

**Committee Amendment "A" (H-856)** proposed to make the bill a resolve and replace the title to reflect the content of the amendment. This amendment proposed to direct the Public Utilities Commission to undertake an examination of distributed generation and its effects on the electric industry and consumers. The commission would be directed to issue a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters not later than October 1, 2001. The committee would be authorized to report out legislation on distributed generation in response to the report of the commission.

***Enacted law summary***

Resolve 1999, chapter 107 directs the Public Utilities Commission to undertake an examination of distributed generation and its effects on the electric industry and consumers. The commission is directed to issue a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters not later than October 1, 2001. The committee is authorized to report out legislation on distributed generation in response to the report of the commission.

<u>Sponsor(s)</u> DAVIDSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-831
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LD 2403 proposed to extend the start-up date for implementing metering and billing competition within Maine's electric industry and to limit such competition to customers using at least 500 kilowatts of distribution service in one hour in a year.

**Committee Amendment "A" (H-831)** proposed to replace the bill and to accomplish the following:

1. Change the title to reflect the content of the amendment;
2. Remove the dates currently governing the establishment of competitive electric billing and metering services;
3. Provide that the Public Utilities Commission is authorized to provide for competition in the provision of electric billing and metering services through the adoption of major substantive rules;

4. Require the commission to establish terms and conditions for such competition including which services are subject to competition and which customers will receive competitive services; and
5. Preserve those portions of current law governing consumer protections and the unbundling from transmission and distribution utility rates of the charges associated with any billing and metering services that are made subject to competition.

***Enacted law summary***

Public Law 1999, chapter 601 removes the dates currently governing the establishment of competitive electric billing and metering services; authorizes the Public Utilities Commission to provide for competition in the provision of electric billing and metering services through the adoption of major substantive rules; and requires the commission to establish terms and conditions for such competition including which services are subject to competition and which customers will receive competitive services.

**LD 2409**

**An Act to Amend the Renewable Resources Requirement for Electricity Providers under the Electric Restructuring Laws**

**ONTP**

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

LD 2409 proposed that a hydroelectric dam not qualify for inclusion under the renewable resources requirements in the electric restructuring laws unless the dam has all necessary and applicable regulatory approvals for upstream and downstream fish passage, a federal license for a minimum of 30 years, and operational fish passage facilities.

**LD 2411**

**An Act to Allow Certain Public Utilities to Extend Their Service into Areas Serviced by Other Public Utilities**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY T LAFOUNTAIN	ONTP	

LD 2411 proposed to provide that, if a utility was serving a portion of a municipality on October 8, 1967, the Public Utilities Commission's approval is not required for the utility to extend service to other portions of the municipality.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON	OTP-AM	H-1025

LD 2427 proposed to vest "dig-safe" enforcement responsibility for underground facilities with the Public Utilities Commission and to revise certain safety provisions. It also proposed to add a definition of "liquid gas system" and to clarify which gas utilities are subject to safety oversight by the commission

**Committee Amendment "A" (H-1025)** proposed to replace the bill. The amendment proposed:

1. to require the so-called "dig-safe" system to maintain adequate operations at all times to receive and process emergency notices;
2. to require an underground facility operator to mark facilities in a manner that does not extend more than 1 1/2 feet on each side of the underground facility;
3. to prohibit the use of mechanical means of excavation within 18 inches of marked underground facilities;
4. to require an excavator to undertake reasonable steps to notify the system and mark the excavation site prior to undertaking an emergency excavation;
5. to create exemptions, with certain limitations, from the notice requirements for excavations undertaken in conjunction with commercial timber harvesting activity or borrow pit operations;
6. to create exemptions from the notice requirements and the prohibition on the use of mechanical means of excavation for excavations undertaken in conjunction with timber harvesting activities if the excavator undertakes the excavation in accordance with written agreements with the underground facility owners;
7. to repeal provisions providing for one-year written clearances;
8. to authorize the Public Utilities Commission to impose penalties for violations of the "dig-safe" law and to seek injunctions to prevent unsafe excavations;
9. to modify the definition of "gas utility" in the Maine Revised Statutes, Title 35-A and Public Utilities Commission jurisdiction over gas utilities.

***Enacted law summary***

Public Law 1999, chapter 718 requires the so-called "dig-safe" system to maintain adequate operations at all times to receive and process emergency notices; establishes standards for the marking of underground facilities; prohibits the use of mechanical means of excavation within 18 inches of marked underground facilities; requires an excavator to undertake reasonable steps to notify the system and mark the excavation site prior to undertaking an emergency excavation; creates exemptions, with certain limitations, from the notice requirements for excavations undertaken in conjunction with commercial timber harvesting activity or borrow pit operations; creates exemptions from the notice requirements and the prohibition on the use of

mechanical means of excavation for excavations undertaken in conjunction with timber harvesting activities if the excavator undertakes the excavation in accordance with written agreements with the underground facility owners; repeals provisions providing for one-year written clearances; authorizes the Public Utilities Commission to impose penalties for violations of the "dig-safe" law and to seek injunctions to prevent unsafe excavations; and modifies slightly the definition of "gas utility" in the Maine Revised Statutes, Title 35-A and thus slightly the Public Utilities Commission's jurisdiction over gas utilities.

**LD 2428**                      **An Act to Make Certain Public Utility Commission Rules Routine Technical Rules**                      **PUBLIC 577**

<u>Sponsor(s)</u> DAVIDSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2428 proposed to change the Public Utilities Commission rules governing divestiture of generation and provision of standard-offer service from major substantive rules to routine technical rules.

***Enacted law summary***

Public Law 1999, chapter 577 changes the Public Utilities Commission rules governing divestiture of generation and provision of standard-offer service from major substantive rules to routine technical rules.

**LD 2446**                      **An Act to Encourage Energy Efficiency in Government Facilities**                      **PUBLIC 735**

<u>Sponsor(s)</u> DAVIDSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1098
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LD 2446 proposed to encourage the use of performance-based contracting to achieve energy efficiency in government facilities. The bill proposed to set a goal for governmental units of 25% reduction in energy consumption by 2010. The bill proposed to define the qualifications for an energy service company that may enter into a performance-based contract with a governmental unit and to establish terms of the contract. Governmental units would be required develop implementation plans for fulfilling the goals defined in this bill. Progress reports would be made every 2 years to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

**Committee Amendment "A" (H-1098)** proposed to replace the bill. This amendment proposed to establish an energy savings goal for state-owned facilities and to require the Department of Administrative and Financial Services:

1. To develop a pilot energy savings project using performance-based contracts with energy service companies to achieve significant energy savings at 10 state facilities;
2. To report annually to the Joint Standing Committee on Utilities and Energy on the status of plans or efforts to achieve the energy savings goal and of the pilot energy savings project; and

3. To provide a report to the Joint Standing Committee on Utilities and Energy by January 1, 2001 detailing how it has complied with the provisions of the existing Energy Conservation in Buildings Act in each year since the Act became effective, how it is currently assessing and addressing energy conservation in the buildings it manages and a proposed plan for achieving the goal established by the amendment.

***Enacted law summary***

Public Law 1999, chapter 735 establishes an energy savings goal for state-owned facilities. It also requires the Department of Administrative and Financial Services to develop a pilot energy savings project using performance-based contracts with energy service companies to achieve significant energy savings at 10 state facilities; to report annually to the Joint Standing Committee on Utilities and Energy on the status of plans or efforts to achieve the energy savings goal and of the pilot energy savings project; and to provide a report to the Joint Standing Committee on Utilities and Energy by January 1, 2001 detailing how it has complied with the provisions of the Energy Conservation in Buildings Act in each year since the Act became effective, how it is currently assessing and addressing energy conservation in the buildings it manages and a proposed plan for achieving the energy savings goal established by this law.

**LD 2473**

**An Act to Promote the Use of an Advocate Staff**

**PUBLIC 602**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS COLWELL	OTP-AM	S-530

LD 2473 proposed to require the Public Utilities Commission to assign an advocate staff in an adjudicatory proceeding whenever all of the parties to the proceeding request an advocate staff. If a request were made by fewer than all of the parties to the proceeding, then the commission could decline to assign an advocate staff but only if the assignment of an advocate staff would have a materially adverse effect on the public interest.

**Committee Amendment "A" (S-530)** proposed to replace the bill. This amendment proposed to provide that if the Public Utilities Commission receives a written request from all of the parties in an adjudicatory proceeding that one or more staff advocates be appointed to facilitate a negotiated settlement in the proceeding, the commission must either grant the request or issue a written order explaining the reasons why the commission denies the request.

***Enacted law summary***

Public Law 1999, chapter 602 provides that if the Public Utilities Commission receives a written request from all of the parties in an adjudicatory proceeding that one or more staff advocates be appointed to facilitate a negotiated settlement in the proceeding, the commission must either grant the request or issue a written order explaining the reasons why the commission denies the request.

<u>Sponsor(s)</u> LEMOINE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-830
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LD 2482 proposed to require a public utility that owns poles and wires along a street in a designated historic district to place those wires underground when that street is reconstructed. The governing body of the municipality in which the historic district is located could waive this underground placement requirement or approve a plan that provides utility services for structures located in the historic district by connecting the rear of those structures to the facilities.

**Committee Amendment "A" (H-830)** proposed to replace the bill and change the title to reflect the intent of the amendment. The amendment proposed to permit a municipality to direct that utility facilities in a historic district be relocated. Costs of the relocation would be borne by the municipality unless the facility owner agrees in writing to share the costs.

***Enacted law summary***

Public Law 1999, chapter 596 provides that a municipality may direct that utility facilities in a historic district be relocated. Costs of the relocation are borne by the municipality unless the facility owner agrees in writing to share the costs.

<u>Sponsor(s)</u> CAREY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2488 was a concept draft pursuant to Joint Rule 208. This bill proposed to accomplish the following:

1. To provide for the payment to local exchange carriers for their assistance in transforming the current customer information maintained by the local exchange carrier into a format usable by the E-9-1-1 database and also for costs incurred by updating customer information in the State's E-9-1-1 databases on an ongoing basis; and
2. To lower the fee charged to users for replacement equipment costs in the E-9-1-1 system.

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-935
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LD 2508, which was reported by the Joint Standing Committee on Utilities and Energy pursuant to Public Law 1997, chapter 316, section 12, proposed to bring various provisions of law into conformity with changes made by electric industry restructuring. Specifically, the bill proposed:

1. to delete an obsolete reference to "electric public utility" in the Maine Revised Statutes, Title 5 in a provision concerning the use of certain fuels in state facilities;
2. to change a reference to "electric utility" to "transmission and distribution utility" in a provision of law concerning the electric rate stabilization program;
3. to delete an obsolete provision concerning sales of electricity to an "electric public utility" in a provision of law concerning revenue obligation programs administered by the Finance Authority of Maine;
4. to change a reference to "electric utility" to "transmission and distribution utility" in a provision of law concerning building standards;
5. to change a reference to "public service corporation" to "public utility" in a provision of law concerning zoning by the Maine Land Use Regulation Commission;
6. to update a provision of law concerning the provision of estimates of electric consumption and cost by an "electric utility";
7. to clarify that the Sunday closure law does not apply to competitive electricity providers;
8. to include theft of the services of competitive electricity providers in the criminal code provisions regarding theft of utility services;
9. to modify provisions relating to the determination of vocational education tuition services to maintain the inclusion of electricity costs;
10. to change a reference to "electric utility" to "transmission and distribution utility" in a provision of law relating to municipal self-funded pools;
11. to change several references to "utility corporation" to "public utility" in provisions of law relating to electrical inspections;
12. to change a provision relating to unclaimed deposits or refunds owed by a public utility to include those owed by a competitive electricity provider;
13. to change a reference to "electric utility" to "transmission and distribution utility" in a provision of law relating to the sales tax exemption for residential electric use;

14. to strike a provision providing special air emissions fees for generators owned by electric utilities;
15. to change a reference to "electric utility" to "transmission and distribution utility" in a provision concerning Public Utilities Commission approval requirements for site location of development permits and to delete a reference to "electric utility generation facilities";
16. to delete a provision providing special low sulfur fuel use standards for facilities owned by regulated electric utilities;
17. to change references to "electric utility" to "transmission and distribution utility" in provisions of law relating to investments of public waste disposal corporations; and
18. to change a reference to "electric utility" to "transmission and distribution utility" in a provision of law relating to revenues of incineration facilities.

**Committee Amendment "A" (H-935) proposed:**

1. to modify the provision of the bill concerning theft of utility services to make it clear that competitive service providers are not public utilities;
2. to clarify the wording in a provision of the bill regarding investments of public waste disposal corporations;
3. to modify the electric industry restructuring law provisions regarding consumer protection by establishing certain protections that apply to all consumers; to modify existing consumer protections provisions so that instead of applying to customers with a demand lower than 100 kilowatts they apply to residential and small commercial consumers; to specify that the Public Utilities Commission must resolve disputes between competitive electricity providers and consumers concerning any consumer protections established by law or by the commission by rule; and to direct the Public Utilities Commission to modify certain rules to make them consistent with these changes; and
4. to change the emergency clause to make the bill effective immediately upon approval.

***Enacted law summary***

Public Law 1999, chapter 657 brings various provisions of law into conformity with changes made by electric industry restructuring. It also modifies the electric industry restructuring law provisions regarding consumer protection by establishing certain protections that apply to all consumers; modifies existing consumer protections provisions so that instead of applying to customers with a demand lower than 100 kilowatts they apply to residential and small commercial consumers; and specifies that the Public Utilities Commission must resolve disputes between competitive electricity providers and consumers concerning any consumer protections established by law or by the commission by rule.

Public Law 1999, chapter 657 was enacted as an emergency measure effective April 10, 2000.

LD 2525

An Act to Amend the Charter of the Small Point Water Company

P & S 75  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER SMALL	OTP-AM	H-936

LD 2525 proposed to allow the Small Point Water Company to convert to a nonprofit water company.

**Committee Amendment "A" (H-936)** proposed to make technical corrections to the bill and to add a fiscal note.

*Enacted law summary*

Private and Special Law 1999, chapter 75 allows the Small Point Water Company to convert to a nonprofit water company.

Private and Special Law 1999, chapter 75 was enacted as an emergency measure effective April 10, 2000.

LD 2529

An Act to Amend the Charter of the Moscow Water District

P & S 76  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGLOCKLIN MILLS	OTP-AM	H-937 H-955 DAVIDSON

LD 2529 proposed to increase the debt limit of the Moscow Water District and to permit the district, in accordance with the procedures established under the standard district enabling law, to increase the debt limit in the future through a referendum process. The bill also proposed to change a provision of the charter regarding rates to bring it into conformity with the standard district enabling law.

**Committee Amendment "A" (H-937)** proposed to require the increase in the debt limit of the Moscow Water District proposed by the bill to be approved in a district referendum.

**House Amendment "A" to Committee Amendment "A" (H-955)** proposed to add an emergency.

*Enacted law summary*

Private and Special Law 1999, chapter 76 increases the debt limit of the Moscow Water District, subject to approval in a district referendum.

Private and Special Law 1999, chapter 76 was enacted as an emergency measure effective April 10, 2000.

LD 2554

**An Act to Implement the Recommendations of the Joint Standing Committee on Utilities and Energy Arising from its State Government Evaluation Act Review of the Public Utilities Commission**

**PUBLIC 584**

Sponsor(s)

Committee Report

Amendments Adopted

H-838 DAVIDSON

LD 2554 implements the recommendations of the Joint Standing Committee on Utilities and Energy arising from its State Government Evaluation Act review of the Public Utilities Commission. This bill requires the commission to provide to the committee annual reports on rural and regional issues related to the restructuring of utility industries and the creation of competitive markets. In order to ensure that the committee has the ability to respond quickly and effectively to developments in the restructuring of utility industries, the committee is provided standing authorization to report out legislation on the restructuring of utility industries and the creation or maintenance of competitive markets.

**House Amendment "A" (H-838)** removes the language authorizing the committee to report out legislation to any session of any Legislature.

*Enacted law summary*

Public Law 1999, chapter 584 implements the recommendations of the Joint Standing Committee on Utilities and Energy arising from its State Government Evaluation Act review of the Public Utilities Commission. It requires the commission to provide to the committee annual reports on rural and regional issues related to the restructuring of utility industries and the creation of competitive markets.

LD 2566

**An Act to Repeal the Fort Kent Utility District**

**P & S 73**

Sponsor(s)

MARTIN  
PARADIS

Committee Report

OTP

Amendments Adopted

LD 2566 proposed to repeal the Fort Kent Utility District Charter.

*Enacted law summary*

Private and Special Law 1999, chapter 73 repeals the Fort Kent Utility District. Pursuant to law passed in 1999, the operations of the district have been transferred to the town of Fort Kent.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS LIBBY	OTP-AM	H-938

LD 2586 proposed to create the Alfred Water District to allow it to acquire the properties, franchises, etc. of the Alfred Water Company.

**Committee Amendment "A" (H-938)** proposed to clarify that if the Alfred Water District acquires the plants, properties, franchises, rights and privileges owned by the Alfred Water Company, the district assumes and becomes responsible for all debts and liabilities of that company.

*Enacted law summary*

Private and Special Law 1999, chapter 77 creates the Alfred Water District and authorizes the district to acquire the plants, properties, franchises, rights and privileges owned by the Alfred Water Company.

Private and Special Law 1999, chapter 77 was enacted as an emergency measure effective April 10, 2000, subject to approval in a district referendum.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-998

LD 2591, reported by the Joint Standing Committee on Utilities and Energy pursuant to a joint order, proposed to amend the transient sales law with respect to telemarketers and to modify the law regarding the use of automated telephone calling devices. Specifically, the bill proposed:

1. to incorporate the Federal Trade Commission's Telemarketing Sales Rule into the transient sales law;
2. to prohibit a transient seller of consumer merchandise who is a telemarketer and who initiates telephone contact with a consumer from obtaining or submitting for payment a check, draft or other form of negotiable paper drawn on a consumer's checking, savings or bond or other account without the consumer's express, verifiable written authorization;
3. to prohibit a transient seller of consumer merchandise who is a telemarketer and who initiates telephone contact with a consumer from procuring the services of any professional delivery courier or other pick-up service to obtain immediate receipt or possession of a consumer's payment, unless the goods are delivered with the opportunity to inspect before any payment is collected;
4. to require a transient seller of consumer merchandise who is a telemarketer to obtain subscription listings of consumers who have arranged to be included on the Direct Marketing Association's do-not-

call list and prohibit, with a good faith exception, the telemarketer from calling consumers whose names are on the list; and

5. to repeal the registration requirement for users of automated telephone calling devices and to enact a new provision requiring the users of such devices to maintain transcripts of solicitation messages and to provide these transcripts to the Attorney General upon request.

**Committee Amendment "A" (H-998)** proposed the following changes to the bill:

1. To reduce the period a person using an automated telephone calling device must maintain a transcript of the call message from 36 months to 24 months;
2. To remove that portion of the bill prohibiting a transient telemarketer from obtaining payment from a consumer without written authorization from the consumer and to incorporate the Federal Trade Commission provisions that allow express, verifiable, oral authorization of payment;
3. To reduce the frequency with which a transient telemarketer must consult the do-not-call list of the Direct Marketing Association from quarterly to semiannually;
4. To create an exception to the prohibition on transient telemarketers calling consumers whose names appear on the do-not-call list of the Direct Marketing Association; the prohibition would not apply to sellers who have an established business relationship with the consumer at the time the call is made;
5. To make expressly clear that transient telemarketers are subject to and must comply with Maine's consumer solicitation sales law, which requires that sales initiated by a seller over the phone must be consummated in a written contract, that the writing must inform the consumer that the consumer can avoid the contract and allows the consumer to avoid the contract by sending notice to the seller's address, which must be printed on the contract.

#### ***Enacted law summary***

Public Law 1999, chapter 694 amends the transient sales law with respect to telemarketers and modifies the law regarding the use of automated telephone calling devices. It incorporates the Federal Trade Commission's Telemarketing Sales Rule into the transient sales law; prohibits, with certain exceptions, certain telemarketers from using a pick-up service to obtain immediate receipt of a consumer's payment; prohibits, with certain exceptions, certain telemarketers from calling consumers who have arranged to be included on the DMA's do-not-call list; repeals the registration requirement for users of automated telephone calling devices; requires the users of such devices to maintain transcripts of solicitation messages; and makes expressly clear that transient telemarketers are subject to and must comply with Maine's consumer solicitation sales law, which requires that sales initiated by a seller over the phone must be consummated in a written contract.

LD 2592

An Act to Amend the Charter of the Kennebunk Sewer District

P & S 74  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY T LAFOUNTAIN	OTP	

LD 2592 proposed to amend the charter of the Kennebunk Sewer District to authorize the district to provide sewer service outside the territory of the district to school buildings and facilities owned by Maine School Administrative District No. 71 and municipal buildings and facilities owned by the Town of Kennebunk.

***Enacted law summary***

Private and Special Law 1999, chapter 74 amends the charter of the Kennebunk Sewer District by authorizing the Kennebunk Sewer District to provide sewer service outside the territory of the sewer district to school buildings and facilities owned by Maine School Administrative District No. 71 and municipal buildings and facilities owned by the Town of Kennebunk.

Private and Special Law 1999, chapter 74 was enacted as an emergency measure effective April 10, 2000, subject to approval in a district referendum.

LD 2620

An Act to Amend the Farmington Falls Standard Water District

P & S 80  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOOLEY BENOIT	OTP-AM	H-959

LD 2620 proposed to amend the charter of the Farmington Falls Standard Water District by changing the number of trustees from 3 to 5 and balancing the distribution of the trustees between the Town of Farmington and the Town of Chesterville.

**Committee Amendment "A" (H-959 )** proposed to add a mandate preamble, an emergency preamble, an emergency clause and a fiscal note to the bill.

***Enacted law summary***

Private and Special Law 1999, chapter 80 amends the charter of the Farmington Falls Standard Water District by changing the number of trustees from 3 to 5 and balancing the distribution of the trustees between the Town of Farmington and the Town of Chesterville.

Private and Special Law 1999, chapter 80 was enacted as an emergency measure effective April 13, 2000.

LD 2624

**Resolve, to Improve the Services Provided by the Emergency Services Communication Bureau**

**RESOLVE 110**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM	H-1012

LD 2624 proposed to allow a municipality that receives dispatch services from an agency approved as a public safety answering point to choose that agency as its public safety answering point.

**Committee Amendment "A" (H-1012)** proposed to replace the bill and convert it into a resolve. The resolve proposed to require the Director of the Emergency Services Communication Bureau within the Department of Public Safety to develop and implement a plan for monitoring, evaluating and making appropriate adjustments to the E-9-1-1 system as it is implemented and operated; to develop and implement a plan for improving the bureau's relationship and communications with providers of emergency services and dispatching services and with community leaders and the public; and to provide copies of these plans to the Joint Standing Committee on Utilities and Energy by August 1, 2000.

***Enacted law summary***

Resolve 1999, chapter 110 requires the Director of the Emergency Services Communication Bureau within the Department of Public Safety to develop and implement a plan for monitoring, evaluating and making appropriate adjustments to the E-9-1-1 system as it is implemented and operated and a plan for improving the bureau's relationship and communications with providers of emergency services and dispatching services and with community leaders and the public. The bureau is directed to provide copies of the plans to the Joint Standing Committee on Utilities and Energy by August 1, 2000.

LD 2656

**An Act to Provide Affordability in New Home Construction for Maine Families**

**ONTP**

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

LD 2656 proposed to require electric utilities to provide the first 300 feet of a single-phase overhead distribution line extension to a customer for free and to allow for installment payments for up to 5 years for extensions of up to 2,000 feet. This bill also proposed to require electric utilities to submit a proposed standard per-foot installation charge for single-phase overhead distribution line extensions within 90 days after the effective date of this bill.

Though this bill was not passed, the committee sent a letter to the Public Utilities Commission requesting that it examine issues related to electric line extension policies.

Sponsor(s)Committee ReportAmendments Adopted

H-1136 DAVIDSON

LD 2668, reported by the Joint Standing Committee on Utilities and Energy pursuant to joint order, proposed the following:

1. To require the State Planning Office to report to the Joint Standing Committee on Utilities and Energy:
  - A. Annually on petroleum product inventories; and
  - B. On any significant heating oil supply inventory shortfalls that the office anticipates based on information available to it; and
2. To establish a heating oil crises response mechanism under which, in the event of sharp increases in heating oil prices, the Maine State Housing Authority would be required to estimate the funding needed to provide adequate fuel assistance to residents. The authority would be required to provide this information to the Legislature and to the Governor. The Governor would be directed to submit for legislative consideration emergency legislation to appropriate the needed funding and to work with the state Congressional Delegation and the governors of the northeastern states to petition the Federal Government to release sufficient funds to meet the anticipated need.

**House Amendment "A" (H-1136)** proposed to remove the language that directs the Governor to submit emergency legislation to appropriate the needed funding for a heating oil emergency management program and to work with the Maine Congressional Delegation and the governors of the northeastern states to petition the Federal Government to release sufficient funds to meet the anticipated needs of the program.

***Enacted law summary***

Public Law 1999, chapter 758 requires the State Planning Office to report to the Joint Standing Committee on Utilities and Energy as follows: annually on petroleum product inventories and at any time on any significant heating oil supply inventory shortfalls that the office anticipates based on information available to it. The law also establishes a heating oil crises response mechanism under which, in the event of sharp increases in heating oil prices, the Maine State Housing Authority is required to estimate the funding needed to provide adequate fuel assistance to residents. The authority is required to provide this information to the Legislature and to the Governor.

Sponsor(s)Committee ReportAmendments Adopted

LD 2680, which was reported out by the Joint Standing Committee on Utilities and Energy pursuant to Public Law 1997, chapter 316, section 12, proposed to amend a provision of law governing certain qualifying facility contracts affected by electric industry restructuring. Under this bill, the Public Utilities Commission would be given authority, within certain parameters, to establish contract rates based on the type of contract and the factual context.

***Enacted law summary***

Public Law 1999, chapter 730 amends a provision of law governing certain qualifying facility contracts affected by electric industry restructuring. Under this law, the Public Utilities Commission is given authority, within certain parameters, to establish contract rates based on the type of contract and the factual context.

Public Law 1999, chapter 730 was enacted as an emergency measure effective April 14, 2000.

**LD 2689**

**An Act to Allow the St. Agatha Sanitary District to be Dissolved and Combined with the Town of St. Agatha**

**P & S 86  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN PARADIS		

LD 2689 proposed to allow the St. Agatha Sanitary District to be dissolved and the Town of St. Agatha to take over the district's duties.

***Enacted law summary***

Private and Special Law 1999, chapter 86 allows the St. Agatha Sanitary District to be dissolved and the Town of St. Agatha to take over the district's duties.

Private and Special Law 1999, chapter 86 was enacted as an emergency measure effective April 25, 2000, subject to approval in a district referendum.

**SP 709**

**JOINT ORDER - Relative to Establishing the Task Force to Study the E-911 System**

**ONTP**

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

Joint Order SP 709, proposed to establish a task force to study the E-911 system.

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