

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2011

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Joint Standing Committee on Energy, Utilities and Technology

**LD 13 Resolve, Regarding Legislative Review of Portions of Chapter 316:
Long-Term Contracting and Resource Adequacy, a Major Substantive
Rule of the Public Utilities Commission**

**RESOLVE 10
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-6

This resolve provides for legislative review of portions of Chapter 316: Long-Term Contracting and Resource Adequacy, a major substantive rule of the Public Utilities Commission. Chapter 316 was first adopted in January 2007. PL 2009, chapter 518 amended the commission's authority for long-term contracts. The commission amended its rule to conform with the changes in PL 2009, chapter 518. This resolve provides for legislative review of that amended rule.

Committee Amendment "A" (H-6)

This amendment conditionally authorizes a major substantive rule of the Public Utilities Commission, Chapter 316: Long-Term Contracting and Resource Adequacy. The Public Utilities Commission is directed to amend the rule to clarify that contracts may include renewable energy credits and that payments will be made only after contracted amounts of capacity, related energy or renewable energy credits have been provided, except for the exceptions provided in the Maine Revised Statutes, Title 35-A, section 3210-C, subsection 9, paragraphs A and B.

Enacted Law Summary

Resolve 2011, chapter 10 conditionally authorizes a major substantive rule of the Public Utilities Commission, Chapter 316: Long-Term Contracting and Resource Adequacy. The Public Utilities Commission is directed to amend the rule to clarify that contracts may include renewable energy credits and that payments will be made only after contracted amounts of capacity, related energy or renewable energy credits have been provided, except for the exceptions provided in the Maine Revised Statutes, Title 35-A, section 3210-C, subsection 9, paragraphs A and B.

Resolve 2011, chapter 10 was finally passed as an emergency measure effective March 31, 2011.

**LD 48 An Act To Require Oral Disclosure of the Cost of Certain Public
Telephone Calls**

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD DIAMOND	JT RULE 309	

This bill requires a person who owns, controls, operates or manages a public telephone to provide oral notice of the cost of a collect, operator-assisted or credit card call to the person making that telephone call before the call is placed.

Committee Amendment "A" (H-38)

This amendment, which is the minority report of the Joint Standing Committee on Energy, Utilities and Technology, strikes the bill and directs the Public Utilities Commission to adopt major substantive rules that establish oral notice requirements for providers of intrastate telecommunications service initiated from public telephones. The provisions the commission is directed to adopt are the same provisions that are established in rules of the Federal

Joint Standing Committee on Energy, Utilities and Technology

Communications Commission that apply to providers of interstate telecommunications service. The federal rules require, among other things, that the provider audibly identify itself, disclose upon request a quotation of its charges for the call and instruct the caller how to obtain applicable rate and surcharge quotations. The provider is given 2 options for how it instructs the caller to obtain the rate and surcharge information: instructing the customer to dial no more than 2 digits or instructing the customer to remain on the line.

This bill was originally reported out of committee with a majority ONTP report and the minority report described above (H-38). The bill was later recommitted to the committee and, after the deadline for reporting all bills out of committee had passed, was removed from the committee pursuant to Joint Rule 309 and indefinitely postponed in both houses.

LD 68 Resolve, Directing the Public Utilities Commission To Examine the **ONTP
Purchase of Low-cost Electric Power from Quebec**

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

This resolve directs the Public Utilities Commission to examine the possibility of purchasing low-cost electric power from Quebec, Canada and to report to the Joint Standing Committee on Energy, Utilities and Technology by January 15, 2012.

LD 84 An Act To Improve the Sewer District Rate Collection Procedures **PUBLIC 26
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-25

This bill provides sewer districts with the same authority as sanitary districts to place a mortgage lien on real estate served or benefited by the district's sewers for nonpayment of rates. The procedures for foreclosing the lien are the same as for sanitary district liens.

Committee Amendment "A" (H-25)

This amendment limits the application of the lien provisions in the bill to qualified sewer districts. A qualified sewer district is a district:

1. Whose charter does not establish, or authorize the district to establish, a lien on real estate served by the district; and
2. That has been approved to exercise the lien provisions of the law by the voters of the district voting in a referendum.

Enacted Law Summary

Public Law 2011, chapter 26 provides qualified sewer districts with the same authority as sanitary districts to place a mortgage lien on real estate served or benefited by the district's sewers for nonpayment of rates. The procedures for foreclosing the lien are the same as for sanitary district liens. A qualified sewer district is a district:

Joint Standing Committee on Energy, Utilities and Technology

- 1. Whose charter does not establish, or authorize the district to establish, a lien on real estate served by the district; and
- 2. That has been approved to exercise the lien provisions of the law by the voters of the district voting in a referendum.

Public Law 2011, chapter 26 was enacted as an emergency measure effective April 11, 2011.

LD 183 An Act Relating To Net Energy Billing for Solar Energy Users ONTP

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

Under current rules of the Public Utilities Commission, a customer who owns a small renewable or highly efficient generator may elect net energy billing under which the customer is billed on the basis of net energy used by that customer, taking into account electricity generated by the customer and electricity delivered to the customer by the transmission and distribution utility. The rules allow the customer to obtain credit for electricity generated by the customer's generator in excess of that used by the customer during any billing period, but only over a period of 12 months. At the end of the 12-month period, any accumulated unused credits are lost.

This bill requires the commission to permit certain customers to choose net energy billing and prohibits the commission from limiting the amount of credit that a customer may earn if the customer's generator relies on solar arrays and installations. At the suggestion of the sponsor of this bill, the committee voted a unanimous ought-not-to-pass report.

LD 192 An Act To Bring a Green Data Center to Maine ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL C WOODBURY	ONTP	

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

This bill proposes to create a program to encourage the development of a data center in this State that is powered by indigenous renewable energy sources, uses the new so-called "Three Ring Binder" fiber-optic infrastructure and creates jobs in the State.

LD 197 An Act To Improve Response to Gas Safety Emergencies PUBLIC 27

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK ALFOND	OTP-AM	H-26

Joint Standing Committee on Energy, Utilities and Technology

This bill requires the Public Utilities Commission, in the event of a natural gas explosion or fire or other natural gas event involving a gas utility or natural gas pipeline utility that results in injury to persons or damage to property, to:

1. Immediately seek to ensure, to the full extent of its authority and resources, that all evidence of the natural gas event is retained and secured;
2. In any commission proceeding concerning the natural gas event, afford any person injured by the event and any person who suffered any property damage in the event an opportunity to address the commission regarding the event;
3. Use administrative penalties collected from a gas utility or natural gas pipeline utility for violations relating to the event to equitably compensate persons not otherwise fully compensated for injuries or property damage suffered as a result of the event; and
4. Cooperate with and assist, to the extent reasonable and practicable, any person seeking recovery in a civil action against a natural gas utility or natural gas pipeline utility for personal injury or property damage suffered as a result of the event.

Committee Amendment "A" (H-26)

This amendment replaces the bill. This amendment:

1. Requires the State Fire Marshal to investigate and secure evidence of a gas explosion event in accordance with a protocol adopted by the State Fire Marshal;
2. Allows the Public Utilities Commission to reimburse the State Fire Marshal for expenses associated with investigating a gas explosion event involving a gas utility or a natural gas pipeline utility subject to the jurisdiction of the commission;
3. Directs the Public Utilities Commission to allow a person injured by a gas explosion event or who suffered property damage an opportunity to address the commission in a proceeding concerning the gas explosion event;
4. Requires the Public Utilities Commission, in any final order regarding the application of administrative penalties to benefit any person affected or potentially affected by the underlying violation, to make specific findings of fact supporting the commission's decision, including findings supporting any amount the commission decides to apply as well as findings supporting any denial of a request or portion of a request for an application of the penalties to benefit a person affected or potentially affected by the violation; and
5. Directs the Public Utilities Commission, in determining whether to apply any administrative penalties relating to the gas explosion event to benefit customers affected or potentially affected by the violation, and in determining the amount to apply, to consider documented property losses suffered by a person as a result of the event and allows the commission to apply an amount to equitably compensate the person for losses not otherwise fully compensated.

Enacted Law Summary

Public Law 2007, chapter 27:

1. Requires the State Fire Marshal to investigate and secure evidence of a gas explosion event in accordance with a protocol adopted by the State Fire Marshal;
2. Allows the Public Utilities Commission to reimburse the State Fire Marshal for expenses associated with investigating a gas explosion event involving a gas utility or a natural gas pipeline utility subject to the jurisdiction of the commission;

Joint Standing Committee on Energy, Utilities and Technology

3. Directs the Public Utilities Commission to allow a person injured by a gas explosion event or who suffered property damage an opportunity to address the commission in a proceeding concerning the gas explosion event;
4. Requires the Public Utilities Commission, in any final order regarding the application of administrative penalties to benefit any person affected or potentially affected by the underlying violation, to make specific findings of fact supporting the commission's decision, including findings supporting any amount the commission decides to apply as well as findings supporting any denial of a request or portion of a request for an application of the penalties to benefit a person affected or potentially affected by the violation; and
5. Directs the Public Utilities Commission, in determining whether to apply any administrative penalties relating to the gas explosion event to benefit customers affected or potentially affected by the violation, and in determining the amount to apply, to consider documented property losses suffered by a person as a result of the event and allows the commission to apply an amount to equitably compensate the person for losses not otherwise fully compensated.

LD 241 An Act To Promote Energy Independence and Renewable Energy ONTP
Production

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

This bill requires the Public Utilities Commission to accept all renewable resources electricity, as defined in Maine Revised Statute, Title 35-A, section 3210 located in this state, into the standard-offer service provided to customers not located within the New England independent system operator control area. The renewable resources electricity is required to meet reasonable terms and conditions established by the commission by rule or order. In establishing the terms and conditions the commission must ensure that charges to customers for standard-offer service are not increased as a result of the inclusion of those renewable resources. The committee voted this bill ought-not-pass and voted to send a letter to the Federal Energy Regulatory Commission expressing concerns over reliability in the Northern Maine Independent System Operator territory.

LD 243 An Act To Ensure Emergency Communications for Persons with PUBLIC 173
Disabilities

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

This bill adds telecoil technology to the types of specialized customer communications equipment that may be made available by the Department of Labor, Bureau of Rehabilitation Services to low-income deaf, hard-of-hearing, late-deafened or speech-impaired persons and persons with disabilities to provide or facilitate emergency alert notifications.

Enacted Law Summary

Public Law 2001, chapter 173 adds telecoil technology to the types of specialized customer communications equipment that may be made available by the Department of Labor, Bureau of Rehabilitation Services to low-income deaf, hard-of-hearing, late-deafened or speech-impaired persons and persons with disabilities to provide or facilitate emergency alert notifications.

Joint Standing Committee on Energy, Utilities and Technology

LD 328 An Act To Move Propane Safety Oversight to the Maine Fuel Board

ONTP

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

This bill moves jurisdiction over propane gas systems from the Public Utilities Commission to the Maine Fuel Board.

See LD 908.

**LD 331 Resolve, Regarding Legislative Review of Portions of Chapter 895:
Underground Facility Damage Prevention Requirements, a Major
Substantive Rule of the Public Utilities Commission**

**RESOLVE 31
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-85

This resolve provides for legislative review of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-85)

This amendment authorizes final adoption of changes to Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission only if the commission:

1. Removes all the commission's provisionally adopted changes to the rule;
2. Replaces the definitions of "emergency" and "emergency excavation" in the rule with a definition of "emergency excavation" that is the same as the definition in the Maine Revised Statutes, Title 23, section 3360-A, subsection 1, paragraph B;
3. Modifies the rule to provide that the period after which a Dig Safe System ticket must be renewed is 60 days and that the ticket may be renewed twice;
4. Modifies that part of the rule governing enforcement action procedure to change references to "notice of probable violation" to a more neutral terminology, such as "notice of investigation," and references to "probable violation" to a more neutral terminology, such as "possible violation"; and
5. Removes a provision from the commission's rule that creates confusion as to the responsibilities of contractors and subcontractors. Current law provides that in the case of an excavation involving subcontractors, the excavator that is directly responsible for performing the excavation shall ascertain that all notifications are performed. The commission's rule includes a conflicting provision that requires each excavator performing work in an excavation area to notify the Dig Safe System. The amendment directs that this conflicting provision be removed.

Enacted Law Summary

Joint Standing Committee on Energy, Utilities and Technology

Resolve 2011, chapter 31 authorizes final adoption of changes to Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission only if the commission:

1. Removes all the commission's provisionally adopted changes to the rule;
2. Replaces the definitions of "emergency" and "emergency excavation" in the rule with a definition of "emergency excavation" that is the same as the definition in the Maine Revised Statutes, Title 23, section 3360-A, subsection 1, paragraph B;
3. Modifies the rule to provide that the period after which a Dig Safe System ticket must be renewed is 60 days and that the ticket may be renewed twice;
4. Modifies that part of the rule governing enforcement action procedure to change references to "notice of probable violation" to a more neutral terminology, such as "notice of investigation," and references to "probable violation" to a more neutral terminology, such as "possible violation"; and
5. Removes a provision from the commission's rule that creates confusion as to the responsibilities of contractors and subcontractors. Current law provides that in the case of an excavation involving subcontractors, the excavator that is directly responsible for performing the excavation shall ascertain that all notifications are performed. The commission's rule includes a conflicting provision that requires each excavator performing work in an excavation area to notify the Dig Safe System. This law directs that this conflicting provision be removed.

Resolve 2011, chapter 31 was finally passed as an emergency measure effective May 9, 2011.

**LD 361 Resolve, To Evaluate the Energy Use of the State House and the Burton
M. Cross State Office Building**

RESOLVE 40

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX THIBODEAU	OTP-AM	H-92

This bill requires the Efficiency Maine Trust to conduct an energy audit of the State House. The Efficiency Maine Trust is required to report its findings, including, but not limited to, recommendations regarding ways to save energy and reduce the use of oil in the short term such as the use of energy-efficient lighting and minimizing heat loss and in the long term such as the use of geothermal or wind energy, to the Legislative Council no later than December 7, 2011.

Committee Amendment "A" (H-92)

This amendment strikes the resolve and directs the Efficiency Maine Trust to conduct or contract for an energy audit of the State House and the Burton M. Cross State Office Building. The amendment directs the Efficiency Maine Trust to allocate \$200,000 for the completion of the energy audit and the implementation of cost-effective energy efficiency measures in the State House and the Burton M. Cross State Office Building.

Enacted Law Summary

Resolve 2011, Chapter 40 directs the Efficiency Maine Trust to conduct or contract for an energy audit of the State House and the Burton M. Cross State Office Building. It requires the trust to report the results and recommendations of audit to the Director of the Department of Administrative and Financial Services and the Executive Director of the Legislative Council no later than December 7, 2011. Additionally, this law directs the Efficiency Maine Trust to allocate \$200,000 for the completion of the energy audit and the implementation of cost-effective energy efficiency measures in the State House and the Burton M. Cross State Office Building.

Joint Standing Committee on Energy, Utilities and Technology

LD 407 An Act To Clarify the Dig Safe Standards

PUBLIC 72
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY THIBODEAU	OTP-AM	H-78

This bill requires the Public Utilities Commission to clarify the rules applicable to the dig safe underground facility damage prevention system to include a clear enunciation of the standards applicable to excavations around state highways, including guidance on notice requirements and acceptable premarking procedures. The bill also requires the Public Utilities Commission to convene a working group to study issues relating to clarifying the rules applicable to the dig safe system and to develop guidance on notice requirements and acceptable premarking procedures.

Committee Amendment "A" (H-78)

This amendment replaces the bill. This amendment:

1. Adds an emergency preamble and clause to the bill;
2. Modifies the law that requires an excavator to renotify an underground facility damage prevention system if the excavator does not commence an excavation within 30 days of approval by the system to extend the time of commencement to 60 days;
3. Requires an excavator to commence an emergency excavation within 12 hours of providing notice to the underground facility damage prevention system or as soon thereafter as can be safely accomplished;
4. Creates a new provision for road grading of unpaved public roads that allows grading to occur during a 12-month period after notice has been provided to underground facility owners, as long as the activity occurs in a manner that does not disturb those underground facilities;
5. Creates an exemption from the notice requirements for quarries and borrow pits;
6. Directs the Public Utilities Commission to provide payment schedules for persons fined for violations of the dig safe laws for whom paying the fine at once would create an undue financial hardship; and
7. Establishes a work group to develop recommendations for clarifying and simplifying the so-called "dig safe" laws and rules.

Enacted Law Summary

Public Law 2011, chapter 72:

1. Adds an emergency preamble and clause to the bill;
2. Modifies the law that requires an excavator to renotify an underground facility damage prevention system if the excavator does not commence an excavation within 30 days of approval by the system to extend the time of commencement to 60 days;
3. Requires an excavator to commence an emergency excavation within 12 hours of providing notice to the underground facility damage prevention system or as soon thereafter as can be safely accomplished;

Joint Standing Committee on Energy, Utilities and Technology

- 4. Creates a new provision for road grading of unpaved public roads that allows grading to occur during a 12-month period after notice has been provided to underground facility owners, as long as the activity occurs in a manner that does not disturb those underground facilities;
- 5. Creates an exemption from the notice requirements for quarries and borrow pits;
- 6. Directs the Public Utilities Commission to provide payment schedules for persons fined for violations of the dig safe laws for whom paying the fine at once would create an undue financial hardship; and
- 7. Establishes a work group to develop recommendations for clarifying and simplifying the so-called "dig safe" laws and rules.

Public Law 2011, chapter 72 was enacted as an emergency measure effective May 9, 2011.

LD 425 An Act To Stimulate Demand for Renewable Resources Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R		

Current law requires that each competitive electricity provider in this State demonstrate that no less than 30% of its portfolio of supply sources for retail electricity sales in this State is accounted for by eligible resources. This bill amends the definition of "renewable capacity resource" to add waste energy resources. It defines "waste energy resource" as a source of electrical generation that is fueled by municipal solid waste in conjunction with recycling and whose total power capacity does not exceed 35 megawatts. In addition, the waste energy resource is required to meet Maine's air emissions standards for resource recovery facilities and licensing standards for solid waste facilities. It establishes a 3.5% portfolio requirement for electricity from waste energy resources. It allows competitive electricity providers to meet the portfolio requirements for waste energy resources through the use of renewable energy credits or an alternative compliance payment to be set by the Public Utilities Commission.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1180.

LD 429 An Act To Clarify the Role of the Public Advocate PUBLIC 79

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM	S-46

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to clarify the role of the Public Advocate.

Committee Amendment "A" (S-46)

This amendment replaces the bill, which was a concept draft. It:

- 1. Authorizes the Public Advocate to represent and promote the interests of the using and consuming public in appropriate proceedings of the Legislature and in regional or national forums, including but not limited to any proceeding of an independent system operator or the Federal Energy Regulatory Commission;

Joint Standing Committee on Energy, Utilities and Technology

2. Requires the Public Advocate, when taking a position on any matter in any proceeding or forum, to exercise independent judgment to ensure the position is consistent with the requirements of the law governing the Public Advocate and promotes stabilization and lowering of prices paid by those members of the using and consuming public whose interests the Public Advocate is representing; and
3. Repeals the Railroad Crossing Information Council, on which the Public Advocate serves. The council serves as a repository of information concerning the establishment or maintenance of private railroad crossings and provides information and assistance to persons regarding private crossings of railroads.

Enacted Law Summary

Public Law 2011, chapter 79:

1. Authorizes the Public Advocate to represent and promote the interests of the using and consuming public in appropriate proceedings of the Legislature and in regional or national forums, including but not limited to any proceeding of an independent system operator or the Federal Energy Regulatory Commission;
2. Requires the Public Advocate, when taking a position on any matter in any proceeding or forum, to exercise independent judgment to ensure the position is consistent with the requirements of the law governing the Public Advocate and promotes stabilization and lowering of prices paid by those members of the using and consuming public whose interests the Public Advocate is representing; and
3. Repeals the Railroad Crossing Information Council, on which the Public Advocate serves. The council serves as a repository of information concerning the establishment or maintenance of private railroad crossings and provides information and assistance to persons regarding private crossings of railroads.

LD 431 An Act To Require the Efficiency Maine Trust To More Effectively Administer Funds

PUBLIC 84

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM	S-47

This bill:

1. Prohibits the Efficiency Maine Trust from expending state funds on any energy efficiency or renewable energy program or project for a consumer that will result in any greater costs to that consumer; and
2. Modifies the definition of "energy savings improvement" under the PACE program to include an upgrade of any heating equipment that will result in increased energy efficiency.

Committee Amendment "A" (S-47)

This amendment strikes that part of the bill that prohibited the Efficiency Maine Trust from expending state funds on any energy efficiency or renewable energy program or project for a consumer that will result in any greater costs to that consumer and amends the definition of "energy savings improvement" under the PACE Act to clarify that the term includes heating equipment that meets or exceeds standards established or approved by the trust.

Enacted Law Summary

Public Law 2011, Chapter 84 amends the definition of "energy savings improvement" under the PACE Act to clarify that the term includes heating equipment that meets or exceeds standards established or approved by the trust.

Joint Standing Committee on Energy, Utilities and Technology

LD 463 An Act Concerning Policy Objectives of the Public Utilities Commission

PUBLIC 109

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK THIBODEAU	OTP-AM	H-121

This bill amends the powers and duties of the Public Utilities Commission to specify that essential policy objectives of the commission include, but are not limited to, the promotion of system reliability, the reduction of the cost of power to Maine ratepayers and long-term sustainable resource planning.

Committee Amendment "A" (H-121)

This amendment moves the language proposed in the bill to a different section of law. It moves the bill's proposed language from the chapter in the Maine Revised Statutes, Title 35-A setting out the general powers and duties of the commission to the chapter governing commission authority and responsibilities for electric industry restructuring.

Enacted Law Summary

Public Law 2011, Chapter 109 amends the Public Utilities Commission's authority and responsibilities under Chapter 32, Electric Industry Restructuring, to include the promotion of system reliability, the reduction of the cost of electricity to Maine ratepayers and long-term sustainable resource planning.

LD 485 An Act To Ensure the Greatest Possible Public Benefit from Energy Efficiency Spending

ONTP

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

This bill amends provisions of law targeting the Efficiency Maine Trust's use of funds raised through the assessment on transmission and distribution utilities for conservation programs. It repeals requirements that a certain percentage of funding go to low-income residential customers and small business customers. It repeals a requirement for an equitable geographic distribution of funds. The bill requires that during the years 2011, 2012, 2013 and 2014, funds are allocated to the conservation programs that are the most cost-effective as measured in savings to electric ratepayers in the State per trust dollar allocated.

LD 493 An Act To Provide Municipalities with Reciprocal Rights To Rent Space for Street Lights on Utility Poles in Municipal Rights-of-way

ONTP

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

This bill authorizes municipal officers to order a transmission and distribution utility that owns poles in the municipality's public streets or ways to rent space on those poles for municipal street lights subject to certain

Joint Standing Committee on Energy, Utilities and Technology

conditions.

The transmission and distribution utility may assess the municipality a reasonable rental charge for the use of the pole space. The Public Utilities Commission is required to establish by rule or order a maximum rental charge that may be assessed and the aggregate rental charge may not exceed the aggregate fees the municipality receives from the transmission and distribution utility for occupying space in the public way or street.

The transmission and distribution utility is required to allow the municipality to install the street lights or to install the street lights for the municipality for a fee established by the commission by rule or order. If the municipality is allowed to install the street lights, the work must be done by a qualified person. The transmission and distribution utility may not require the street lights to conform to any standard or code more stringent than those established by applicable state law or rule.

The transmission and distribution utility may appeal the order of the municipal officers to the commission, and if the commission determines that the installation would pose an unreasonable safety hazard or would unreasonably interfere with the business of any person with an interest in the wires, cables or appurtenances attached to or located on the poles, the commission may prohibit the municipality from attaching any street lights to the poles; otherwise, the commission is required to permit the municipality to proceed with its order.

The commission is required to examine whether persons other than transmission and distribution utilities should be allowed to install and maintain municipally owned street lights and, if so, what particular training, licensing or credentialing, if any, those persons should be required to possess in order to be able to undertake that work. The commission is required to report its findings and recommendations to the Joint Standing Committee on Energy, Utilities and Technology no later than January 2, 2012.

LD 502 An Act To Place a Moratorium on Expedited Permitting of Grid-scale Wind Energy Development ONTP

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

This bill places a 6-month moratorium on the submission of applications or granting of permits for expedited grid-scale wind energy developments in the State to allow time for further consideration and review of implementation policies. The permitting of wind energy developments, including grid-scale wind energy developments, under nonexpedited procedures and statute is unaffected by this bill and remains available for those parties pursuing permits for the placement of a wind energy development.

The committee considered 14 bills related to wind energy development during the first regular session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366 An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

Joint Standing Committee on Energy, Utilities and Technology

LD 529 An Act To Enhance Transparency in the Regulation of Large, Investor-owned Transmission and Distribution Utilities

PUBLIC 71

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX BARTLETT	OTP-AM	H-79

This bill requires CMP and BHE to include with the balance sheet filed with the PUC a calculation of its rate of regulated return on common equity, and the same calculation for each of the previous 10 years.

Committee Amendment "A" (H-79)

This amendment requires a large, investor-owned transmission and distribution utility to report its return on common equity on investments subject to commission jurisdiction. This amendment also modifies the bill to require a large, investor-owned transmission and distribution utility to provide a calculation of the utility's return on common equity for each of the previous 3 years, rather than the previous 10 years.

Enacted Law Summary

Public Law 2011, chapter 71 requires a large, investor-owned transmission and distribution utility to report its return on common equity on investments subject to commission jurisdiction. It also requires a large, investor-owned transmission and distribution utility to provide a calculation of the utility's return on common equity for each of the previous 3 years.

LD 553 An Act To Improve Maine's Energy Security

PUBLIC 400

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS BARTLETT	OTP-AM	H-572

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes that the Efficiency Maine Trust, with input from stakeholders, develop a plan to reduce Maine's dependence on oil. The targets may not provide less than a 30% overall reduction in oil consumption from 2009 levels by 2030 and a 50% overall reduction from 2009 levels by 2050. The concept draft lists a number of potential policies and measures for the Trust's consideration to reduce oil consumption.

The Efficiency Maine Trust shall report to the Joint Standing Committee on Energy, Utilities and Technology by February 2012 with recommendations for short-term and mid-term policies needed to achieve the overall reductions in oil use, including recommendations for specific legislative actions. The recommendations must require that, by January 15, 2014 and by January 15th every 5 years thereafter, the Governor's Office of Energy Independence and Security shall evaluate the State's progress toward meeting the oil-reduction goals and make additional recommendations to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters as necessary to ensure that the State can meet the reduction goals.

Committee Amendment "A" (H-572)

This amendment strikes the concept draft and replaces it. This amendment establishes targets under the Governor's Office of Energy Independence and Security to reduce the State's consumption of oil by at least 30% from 2007

Joint Standing Committee on Energy, Utilities and Technology

levels by 2030 and at least 50% from 2007 levels by 2050. It requires the Governor's Office of Energy Independence and Security to develop a plan to achieve those targets and to submit that plan to the Legislature by December 1, 2012. It requires the biennial comprehensive state energy plan under the Maine Revised Statutes, Title 2, section 9, subsection 3, paragraph C to include a section regarding the State's progress in meeting the oil dependence reduction targets.

Enacted Law Summary

Public Law 2011, chapter 400 establishes targets under the Governor's Office of Energy Independence and Security to reduce the State's consumption of oil by at least 30% from 2007 levels by 2030 and at least 50% from 2007 levels by 2050. It requires the Governor's Office of Energy Independence and Security to develop a plan to achieve those targets and to submit that plan to the Legislature by December 1, 2012. It requires the biennial comprehensive state energy plan under the Maine Revised Statutes, Title 2, section 9, subsection 3, paragraph C to include a section regarding the State's progress in meeting the oil dependence reduction targets.

LD 554 An Act To Amend the Telecommunications Education Access Fund

PUBLIC 54

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING THIBODEAU	OTP-AM	H-63

This bill makes changes to provisions governing the Maine telecommunications education access fund (MTEAF). Discounts for schools and libraries for telecommunications access and advanced technology equipment are provided through both state and federal programs. The federal program is called the E-rate. The state program is the MTEAF. The bill modifies the MTEAF as follows.

1. It allows the fund to be used to provide services to public school administrative offices and noninstructional facilities. (The PUC temporarily approved the use of MTEAF for non-instructional school facilities for FY 11-12.) The federal E-rate allows funding for these facilities;
2. It allows MTEAF to be used to provide discounts to qualified schools and libraries "in support" of certain listed telecommunications equipment and services (current law allows the discounts to be used "for" the listed equipment and services);
3. It modifies the guidelines governing the allocation of the MTEAF: current law provides that the funds are to be used to ensure a "basic level of connectivity"; the bill removes "basic level" so the guideline would simply be to ensure connectivity;
4. Allows the University of Maine System (UMS) to enter contracts, order services and take advantage of the E-rate discounts on behalf of schools and libraries in connection with the fund. Under current law, the State Library and the Department of Education (DOE) have this administrative authorization. (Under a 2009 agreement between the State Library, the DOE, the Chief Information Officer of the State and UMS, a coordinating body called the Networkmaine Council was created. Under the agreement UMS was assigned responsibility for operating the school and library network services.); and
3. Removes a provision of the current law that requires that at least 25% of the annual budget of the MTEAF be devoted to targeted innovative projects.

Committee Amendment "A" (H-63)

This amendment replaces the bill. This amendment removes from the law governing the telecommunications

Joint Standing Committee on Energy, Utilities and Technology

education access fund a provision that requires that at least 25% of the annual budget of the fund be devoted to targeted innovative projects.

Enacted Law Summary

Public Law 2011, chapter 54 removes from the law governing the telecommunications education access fund a provision that requires that at least 25% of the annual budget of the fund be devoted to targeted innovative projects.

LD 600 An Act To Promote a Safe and Sustainable Environment by Extending the Portfolio Standard ONTP

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

This bill amends Maine's new renewable portfolio standard by extending the one percent annual increase for an additional 10 years. The annual increases are scheduled to end in 2017. This bill extends the annual one percent increase through 2027.

LD 620 Resolve, To Protect Maine Electricity Ratepayers Regarding the Installation of Smart Meters ONTP

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

This resolve imposes a one-year moratorium on the installation of smart electric meters. It requires an electric utility to remove a smart electric meter from a customer's premises at the request of the customer for a fee not exceeding \$30. It directs the Public Utilities Commission to study the safety of smart electric meters and report its findings to the Joint Standing Committee on Energy, Utilities and Technology.

During the session, the commission had a number of open dockets regarding smart meters. The commission issued an order regarding the removal of smart meters or opting out of smart meter installation. See Public Utilities Commission docket 2010-345.

LD 668 An Act To Improve Regional Transmission Organization Responsiveness ONTP

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

This bill requires that, beginning January 1, 2013, investor-owned transmission and distribution utilities be members of a regional transmission organization meeting specific organizational requirements, including compliance with laws governing public records and proceedings, using a public nomination process in selecting board members, guaranteeing consumer representation on its governing board and certifying that its rates and actions are just and reasonable to consumers.

Joint Standing Committee on Energy, Utilities and Technology

The committee sent a letter to the Office of Public Advocate requesting that the office coordinate a meeting among the leadership of legislative committees within the ISO-New England region that have jurisdiction over energy issues to discuss policies that can be adopted to encourage greater transparency of governance, more stakeholder input and cost containment as important considerations during the ISO-New England decision making process.

LD 699 An Act To Conserve Energy in Certain Commercial Buildings

ONTP

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

This bill requires the Technical Building Codes and Standards Board, when adopting or amending the Maine Uniform Building and Energy Code, to ensure that:

1. Hotels, motels and inns with more than 50 rooms have a system that turns off the power to lights in vacant rooms; and
2. Escalators in commercial buildings are motion-activated.

LD 710 An Act To Amend the Laws Governing the Duties of the Director of the Governor's Office of Energy Independence and Security

PUBLIC 55

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS SAVIELLO	OTP-AM	H-64

This bill amends the laws prescribing the duties of the Director of the Governor's Office of Energy Independence and Security to require the director to identify opportunities to lower the cost of energy to Maine consumers, recommend appropriate actions to lower the cost of energy to Maine consumers and take action as necessary to carry out the goals and objectives of the comprehensive state energy plan including lowering the cost of energy to Maine consumers.

Committee Amendment "A" (H-64)

This amendment clarifies that the Director of the Governor's Office of Energy Independence and Security shall identify ways and take actions to lower the total cost of energy to consumers in this State.

Enacted Law Summary

Public Law 2011, chapter 55 amends the laws prescribing the duties of the Director of the Governor's Office of Energy Independence and Security to require the director to identify opportunities to lower the total cost of energy to Maine consumers, recommend appropriate actions to lower the total cost of energy to Maine consumers and take action as necessary to carry out the goals and objectives of the comprehensive state energy plan including lowering the total cost of energy to Maine consumers.

Joint Standing Committee on Energy, Utilities and Technology

LD 711 An Act To Regulate Noise from Wind Turbines in Residential ONTP
Developments

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

Current law prohibits the regulation of noise from residential developments under the site location of development laws. This bill allows such regulation for noise from wind turbines and makes it retroactive to 2006.

The committee considered 14 bills related to wind energy development during the first regular session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366 An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 729 An Act To Ensure Ratepayer Benefits from Long-term Contracts for PUBLIC 273
Renewable Energy Credits

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP-AM	S-193

This bill rescinds the Public Utilities Commission's authority to direct transmission and distribution utilities to enter into long-term contracts. It also corrects cross references. The title was "An Act to Prohibit Electric Utilities from Entering into Long-term Supply Agreements."

Committee Amendment "A" (S-193)

This amendment amends the long-term contracting law to require that the price paid by the investor-owned transmission and distribution utility for the renewable energy credits be lower than the price received for those renewable energy credits at the time they are sold by the transmission and distribution utility. It repeals the condition that the Public Utilities Commission cannot direct an investor-owned transmission and distribution utility to enter into a long-term contract until after major substantive rules are finally adopted.

Enacted Law Summary

Public Law 2011, chapter 273 amends the long-term contracting law to require that the price paid by the investor-owned transmission and distribution utility for renewable energy credits be lower than the price received for those renewable energy credits at the time they are sold by the transmission and distribution utility. It repeals the condition that the Public Utilities Commission cannot direct an investor-owned transmission and distribution utility to enter into a long-term contract until after major substantive rules are finally adopted.

Joint Standing Committee on Energy, Utilities and Technology

**LD 732 Resolve, Directing the Public Utilities Commission To Adopt Rules
Affecting Utility Deposits**

RESOLVE 32

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM	S-28

This bill provides that a public utility may not require an escrow or other initial start-up payment from a business customer that has an acceptable credit history with a previous public utility in the State.

Committee Amendment "A" (S-28)

This amendment replaces the bill. The amendment requires the Public Utilities Commission by rule to require a transmission and distribution utility to consider a business owner's prior credit history with another transmission and distribution utility when determining whether to require a deposit for service to a new business of that business owner as long as the business owner requests this consideration and provides permission for the other transmission and distribution utility to share the credit history information. The rules must require that the transmission and distribution utility consider the business owner's prior credit history with the other transmission and distribution utility in the same manner it would consider the prior credit history of a business owner located in its own service territory.

Enacted Law Summary

Resolve 2011, chapter 32 requires the Public Utilities Commission by rule to require a transmission and distribution utility to consider a business owner's prior credit history with another transmission and distribution utility when determining whether to require a deposit for service to a new business of that business owner as long as the business owner requests this consideration and provides permission for the other transmission and distribution utility to share the credit history information. The rules must require that the transmission and distribution utility consider the business owner's prior credit history with the other transmission and distribution utility in the same manner it would consider the prior credit history of a business owner located in its own service territory.

**LD 756 Resolve, To Examine Cyber Security and Privacy Issues Relating to
Smart Meters**

RESOLVE 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI	OTP-AM MAJ OTP MIN	H-521

This bill requires the Public Utilities Commission to establish terms and conditions governing the installation of wireless smart meters. The terms and conditions must allow customers, at no cost, to opt out of having a wireless smart meter installed or to have any wireless smart meter that has been installed removed. Customers, at no cost, must be given the option of a wired smart meter.

Committee Amendment "A" (H-521)

This amendment is the majority report of the committee. It replaces the bill with a resolve directing the Public Utilities Commission to examine the current cyber security and privacy requirements of transmission and distribution utilities that may be applied to smart meters and to identify potential regulatory gaps. The commission is required to monitor federal efforts regarding cyber security and privacy issues with respect to smart meters and to

Joint Standing Committee on Energy, Utilities and Technology

report to the Joint Standing Committee on Energy, Utilities and Technology by January 15, 2012. The committee may submit a bill relating to smart meter cyber security and privacy to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2011, chapter 82 directs the Public Utilities Commission to examine the current cyber security and privacy requirements of transmission and distribution utilities that may be applied to smart meters and to identify potential regulatory gaps. The commission is required to monitor federal efforts regarding cyber security and privacy issues with respect to smart meters and to report to the Joint Standing Committee on Energy, Utilities and Technology by January 15, 2012. The committee may submit a bill relating to smart meter cyber security and privacy to the Second Regular Session of the 125th Legislature.

During the session, the commission had a number of open dockets regarding smart meters. The commission issued an order regarding the removal of smart meters or opting out of smart meter installation. See Public Utilities Commission docket 2010-345.

LD 761 An Act To Provide Rebates for Renewable Energy Technologies

**PUBLIC 314
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY RECTOR	OTP-AM	H-455

This bill reinstates the solar and wind energy rebate program, which provided rebates for the purchase of certain solar and wind energy equipment, until June 30, 2015. The program had expired December 31, 2010.

Committee Amendment "A" (H-455)

This amendment allows for rebates for renewable energy technologies to be eligible for funding from the Voluntary Renewable Resource Fund rather than reinstating an assessment on electricity for the purpose of providing rebates for certain solar and wind technology, as proposed in the bill. It requires the Efficiency Maine Trust to adopt rules regarding the selection criteria and qualification criteria for the use of funds from the Voluntary Renewable Resource Fund. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 314 adds rebates for renewable energy technologies as an eligible activity for funding from the Voluntary Renewable Resource Fund. It requires the Efficiency Maine Trust to adopt rules regarding the selection criteria and qualification criteria for the use of funds from the Voluntary Renewable Resource Fund.

Public Law 2011, chapter 314 was enacted as an emergency measure effective June 13, 2011.

LD 772 An Act To Modify the Auditing Requirements for Certain Small Water Utilities

PUBLIC 77

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE JACKSON	OTP-AM	H-93

Joint Standing Committee on Energy, Utilities and Technology

This bill allows the Public Utilities Commission, for good cause, to excuse water utilities with revenues under \$200K from filing their annual balance sheets with the commission. Currently the PUC can exempt any public utility with revenues up to \$50K. This provision does not require an audit of accounts. The title and the summary of the bill refer to modifying auditing requirements: the text of the bill does not affect auditing requirements.

Committee Amendment "A" (H-93)

This amendment replaces the bill. Under current rules and decisions of the Public Utilities Commission, water utilities with revenues under \$50,000 are exempt from annual auditing requirements otherwise required by the commission pursuant to the Maine Revised Statutes, Title 35-A, section 505. This amendment codifies this existing exemption. The amendment also provides that consumer-owned water utilities with revenues greater than \$50,000 but not exceeding \$250,000 are exempt from commission's annual auditing requirements, but that such water utilities must cause to be conducted, in accordance with generally accepted auditing standards, an annual review of their accounts. Also, not less than once every 5 years and for any year used as a test year for rate-making purposes, such water utilities must cause to be conducted an audit of their accounts. The amendment does not limit or affect any other reporting, review, auditing or other requirement imposed by a creditor of the water utility or by any other applicable law or government authority.

Enacted Law Summary

Public Law 2011, chapter 77 modifies the auditing requirements for certain small water utilities. Under current rules and decisions of the Public Utilities Commission, water utilities with revenues under \$50,000 are exempt from annual auditing requirements otherwise required by the commission pursuant to the Maine Revised Statutes, Title 35-A, section 505. Public Law 2011, chapter 77 codifies this existing exemption. It also provides that consumer-owned water utilities with revenues greater than \$50,000 but not exceeding \$250,000 are exempt from commission's annual auditing requirements, but that such water utilities must cause to be conducted, in accordance with generally accepted auditing standards, an annual review of their accounts. Also, not less than once every 5 years and for any year used as a test year for rate-making purposes, such water utilities must cause to be conducted an audit of their accounts. This law does not limit or affect any other reporting, review, auditing or other requirement imposed by a creditor of the water utility or by any other applicable law or government authority.

LD 789 An Act To Eliminate the Governor's Office of Energy Independence and Security ONTP

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

This bill eliminates the Governor's Office of Energy Independence and Security and related cross-references.

LD 793 An Act To Protect Ratepayers While Enhancing Energy Independence and Security PUBLIC 277

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-194

Joint Standing Committee on Energy, Utilities and Technology

This bill does the following.

1. It directs the Department of Environmental Protection to take all necessary steps to withdraw the State from all memoranda of understanding and state contracts with other states relating to the regional greenhouse gas initiative authorized pursuant to Maine law. Upon successful completion of the withdrawal, the department is required to submit legislation to the Legislature making necessary changes to laws relating to the regional greenhouse gas initiative.
2. It directs the Public Utilities Commission to order Maine's 3 investor-owned transmission and distribution utilities to take all steps necessary to end membership in Independent System Operator New England and to file with the commission a plan to form an alternative structure to hold, manage and dispatch the transmission assets of the investor-owned transmission and distribution utilities and to oversee the wholesale electricity market. The plan must, to the maximum extent possible, ensure that electricity is provided to Maine consumers at the lowest available cost.
3. It removes the authority of the Public Utilities Commission to order transmission and distribution utilities to contract for capacity resources.

Committee Amendment "A" (S-194)

This amendment replaces the bill and requires the State to withdraw from the regional greenhouse gas initiative if other states that participate in the regional greenhouse gas initiative and in the same wholesale electricity market administered and overseen by the regional transmission organization as Maine have a total carbon dioxide emissions budget for the calendar year 2009 that totals less than 35,000,000 tons.

Enacted Law Summary

Public Law 2011, chapter 277 requires the State to withdraw from the regional greenhouse gas initiative if other states that participate in the regional greenhouse gas initiative and in the same wholesale electricity market administered and overseen by the regional transmission organization as Maine have a total carbon dioxide emissions budget for the calendar year 2009 that totals less than 35,000,000 tons.

LD 795 An Act To Expand Net Energy Billing

PUBLIC 262

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE	OTP-AM	S-216

Under current rules of the Public Utilities Commission, eligible customers may elect net energy billing under which the eligible customer is billed on the basis of net energy used by that eligible customer. This bill defines "eligible customer" for the purposes of net energy billing and requires the commission to permit net energy billing of any eligible customer that has legal rights to energy generated by an eligible generator located within the same transmission and distribution utility service territory as the eligible customer.

Committee Amendment "A" (S-216)

This amendment modifies the definition of net energy billing to more closely reflect the definition already in rules of the Public Utilities Commission. It deletes definitions that are not needed for this section. It also adds unallocated language that directs the commission to amend its rule to require that the length of contracts for interconnection agreements is sufficient for the purpose of securing financing.

Joint Standing Committee on Energy, Utilities and Technology

Enacted Law Summary

Public Law 2011, chapter 262 defines net energy billing. Unallocated language directs the commission to amend its Chapter 313 rule governing net energy billing to require that the length of contracts for interconnection agreements is sufficient for the purpose of securing financing.

LD 801 An Act To Authorize the Public Utilities Commission To Require That ONTP
Transmission or Distribution Lines Be Placed Underground

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

This bill requires the Public Utilities Commission, on petition of a customer of a transmission and distribution utility, to open a proceeding to determine whether to order a transmission or distribution line to be placed underground. The commission must order that a transmission or distribution line be placed underground if the commission finds that the public health, safety or welfare would be enhanced by such placement. The commission is required to allow a transmission and distribution utility to recover the actual costs of complying with the commissions order to place a line underground.

LD 802 An Act To Amend the Requirements for Electric Transmission Lines PUBLIC 281

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM MAJ OTP-AM MIN	S-197

This bill amends the statute governing the issuance of certificates of public convenience and necessity for transmission lines. This bill provides that the Public Utilities Commission may not approve a certificate of public convenience and necessity for a transmission line unless it finds that the construction and operation of the proposed transmission line either reduces costs for consumers or is necessary to meet the reliability requirements imposed by the Federal Energy Regulatory Commission or its designated electric reliability organization.

The bill also corrects a conflict that was created by Public Law 2009, chapter 615 and chapter 655 by incorporating the changes made by both chaptered laws.

Committee Amendment "B" (S-197)

This amendment is the majority report of the Energy, Utilities and Technology Committee. The amendment strikes the requirement that a proposed transmission line either reduce the costs for consumers or be necessary to meet reliability requirements for a certificate of public convenience and necessity to be issued by the Public Utilities Commission.

Committee Amendment "A" (S-196)

This amendment is the minority report of the Energy, Utilities and Technology committee. The amendment reorganizes provisions related to certificates of public convenience and necessity and provides that in addition to the Federal Energy Regulatory Commission or its designated electric reliability organization's standards determining if a transmission line is being constructed for the purpose of reliability, the Public Utilities Commission may make an

Joint Standing Committee on Energy, Utilities and Technology

independent finding that a transmission line is needed for reliability.

Enacted Law Summary

Public Law 2011, chapter 281 corrects a conflict that was created by Public Laws 2009, chapter 615 and chapter 655 by incorporating the changes made by both chaptered laws, which was the majority report of the committee.

LD 865 An Act To Require the Department of Environmental Protection To Enforce Standards for Smaller-scale Wind Energy Development in Organized Areas ONTP

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

This bill requires that the Department of Environmental Protection enforce the standards concerning siting considerations for smaller-scale wind energy development in organized areas.

The committee considered 14 bills related to wind energy development during the first regular session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 870 An Act To Examine Electric Utility Regulation and Fees To Reduce Rates ONTP

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

This bill establishes the Electric Rate Evaluation Council to conduct a review of electric industry costs that go into the determination of electric rates and make recommendations to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters for repeal of any taxes, fees or regulatory provisions that are not justified.

The bill was voted unanimously ought-not-to-pass. A letter was sent to the director of the Office of Energy Independence and Security, requesting that the office post information on its website regarding the components of an electricity bill and factors that potentially influence electricity costs. The letter also requested that the same information be placed on the Office of Public Advocate website.

LD 890 An Act To Create the Anson and Madison Water District P & S 6 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURTIS WHITTEMORE	OTP-AM	H-116

Joint Standing Committee on Energy, Utilities and Technology

This bill creates the Anson and Madison Water District, which is composed of the Anson Water District and the Madison Water District.

Committee Amendment "A" (H-116)

This amendment makes the following changes to the bill:

1. It provides that the first board of trustees of the Anson and Madison Water District consists of 7 members, 4 appointed by the trustees of the Madison Water District and 3 appointed by the trustees of the Anson Water District. It also specifies the initial terms of the trustees;
2. It requires the trustees to hold a meeting within 30 days after the effective date of the bill to elect a chair, treasurer and secretary from among the trustees;
3. It provides that subsequent trustees are elected to 3-year terms, 4 members from the Town of Madison elected by the inhabitants of the Town of Madison and 3 members from the Town of Anson elected by the inhabitants of the Town of Anson. The elections are conducted in accordance with municipal election law by secret ballot;
4. It eliminates sections of the bill dealing with eminent domain and financing. The district will be governed by the standard water district laws governing those matters;
5. It clarifies that when the district is created and the current Anson Water District and Madison Water District are dissolved, legislation must be submitted to repeal the Anson Water District and the Madison Water District charters; and
6. It corrects a clerical error in the bill.

Enacted Law Summary

Private and Special Law 2011, chapter 6 creates the Anson and Madison Water District, which is composed of the Anson Water District and the Madison Water District.

Private and Special Law 2011, chapter 6 was enacted as an emergency measure effective May 19, 2011.

LD 908 An Act Regarding Gas Utilities under the Safety Jurisdiction of the Public Utilities Commission

**PUBLIC 197
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-298

This bill defines "customer" and "corrosion" for purposes of Public Utility Commission safety jurisdiction over certain gas utilities. "Customer" is defined as a consumer that receives an invoice or bill from a gas utility. "Corrosion" is defined as a condition exhibiting signs of deterioration (pitting or loss of metal) but not surface rust or loss of paint coating.

Committee Amendment "A" (H-298)

This amendment replaces the bill and establishes parameters for the Public Utilities Commission's safety regulation of liquefied petroleum gas systems. This amendment:

1. Authorizes the commission to regulate such systems as an agent of the United States Department of

Joint Standing Committee on Energy, Utilities and Technology

Transportation Pipeline and Hazardous Materials Safety Administration and only to the extent the system is subject to the jurisdiction of the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration;

2. Prohibits the commission, in determining whether a system is subject to regulation, from determining a "public place" to include a motel room, hotel room, rented cottage or other rented or leased living space unless the commission receives written notice from the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration that this exclusion is incompatible with the administration's interpretation of 49 Code of Federal Regulations, Section 192.1 and the commission by major substantive rule establishes a definition of "public place" consistent with that written notice;
3. Requires the commission to regulate such systems in accordance with the minimum standards of the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration, but allows the commission to regulate certain specific additional safety issues through major substantive rules;
4. Requires the commission, in applying the atmospheric corrosion control standards established by the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration, to consider atmospheric corrosion to be a condition exhibiting signs of deterioration, including pitting or loss of metal. The commission may not consider surface rust or loss of paint coating to constitute atmospheric corrosion;
5. Provides that the commission may not continue to enforce its existing rules governing the safety and operation standards for liquefied petroleum gas systems but must conduct an examination in consultation with operators of liquefied petroleum gas systems of what rules, beyond the federal minimum standards, may be appropriate to implement the new requirements of the Maine Revised Statutes, Title 35-A, section 4702-A. Consistent with the results of its examination, the commission is required to conduct a rule-making proceeding to provisionally adopt rules to implement Title 35-A, section 4702-A and to submit those rules for legislative review by January 15, 2012;
6. Directs the commission to work with the Maine Energy Marketers Association to develop a request to the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration for a written interpretation of whether certain liquefied petroleum gas systems come within the scope of 49 Code of Federal Regulations, Section 192.1. The request must be cooperatively developed and the questions presented agreed to jointly; and
7. Adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2011, chapter 197 establishes parameters for the Public Utilities Commission's safety regulation of liquefied petroleum gas systems. This law:

1. Authorizes the commission to regulate such systems as an agent of the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration and only to the extent the system is subject to the jurisdiction of the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration;
2. Prohibits the commission, in determining whether a system is subject to regulation, from determining a "public place" to include a motel room, hotel room, rented cottage or other rented or leased living space unless the commission receives written notice from the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration that this exclusion is incompatible with the administration's interpretation of 49 Code of Federal Regulations, Section 192.1 and the commission by major substantive rule establishes a definition of "public place" consistent with that written notice;
3. Requires the commission to regulate such systems in accordance with the minimum standards of the United

Joint Standing Committee on Energy, Utilities and Technology

States Department of Transportation Pipeline and Hazardous Materials Safety Administration, but allows the commission to regulate certain specific additional safety issues through major substantive rules;

4. Requires the commission, in applying the atmospheric corrosion control standards established by the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration, to consider atmospheric corrosion to be a condition exhibiting signs of deterioration, including pitting or loss of metal. The commission may not consider surface rust or loss of paint coating to constitute atmospheric corrosion;
5. Provides that the commission may not continue to enforce its existing rules governing the safety and operation standards for liquefied petroleum gas systems but must conduct an examination in consultation with operators of liquefied petroleum gas systems of what rules, beyond the federal minimum standards, may be appropriate to implement the new requirements of the Maine Revised Statutes, Title 35-A, section 4702-A. Consistent with the results of its examination, the commission is required to conduct a rule-making proceeding to provisionally adopt rules to implement Title 35-A, section 4702-A and to submit those rules for legislative review by January 15, 2012;
6. Directs the commission to work with the Maine Energy Marketers Association to develop a request to the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration for a written interpretation of whether certain liquefied petroleum gas systems come within the scope of 49 Code of Federal Regulations, Section 192.1. The request must be cooperatively developed and the questions presented agreed to jointly.

Public Law 2011, chapter 197 was enacted as an emergency measure effective June 2, 2011.

**LD 909 An Act To Provide Additional Flexibility for the Funding of
Infrastructure Improvements by Consumer-owned Water Utilities**

PUBLIC 106

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-126

This bill is a concept draft pursuant to Joint Rule 208. This bill seeks to provide additional flexibility to consumer-owned water utilities for the funding of infrastructure improvements.

Committee Amendment "A" (H-126)

This amendment replaces the concept draft. It modifies the streamlined rate-making process available to consumer-owned water utilities by:

1. Repealing the requirement that to qualify for a rate increase under the streamlined rate-making process, a consumer-owned water utility must have negative net income in the 2 consecutive fiscal years immediately preceding the year in which the rate increase is proposed;
2. Repealing the requirement that a consumer-owned water utility proposing to use the streamlined rate-making process file with the Public Utilities Commission balance sheets or financial statements for the 3 most recent years together with other annual financial information the commission may prescribe;
3. Clarifying that the consumer-owned water utility must file with the Public Utilities Commission and the Public Advocate all materials supporting the rate increase that are required to be filed under the Maine Revised Statutes, Title 35-A, section 6104, subsection 4-A;
4. Repealing the requirement that when the consumer-owned water utility advertises the public meeting on its rate

Joint Standing Committee on Energy, Utilities and Technology

increase the notices must inform customers of the 10-person complaint process under Title 35-A, section 1302; and

5. Increasing the amount of rate increases that may be accomplished through the streamlined rate-making process. Under the amendment: (A) A consumer-owned water utility that has total revenues of at least \$750,000 may increase its rates up to 3% in any single ratemaking and up to 10% over 5 years; (B) A consumer-owned water utility that has total revenues less than \$750,000 but at least \$250,000 may increase its rates up to 5% in any single ratemaking and up to 15% over 5 years; and (C) A consumer-owned water utility that has total revenues of less than \$250,000 may increase its rates up to 7.5% in any single ratemaking and up to 20% over 5 years.

The amendment also directs the Public Utilities Commission to convene a work group to examine ways of ensuring that the capital requirements of these water utilities are provided for in an adequate and appropriate manner. The commission shall report the results of the examination and any recommendations for changes to laws to the Joint Standing Committee on Energy, Utilities and Technology by January 15, 2012. The Joint Standing Committee on Energy, Utilities and Technology may report out a bill to the Second Regular Session of the 125th Legislature relating to the subject matter of the report.

Enacted Law Summary

Public Law 2011, chapter 106 modifies the streamlined rate-making process available to consumer-owned water utilities by:

1. Repealing the requirement that to qualify for a rate increase under the streamlined rate-making process, a consumer-owned water utility must have negative net income in the 2 consecutive fiscal years immediately preceding the year in which the rate increase is proposed;
2. Repealing the requirement that a consumer-owned water utility proposing to use the streamlined rate-making process file with the Public Utilities Commission balance sheets or financial statements for the 3 most recent years together with other annual financial information the commission may prescribe;
3. Clarifying that the consumer-owned water utility must file with the Public Utilities Commission and the Public Advocate all materials supporting the rate increase that are required to be filed under the Maine Revised Statutes, Title 35-A, section 6104, subsection 4-A;
4. Repealing the requirement that when the consumer-owned water utility advertises the public meeting on its rate increase the notices must inform customers of the 10-person complaint process under Title 35-A, section 1302; and
5. Increasing the amount of rate increases that may be accomplished through the streamlined rate-making process. Under this law: (A) A consumer-owned water utility that has total revenues of at least \$750,000 may increase its rates up to 3% in any single ratemaking and up to 10% over 5 years; (B) A consumer-owned water utility that has total revenues less than \$750,000 but at least \$250,000 may increase its rates up to 5% in any single ratemaking and up to 15% over 5 years; and (C) A consumer-owned water utility that has total revenues of less than \$250,000 may increase its rates up to 7.5% in any single ratemaking and up to 20% over 5 years.

This law also directs the Public Utilities Commission to convene a work group to examine ways of ensuring that the capital requirements of these water utilities are provided for in an adequate and appropriate manner. The commission shall report the results of the examination and any recommendations for changes to laws to the Joint Standing Committee on Energy, Utilities and Technology by January 15, 2012. The Joint Standing Committee on Energy, Utilities and Technology may report out a bill to the Second Regular Session of the 125th Legislature relating to the subject matter of the report.

Joint Standing Committee on Energy, Utilities and Technology

LD 916 An Act To Clarify Notification Procedures during an Emergency Excavation

LEAVE TO WITHDRAW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	LV/WD	

This bill establishes steps that an underground facility operator must take in order to conduct an emergency excavation, including:

1. Immediately notifying the underground facility damage prevention system, otherwise known as "Dig Safe";
2. As soon as practicable, locating its underground facilities and marking the excavation area; and
3. Excavating the marked area after determining there are safe working conditions and upon the earlier of when the damage prevention system clears the area for excavation and when 4 or more hours have passed after notification to the system.

This bill also requires an underground facility operator to commence an emergency excavation within 12 hours after notification to the damage prevention system unless the circumstances of the emergency require a greater amount of time as determined by the underground facility operator.

See LD 407.

LD 923 An Act To Prevent Conflict of Interest in Efficiency Maine Audits

ONTP

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

The bill requires the Efficiency Maine Trust Board to adopt rules that prohibit individuals or businesses that conduct an energy audit from financially benefiting from the installation or completion of any energy savings measure identified in that energy audit.

LD 935 An Act To Create Fair and Open Competition in Line Extension Construction

Carried Over

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

This bill establishes standards governing transmission and distribution utility line extension practices, including standards for charges for line extensions, limits on cost recovery, standards for charges for make-ready work,

Joint Standing Committee on Energy, Utilities and Technology

customer service requirements and requirements for accounting of line extension construction costs.

In a letter to the Office of Public Advocate, the committee requested that office to convene a stakeholder meeting to discuss the bill and to present proposed amendments during the next legislative session.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1180.

LD 956 An Act To Improve Maine's Renewable Portfolio Standard ONTP

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

This bill modifies the portfolio requirements that competitive electricity providers must satisfy in selling electricity in this State. This bill removes all size limits on renewable resources eligible to meet the portfolio requirements. This bill also adds low-carbon-emitting resources to the list of resources that are eligible to meet the portfolio requirements.

The committee did not pass this bill, but through LD 1570, during the same session, directed the Public Utilities Commission to complete an in-depth analysis of the new renewable capacity portfolio standard established in Maine Revised Statutes, Title 35, section 3210, subsection 3-A.

LD 999 An Act Regarding the Public Utilities Commission's Ability To Use PUBLIC 283
Certain Funds

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-437

This bill corrects a statutory oversight regarding the statutory reference to the Public Utilities Commission's ability to use up to \$100,000 from the conservation program fund to promote the green power offer and other green power supply products and renewable energy credit products.

Committee Amendment "A" (H-437)

This amendment strikes and replaces the bill and eliminates the Public Utilities Commission's authority to use up to \$100,000 per year from the conservation program fund to provide information to consumers regarding renewable energy generated in the State. This amendment permits the commission to use a total of \$100,000 for that purpose during the calendar years 2011 and 2012.

Enacted Law Summary

Public Law 2011, chapter 283 eliminates the Public Utilities Commission's authority to use up to \$100,000 per year from the conservation program fund to provide information to consumers regarding renewable energy generated in the State. Unallocated language permits the commission to use a total of \$100,000 for that purpose during the calendar years 2011 and 2012.

Joint Standing Committee on Energy, Utilities and Technology

LD 1014 An Act To Create the Children's Wireless Protection Act

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLAND BLISS	ONTP MAJ OTP-AM MIN	

This bill provides that a retailer may not sell a cellular telephone at retail in this State unless the cellular telephone and its packaging bear a warning label relating to the potential health effects associated with nonthermal effects of cellular telephone radiation. It requires the manufacturer of the cellular telephone to provide the warning labels to the retailer at no cost to the retailer. This bill also requires the retailer to post a sign where cellular telephones are displayed warning of potential health risks associated with the use of cellular telephones. A violation of this provision is a violation of the Maine Unfair Trade Practices Act.

A similar bill, LD 1706, An Act to Create the Children's Wireless Protection Act, was considered during the 124th Second Regular Legislative Session.

LD 1018 An Act To Amend the Charter of the Anson Water District

P & S 5

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY WHITTEMORE	OTP-AM	H-117

This bill amends the Anson Water District charter to provide that trustees are elected according to municipal election law. The bill provides that trustees may hold their annual meeting and their elections at a time and place called by the trustees. The bill fixes errors in the description of the district's territory.

Committee Amendment "A" (H-117)

This amendment clarifies that nominations and elections of trustees of the Anson Water District are conducted in accordance with the laws relating to municipal elections by secret ballot according to the Maine Revised Statutes, Title 30-A, section 2528. It also clarifies that trustees serving on the effective date of this bill continue to serve for the terms for which they were elected.

Enacted Law Summary

Private and Special Law 2011, chapter 5 amends the Anson Water District charter to provide that trustees are elected according to municipal election law. It authorizes the trustees to hold their annual meeting and their elections at a time and place called by the trustees. It also corrects errors in the description of the district's territory.

Joint Standing Committee on Energy, Utilities and Technology

LD 1028 An Act To Ensure Open and Transparent Bidding for the Lowest ONTP
Electric Rates

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a framework and process that will ensure that ratepayers in this State do not bear an undue burden for electrical energy development costs by requiring an open and transparent bidding process for electricity and the establishment of rates. The concept draft was voted ought-not-to-pass at the request of the sponsor, with a request that the concept presented in the bill be kept in mind as the committee considered other bills.

LD 1035 Resolve, To Establish Baseline Information on Health Impacts from ONTP
Grid-scale Wind Energy Development

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

This resolve directs the Department of Environmental Protection, Department of Health and Human Services, Public Utilities Commission and Executive Department, State Planning Office to establish an interagency task force to develop a database of scientific studies that document possible health impacts from grid-scale wind energy developments. The interagency task force is directed to report to the Governor and the Joint Standing Committee on Energy, Utilities and Technology by October 30, 2012 with recommendations regarding how to incorporate information from the database in the regulation and siting requirements that govern the establishment of grid-scale wind energy developments in Maine.

The committee considered 14 bills related to wind energy development during the first regular session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 1042 An Act To Preserve and Protect Citizens' Property Rights and Values ONTP

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

This bill establishes a property value guarantee program to ensure that a landowner whose real property is located within 3 miles of the base of a wind tower is compensated for any reduction in property value resulting from the proximity of the wind tower.

The committee considered 14 bills related to wind energy development during the First Regular Session of the 125th

Joint Standing Committee on Energy, Utilities and Technology

legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 1059 An Act To Correct a Statutory Oversight Regarding Renewable Capacity Resources Portfolio Requirements for Consumer-owned Utilities **MAJORITY (ONTP) REPORT**

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

This bill corrects a statutory oversight to require consumer-owned utilities that sell retail generation service within their respective service territories to comply with the new renewable capacity resources portfolio requirement.

Committee Amendment "A" (H-456)

This amendment, which is the minority report of the committee, exempts current contracts held by consumer-owned transmission and distribution utilities from the requirements of the new renewable capacity resources portfolio standard until January 1, 2017 or until the latest date of expiration of their contracts, whichever comes first, and clarifies that consumer-owned transmission and distribution utilities are not expected to be licensed as competitive electricity providers in order to provide retail generation service within their territories.

LD 1061 An Act To Amend the Lien Process for Unpaid Water Rates **PUBLIC 97**

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

Under current law, all utilities currently have a lien on rental property to secure payment for utility services (35-A MRSA §706). Enforcement of the lien requires court action. This bill gives to private water companies the additional lien powers that consumer-owned water utilities and consumer-owned sanitary districts have: the authority to impose a lien on any real estate served to secure payment of unpaid rates; the authority, in the case of multi-unit rental property, to include in the lien on the rental property interest on the unpaid rate; and the authority to create a mortgage lien on the real estate and to foreclose that mortgage without court action.

Enacted Law Summary

Public Law 2011, chapter 97 gives to private water companies the lien powers that consumer-owned water utilities and consumer-owned sanitary districts have: the authority to impose a lien on any real estate served to secure payment of unpaid rates; the authority, in the case of multi-unit rental property, to include in the lien on the rental property interest on the unpaid rate; and the authority to create a mortgage lien on the real estate and to foreclose that mortgage without court action.

Joint Standing Committee on Energy, Utilities and Technology

LD 1066 An Act To Increase Home Weatherization and Energy Independence

**DIED IN
CONCURRENCE**

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

This bill establishes an assessment on #2 heating oil, kerosene and propane to fund weatherization and heating fuels efficiency programs. It provides a rebate for low-income households until the household participates in weatherization or heating fuels efficiency programs.

Committee Amendment "A" (H-438)

This amendment, which is the minority report of the committee, adds a safety valve to the assessment on heating fuels by suspending the assessment when the average price of the heating fuel, as determined by the Governor's Office of Energy Independence and Security, is equal to or greater than 90% of the highest average price of that heating fuel in the State. The assessment cannot be reinstated until the average price of the heating fuel in the State is equal to or less than 70% of the highest average price of the heating fuel in the State. The amendment also requires that each customer category is assigned funding from the Heating Fuels Efficiency and Weatherization Fund that is approximately equal to the assessment value that was collected from that customer category.

**LD 1077 An Act To Enhance Public Participation in Decisions Relating to the
Large-scale Extraction and Transportation of Water**

**MAJORITY
(ONTP) REPORT**

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

This bill amends the law enacted in 2009 governing agreements by consumer-owned water utilities that involve large-scale extraction or transportation of water.

Current law requires consumer-owned water utilities to: (1) hold a public meeting to present the terms of the agreement and hear public comments; (2) give notice of the public meeting to each customer, the PUC, the OPA and each municipality in which the water source is located and publish the notice in a paper with general circulation in the area; and (3) make the proposed agreement available for public inspection prior to the meeting. Current law applies to certain types of large-scale extraction and large-scale transportation of water beyond the boundaries of the municipality or township in which the water is naturally located. Current law excludes contracts with existing customer or another water utility; water transported for use in well drilling, construction, concrete mixing, swimming pool filling, servicing portable toilets, firefighting, hospital operations, aquaculture, agricultural applications or civil emergencies; water distilled as a by-product of a manufacturing process; or water transported from the a source that, before July 1, 1987, was used to supply water for bottling and sale and that is used exclusively for bottling and is sold in its pure form or as a carbonated or flavored beverage product.

This bill makes the following changes to current law: (1) expands the scope of the law to include water agreements by a municipality or the Maine Land Use Regulation Commission; (2) removes exceptions for contracts with an existing customer or contracts with a water utility; and (3) adds new voter-approval requirements for all such

Joint Standing Committee on Energy, Utilities and Technology

agreements. In the case of a LURC agreement, the vote would be by the voters in the county "impacted" by the agreement; in the case of a consumer-owned water utility or a municipality, the voters could approve the proposed contract at a town meeting; in the case of a consumer-owned water utility, all voters in all municipalities "in which that utility operates" would be eligible to vote, the voters in each municipality would need to approve the agreement, if the utility operates in more than one municipality, no more than one referendum on a proposal would be permitted within in 12-month period and the other party to the agreement may be required to pay for the referendum.

**LD 1091 An Act To Expand the Availability of Natural Gas to the Citizens of
Maine**

PUBLIC 261

Sponsor(s)

KATZ

Committee Report

OTP-AM

Amendments Adopted

S-178

This bill defines a "natural gas service expansion project" (NGSEP) under the laws governing the Finance Authority of Maine (FAME) as any development for the purpose of facilitating the production, generation, transmission, delivery or furnishing of natural gas to persons located in this state. It provides that such projects are "eligible projects" but are not "major business expansion projects." As "eligible projects," NGSEPs would be eligible for FAME's mortgage insurance program (also called commercial loan insurance program) and revenue obligation securities program. As a result of not being a major business expansion project, NGSEPs would not be required to result in a net gain of at least 50 jobs to receive FAME assistance and FAME's assistance would not be limited by the \$25M revenue obligation securities loan cap applicable to major business expansion projects (10 MRSA §1043(2)(J)) and the \$120M cap on moral obligation securities for all such major business expansion projects (10 MRSA §1053(6)(B)). The bill directs FAME to consult with the Public Utilities Commission to develop a moral obligation program for NGSEPs and report back to the Legislature by January 15, 2012.

Committee Amendment "A" (S-178)

This amendment replaces the bill. The amendment:

1. Modifies the definition of "energy distribution system project" under the laws governing the Finance Authority of Maine to include systems that distribute or transmit natural gas;
2. Authorizes the Finance Authority of Maine to issue revenue obligation securities relating to energy distribution system projects under the program limits currently established in law for electric rate stabilization projects and provides that loans for energy distribution system projects may not exceed the limits established annually by the authority;
3. Establishes standards under which the Finance Authority of Maine may approve providing financial assistance to energy distribution system projects; and
4. Requires the Public Utilities Commission, upon request of the Finance Authority of Maine, to provide assistance in analyzing financial, economic or technical issues relating to projects regulated by the commission. At the request of the commission, the Finance Authority of Maine must assess the applicant a fee to reimburse the commission for any costs incurred by the commission that cannot be absorbed within its existing resources.

Enacted Law Summary

Public Law 2011, chapter 261:

1. Modifies the definition of "energy distribution system project" under the laws governing the Finance Authority of Maine to include systems that distribute or transmit natural gas;

Joint Standing Committee on Energy, Utilities and Technology

2. Authorizes the Finance Authority of Maine to issue revenue obligation securities relating to energy distribution system projects under the program limits currently established in law for electric rate stabilization projects and provides that loans for energy distribution system projects may not exceed the limits established annually by the authority;
3. Establishes standards under which the Finance Authority of Maine may approve providing financial assistance to energy distribution system projects; and
4. Requires the Public Utilities Commission, upon request of the Finance Authority of Maine, to provide assistance in analyzing financial, economic or technical issues relating to projects regulated by the commission. At the request of the commission, the Finance Authority of Maine must assess the applicant a fee to reimburse the commission for any costs incurred by the commission that cannot be absorbed within its existing resources.

LD 1112 An Act To Improve Maine's Renewable Energy Portfolio Standard ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX MASON	ONTP	

This bill applies a 150% renewable energy credit multiplier to energy produced by efficient resources as defined under the Maine Revised Statutes, Title 35-A, section 3210, subsection 2, paragraph A.

LD 1158 An Act To Change the Regulation of Liquefied Petroleum Gas Distribution Facilities ONTP

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

This bill requires the Public Utilities Commission to adopt major substantive rules regarding safety jurisdiction over certain gas utilities in conjunction with the Maine Fuel Board. Until those rules are adopted, the commission may not adopt or enforce rules that are more stringent than the requirements of federal law and regulations.

See LD 908.

LD 1170 An Act To Establish a Code of Ethics for Individuals Involved in Grid-scale Wind Energy Development ONTP

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

This bill directs the Attorney General to develop through rulemaking a wind energy development code of ethics to prohibit inappropriate communications and interactions between municipal, county or state officials and wind

Joint Standing Committee on Energy, Utilities and Technology

The bill establishes the Maine Residential Energy Conservation Program within the Efficiency Maine Trust. It requires an owner of a residential property who is applying for a permit for substantial renovation of a residential structure or a seller of a residential property to obtain an energy audit by an energy advisor, providing a copy of the audit report to a buyer in the case of a sale; either make a minimum required expenditure on home energy improvements or install all energy efficiency measures identified by an energy advisor in an audit report with a payback period of 10 years or less; and obtain an inspection of the dwelling from an energy advisor after improvements have been installed to ensure compliance. If home energy improvements are made in anticipation of a sale, the cost of compliance must be borne by the buyer. The bill provides exemptions for certain sales and transfers and for certain residential structures.

LD 1234 *An Act To Restore the Uniform Visual Permitting Standard for Wind Power Projects* ONTP

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

This bill eliminates specific visual permitting standards for wind energy development to provide that wind energy developments are subject to the same visual permitting standards as other developments.

The committee considered 14 bills related to wind energy development during the First Regular Session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 1236 *An Act To Amend the Legislative Findings in the Maine Wind Energy Act* ONTP

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

This bill amends the Maine Wind Energy Act to amend the findings of the Legislature regarding the presumption of benefits of wind energy development. The bill also removes the requirement that a primary siting authority presume that a grid-scale wind energy development project provides energy and emissions-related benefits. The bill also corrects a conflict created by Public Law 2009, chapters 615 and 655, which affected the same provision of law, by incorporating the changes made by both laws and removing the requirement that the Public Utilities Commission, when determining public need for a transmission line, consider state renewable energy generation goals.

The committee considered 14 bills related to wind energy development during the First Regular Session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

Joint Standing Committee on Energy, Utilities and Technology

LD 1264 An Act To Improve the Energy Efficiency of Public Buildings and Create Jobs

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-244

This bill amends the law to raise energy efficiency standards for public buildings and increases the ability of school units and counties to finance energy-related improvements in public buildings.

Part A raises efficiency standards for state-funded construction.

Part B raises efficiency standards for school construction, involves the Efficiency Maine Trust in the construction project approval process, gives school administrative units increased flexibility in contracting with energy service companies for energy efficiency, load management and distributed renewable energy improvements and makes school administrative units eligible for technical and other assistance from Efficiency Maine Trust in pursuing energy-related improvements.

Part C raises efficiency standards for county buildings and expands counties' ability to contract with energy service companies to achieve energy savings.

Part D raises efficiency standards for municipal buildings.

Part E applies the Maine Municipal Bond Bank's Efficiency Partners Program, which provides loans for efficiency upgrades to municipal and public school buildings, to renewable energy and load management projects.

Committee Amendment "A" (S-244)

This amendment strikes and replaces the bill with the following.

Part A extends existing standards for energy savings design considerations to include cost-effective load management systems.

Part B adds consideration of cost-effective load management systems to existing standards for energy savings design considerations and targets for school construction projects and gives school administrative units increased flexibility in contracting with energy service companies for energy efficiency and load management improvements.

Part C expands counties' ability to contract with energy service companies to include load management systems.

Part D expands the Maine Municipal Bond Bank's Efficiency Partners Program, which provides loans for efficiency upgrades to municipal and public school buildings, to include load management projects and expands the bank's aggregation powers for nonprofits and municipalities to include the services of energy service companies and products vendors.

Enacted Law Summary

This bill was enacted but as of this printing, had not been acted upon by the Governor and, pursuant to Art. IV, Part 3rd, Sec. 2 of the Maine Constitution, currently has no final disposition. The enacted bill provides the following. Part A extends existing standards for energy savings design considerations to include cost-effective load management systems. Part B adds consideration of cost-effective load management systems to existing standards for

Joint Standing Committee on Energy, Utilities and Technology

energy savings design considerations and targets for school construction projects and gives school administrative units increased flexibility in contracting with energy service companies for energy efficiency and load management improvements. Part C expands counties' ability to contract with energy service companies to include load management systems. Part D expands the Maine Municipal Bond Bank's Efficiency Partners Program, which provides loans for efficiency upgrades to municipal and public school buildings, to include load management projects and expands the bank's aggregation powers for nonprofits and municipalities to include the services of energy service companies and products vendors.

**LD 1275 **Resolve, To Promote Greater Transparency and Accountability through
Regional Transmission Organization Reform****

RESOLVE 68

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	S-225

This bill requires a nonprofit corporation exercising operating or administrative authority over the operation of high-voltage electric transmission facilities within this State to demonstrate that it has an open and transparent governance structure. The bill provides factors the Secretary of State shall consider in evaluating such a showing. The bill requires a corporation exercising operating or administrative authority over the operation of high-voltage electric transmission facilities within this State to include a certification in its annual report that it has an open and transparent governance structure. The bill also provides that a foreign corporation exercising operating or administrative authority over the operation of high-voltage electric transmission facilities within this State must file a certificate signed by a duly authorized officer affirming that the corporation has an open and transparent governance structure designed to protect the public's interest and that it will meet certain criteria in order to obtain authority to carry on its activities in this State. The bill requires that a foreign corporation is not authorized to carry on activities in this State unless the Secretary of State has filed an application for authority by such corporation meeting all the requirements of the Maine Revised Statutes, Title 13-B, section 1202.

Committee Amendment "A" (S-225)

This amendment directs the Public Utilities Commission, the Governor's Office of Energy Independence and Security and the Office of the Public Advocate to confer with comparable agencies in other states that are participants in the regional transmission organization for New England and to develop a plan to pursue transparency and accountability at the regional transmission organization. It requires the Public Utilities Commission, the Governor's Office of Energy Independence and Security and the Office of the Public Advocate develop model governance requirements for a regional transmission organization and formally propose the model to comparable agencies in other states. The commission must report on the progress of these efforts in its annual report for the years 2011, 2012 and 2013.

Enacted Law Summary

Resolve 2011, chapter 68 directs the Public Utilities Commission, the Governor's Office of Energy Independence and Security and the Office of the Public Advocate to confer with comparable agencies in other states that are participants in the regional transmission organization for New England and to develop a plan to pursue transparency and accountability at the regional transmission organization. It requires the Public Utilities Commission, the Governor's Office of Energy Independence and Security and the Office of the Public Advocate develop model governance requirements for a regional transmission organization and formally propose the model to comparable agencies in other states. The commission must report on the progress of these efforts in its annual report for the years 2011, 2012 and 2013.

Also related to transparency at the regional transmission organization for New England, as part of its deliberations on LD 668 of the same legislative session, the committee sent a letter to the Office of Public Advocate requesting

Joint Standing Committee on Energy, Utilities and Technology

that the office coordinate a meeting among the leadership of legislative committees within the ISO-New England region that have jurisdiction over energy issues to discuss policies that can be adopted to encourage greater transparency of governance, more stakeholder input and cost containment as important considerations during the ISO-New England decision making process.

LD 1291 Resolve, To Promote Community Wind Energy Development ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX	ONTP	

This resolve is a concept draft pursuant to Joint Rule 208. This resolve proposes to establish a study group to develop a bidding process for use by the State to lease certain state-owned lands to community wind energy developers. The intent of the bidding and leasing process would be to create a long-term income stream for the State to be used for development of other wind energy projects.

The committee considered 14 bills related to wind energy development during the first regular session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 1311 An Act To Specify That Providers of Voice Over Internet Protocol Services and Internet Protocol Enabled Services Do Not Constitute Telephone Utilities ONTP

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

This bill establishes that interconnected voice over Internet protocol service is not a telephone service and that a voice over Internet protocol provider is not a telephone utility.

See LD 1466.

LD 1323 An Act To Support Solar Energy Development in Maine MAJORITY (ONTP) REPORT

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

This bill creates the Maine Solar Energy Act, which:

1. States specific legislative findings that it is in the public interest to explore opportunities for and encourage

Joint Standing Committee on Energy, Utilities and Technology

development, where appropriate, of solar energy production in the State. This includes finding that solar energy development makes a significant contribution to the general welfare of the citizens of the State and that there is a need for modification of the regulatory process for siting solar energy developments;

2. Requires the Public Utilities Commission to take specific measures to support solar energy, including monitoring electricity markets, taking legal action to protect access to markets by solar power facilities located in the State and certifying a person as a community solar power generator; and

3. Encourages solar energy-related development and establishes state solar energy generation goals.

LD 1362 An Act To Ensure Accurate Valuation of a Community Benefits Package for Communities That Host Wind Energy Developments ONTP

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

This bill adds the requirement that the valuation of the community benefits package for communities that host wind energy developments account for losses such as decreases in property value and business losses. The bill also requires the community benefits package to include a financial assurance that it will be paid if there is a default.

The committee considered 14 bills related to wind energy development during the First Regular Session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 1366 Resolve, To Clarify the Expectation for the 2012 Assessment of Progress on Meeting Wind Energy Development Goals RESOLVE 93

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIFFORD	OTP-AM MAJ OTP-AM MIN	H-610

This bill amends the Maine Wind Energy Act and the laws regarding expedited siting of grid-scale energy development to include low-emission energy, which is defined as energy derived from an electric generation source from which harmful emissions fall below emission levels from coal-fired or oil-fired electric generation sources. The bill also:

1. Amends the legislative findings to recognize low-emission energy and the detrimental effects of wind turbines on the environment and potentially on ratepayers;

2. Prohibits the Public Utilities Commission from requiring a transmission and distribution utility to purchase or sell electricity from a wind energy or other electric generation facility;

3. Changes the state goals for wind energy generation;

4. Amends the community benefits package provisions to:

Joint Standing Committee on Energy, Utilities and Technology

- A. Increase the amount an applicant for an expedited wind energy development is required to establish in a community benefits package from no less than \$4,000 to no less than \$8,000 per year per wind turbine;
 - B. Require the community benefits package to be approved by the legislative body of the host community;
 - C. Give the community benefits package a lien that has priority over all other liens; and
 - D. Change the exemption from the community benefits package requirement to apply to an expedited wind energy development that has an installed capacity of less than 4 megawatts instead of the current exemption of less than 20 megawatts;
5. Repeals the direct appeal to the Supreme Judicial Court of final action by the board or commissioner regarding an application for an expedited wind energy development;
6. Increases the maximum fee for processing an application that may be charged by the Department of Environmental Protection from \$250,000 to \$1,000,000; and
7. Requires the Department of Conservation, Maine Land Use Regulation Commission to amend its rules to prohibit the issuance or allowance of a permit for grid-scale wind power development in a mountain area protection subdistrict.

This bill was originally titled "An Act to Update the Maine Wind Energy Act to Include Low-emission Energy."

Committee Amendment "A" (H-610)

This amendment is the majority report of the committee. It strikes the bill, including the emergency preamble and clause, and replaces it with a resolve. This amendment sets out the information that the Joint Standing Committee on Energy, Utilities and Technology expects to receive in 2012 as part of the Governor's Office of Energy Independence and Security's annual assessment of progress on meeting the wind energy development goals and authorizes the committee to submit a bill to the Second Regular Session of the 125th Legislature following the receipt and review of the assessment. It also requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to conduct an analysis of the research on health effects from wind turbines, including effects from noise.

Committee Amendment "B" (H-611)

This amendment is the minority report of the committee. It strikes the bill, amends setback requirements for wind energy permitting requirements to make the setbacks at least 1.5 miles from the base of a wind turbine. This amendment sets out the information that the Joint Standing Committee on Energy, Utilities and Technology expects to receive in 2012 as part of the Governor's Office of Energy Independence and Security's annual assessment of progress on meeting the wind energy development goals. This amendment was not adopted.

Enacted Law Summary

Resolve 2011, chapter 93 sets out the information that the Joint Standing Committee on Energy, Utilities and Technology expects to receive in 2012 as part of the Governor's Office of Energy Independence and Security's annual assessment of progress on meeting the wind energy development goals and authorizes the committee to submit a bill to the Second Regular Session of the 125th Legislature following the receipt and review of the assessment. It also requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to conduct an analysis of the research on health effects from wind turbines, including effects from noise.

Joint Standing Committee on Energy, Utilities and Technology

LD 1382 An Act To Protect Homeowners Regarding Sewer Liens ONTP

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

This bill prohibits a sanitary district enforcing a lien for unpaid assessments on land that is occupied by a person other than the owner. The treasurer of the district may bring a civil action against the person occupying the land to recover the unpaid assessments.

**LD 1396 An Act To Require a Transmission and Distribution Utility To Provide MAJORITY
Safeguards to Consumers Prior To Installing Wireless Smart Meters (ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLAND SNOWE-MELLO	ONTP MAJ OTP MIN	

This bill amends the State's smart grid policy to include consideration of customer rights. This bill requires the Public Utilities Commission to initiate a proceeding when a transmission and distribution utility is going to install a wireless smart meter. The proceeding must provide for opt-out provisions and wired smart meter alternatives, protection from unreasonable fees or rate increases and protection of customer data, including name, address, telephone number, electricity use and payment information. This bill requires the commission to take similar action to protect a customer that had a wireless smart meter installed prior to the effective date of this Act.

During the session, the commission had a number of open dockets regarding smart meters. The commission issued an order regarding the removal of smart meters or opting out of smart meter installation. See Public Utilities Commission docket 2010-345. Also see LD 756 which was related to smart meters and enacted during the First Regular Session of the 125th legislature.

**LD 1411 An Act To Facilitate Transparency and Accountability while Reducing ONTP
Electricity Costs**

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

This bill requires the Public Advocate to issue a monthly report regarding the performance of electricity generators, including but not limited to output, capacity factors, price of electricity generated and carbon dioxide emissions. The bill prohibits the construction of a new electricity generator unless the Public Advocate determines that the construction of the generator will result in reduced electricity costs for consumers in this State or the Public Utilities Commission issues a certificate of emergency.

Joint Standing Committee on Energy, Utilities and Technology

LD 1441 An Act To Amend the Yarmouth Water District Charter

P & S 8

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

This bill amends the Yarmouth Water District's charter to allow the district to purchase 2 wells from the Town of Cumberland and to conduct water from the Town of Cumberland to the Yarmouth Water District's service territory. The bill also amends the charter to give the board of trustees greater latitude as to when it schedules meetings.

Enacted Law Summary

Private and Special Law 2011, chapter 8 amends the Yarmouth Water District's charter to allow the district to purchase 2 wells from the Town of Cumberland and to conduct water from the Town of Cumberland to the Yarmouth Water District's service territory. It also amends the charter to give the board of trustees greater latitude as to when it schedules meetings.

LD 1443 An Act To Improve the Permitting Process for Wind Energy Developments and To Protect Maine's Quality of Place

ONTP

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

This bill requires that all approvals for a license, permit or certification for wind energy developments be decided through an adjudicatory proceeding. The bill requires the consideration of cumulative environmental impact and impacts to wildlife when approving wind energy developments. It prohibits wind energy facilities constructed at 1,000 feet or more above sea level from being greater than 75 feet in height. The bill requires all expansions of an expedited wind energy zone to be done through major substantive rulemaking rather than routine technical rulemaking and it requires wind energy developers to establish an escrow account for decommissioning.

The committee considered 14 bills related to wind energy development during the First Regular Session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 1447 An Act To Create Jobs through the Establishment of the Renewable Energy Resources Feed-in Tariff Program

ONTP

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

This bill requires the Public Utilities Commission to establish a renewable energy resources feed-in tariff program. It requires that transmission and distribution utilities purchase electricity produced by renewable energy systems at

Joint Standing Committee on Energy, Utilities and Technology

reform may not result in any provider being required to submit to a net increase in regulatory burden. This does not preclude reforms that establish options under which a provider may choose for its own benefit to take on new regulatory obligations, such as provider of last resort obligations, or reforms that replace existing regulatory requirements with more appropriate requirements, provided that no provider is required to submit to a net increase in regulatory burden; and regulatory reform may not relieve any provider of complying with wholesale obligations under either State or federal law, including but not limited to those relating to access to network elements, interconnection, inter-carrier compensation, pole attachments, switched access and any other obligations established under the Communications Act of 1934, as amended, and must preserve any related rights of any provider under that Act.

In developing the plan, the commission shall consider, at a minimum, the following: the extent of existing and anticipated competition for residential and business services; the characteristics of provider of last resort service and the obligations and support mechanisms, if any, that should accompany provider of last resort service; the extent to which any telecommunications provider should be able to choose to be subject to particular regulatory provisions; the implications of federal support mechanisms, preemption of state regulation of certain services and other federal issues; the degree, if any, to which any services, including provider of last resort services, should be subject to cost of service regulation; the need for a robust telecommunications infrastructure in the State; and the status of eligible telecommunications carriers.

In developing the plan, the commission is required to seek input from interested parties but is not required to conduct an adjudicatory proceeding and to examine the current regulatory structure in accordance with the legislative findings and may not presume existing laws and rules are appropriately designed for the current competitive environment.

The commission is required to submit its plan to the Joint Standing Committee on Energy, Utilities and Technology by December 31, 2011. To the maximum extent practicable, the commission shall establish target dates for implementation of the elements of the plan that are no later than 90 days after the adjournment of the 2nd Regular Session of the 125th Legislature. The commission shall include with the plan a draft of any legislation necessary to implement the plan, and, consistent with the requirements of Title 5, chapter 375, changes to rules necessary to implement the plan. The Joint Standing Committee on Energy, Utilities and Technology is authorized to report out a bill to reform telecommunications regulation to the 2nd Regular Session of the 125th Legislature.

The following modifications to telecommunications regulation are made. Except as otherwise may be provided by superseding legislation implementing the plan developed under section 1, these modifications apply between the effective date of the resolve and 90 days after the adjournment of the Second Regular Session of the 125th Legislature.

1. The commission may not enforce provisions of any order establishing an alternative form of regulation that prohibit an incumbent local exchange carrier from charging rates for non-residential service that are below the long-run incremental cost of providing that service or that establish some other minimum price requirement for services to non-residential customers.
2. The commission may not enforce provisions of any order establishing an alternative form of regulation that impose on an incumbent local exchange carrier multiplier penalties for repeated failures to meet service quality index performance standards with respect to any actions, inactions or other performance of that carrier occurring after July 31, 2010. The commission shall include in its report the service quality performance data required to be submitted to the commission by incumbent local exchange carriers affected by this subsection, together with any summary or analysis the commission may develop to assist the Legislature in reviewing whether this provision has had any effect on service quality performance.
3. The Commission may not require any local exchange carrier to prepare or submit pursuant to section 3 of the commission's rule Chapter 140, Utility Service Area and Infrastructure Maps, or pursuant to any similar provision of

Joint Standing Committee on Energy, Utilities and Technology

any successor rule, infrastructure maps: in a format different from or that contain a level of detail that is greater than the maps most recently submitted by that utility pursuant to that rule prior to the effective date of this resolve; or depicting the infrastructure connecting interoffice facilities to remote terminals and digital loop carriers.

4. The commission may not require any telecommunication carrier, pursuant to the commission's rule, Chapter 200, Telecommunications Carrier Outage Reporting, to submit notices of unscheduled service outages or notices of restorations of service earlier than 7 calendar days following the restoration of service.

5. A reorganization of an incumbent local exchange carrier is not subject to commission approval unless the reorganization results in a merger, sale or transfer of a controlling interest of the incumbent local exchange carrier or any entity that owns more than 50% of the incumbent local exchange carrier, as defined in the commission's rules.

6. The commission may not enforce its rule, Chapter 230, Installation, Maintenance and Ownership of Customer Premise Wire.

Also the Public Utilities Commission is prohibited from regulating interconnected voice over Internet protocol service as a telephone service under Title 35-A, unless otherwise directed by subsequently enacted law, and any commission order that is inconsistent with this prohibition is void. The specified intent of this provision is to return interconnected voice over Internet protocol service to its status prior to the issuance by the commission of its October 27, 2010 order in docket number 2008-421. Notwithstanding any limitation that the legislative findings might impose on the commission as a result of the regulatory effects of this provision, the commission may, free of any such limitations, examine and develop recommendations regarding interconnected voice over Internet protocol service when developing its plan.

Enacted Law Summary

Resolve 2001, chapter 69 directs the Public Utilities Commission to develop a plan to reform telecommunications regulation and to process any filings submitted by telephone utilities for exemptions under the Maine Revised Statutes, Title 35-A with as much deliberative speed as possible, within the constraints of existing resources. It also makes several discrete changes to the regulatory structure pending the opportunity to implement the plan for regulatory reform.

The Public Utilities Commission's plan must be consistent with certain legislative findings, including that regulatory burdens should be the minimum necessary to protect the public welfare, and, to the maximum extent practicable, the regulatory burdens on different modes of providing telecommunications services should be the same; regulatory reform may not result in any provider being required to submit to a net increase in regulatory burden (this does not preclude reforms that establish options under which a provider may choose for its own benefit to take on new regulatory obligations, such as provider of last resort obligations, or reforms that replace existing regulatory requirements with more appropriate requirements, provided that no provider is required to submit to a net increase in regulatory burden); and regulatory reform may not relieve any provider of complying with wholesale obligations under either State or federal law, including but not limited to those relating to access to network elements, interconnection, inter-carrier compensation, pole attachments, switched access and any other obligations established under the Communications Act of 1934, as amended, and must preserve any related rights of any provider under that Act.

In developing the plan, the commission shall consider, at a minimum, the following: the extent of existing and anticipated competition for residential and business services; the characteristics of provider of last resort service and the obligations and support mechanisms, if any, that should accompany provider of last resort service; the extent to which any telecommunications provider should be able to choose to be subject to particular regulatory provisions; the implications of federal support mechanisms, preemption of state regulation of certain services and other federal issues; the degree, if any, to which any services, including provider of last resort services, should be subject to cost of service regulation; the need for a robust telecommunications infrastructure in the State; and the status of eligible telecommunications carriers.

Joint Standing Committee on Energy, Utilities and Technology

In developing the plan, the commission is required to seek input from interested parties but is not required to conduct an adjudicatory proceeding and to examine the current regulatory structure in accordance with the legislative findings and may not presume existing laws and rules are appropriately designed for the current competitive environment.

The commission is required to submit its plan to the Joint Standing Committee on Energy, Utilities and Technology by December 31, 2011. To the maximum extent practicable, the commission shall establish target dates for implementation of the elements of the plan that are no later than 90 days after the adjournment of the Second Regular Session of the 125th Legislature. The commission shall include with the plan a draft of any legislation necessary to implement the plan, and, consistent with the requirements of Title 5, chapter 375, changes to rules necessary to implement the plan. The Joint Standing Committee on Energy, Utilities and Technology is authorized to report out a bill to reform telecommunications regulation to the 2nd Regular Session of the 125th Legislature.

The following modifications to telecommunications regulation are made. Except as otherwise may be provided by superseding legislation implementing the plan developed under section 1, these modifications apply between the effective date of this resolve and 90 days after the adjournment of the Second Regular Session of the 125th Legislature.

1. The commission may not enforce provisions of any order establishing an alternative form of regulation that prohibit an incumbent local exchange carrier from charging rates for non-residential service that are below the long-run incremental cost of providing that service or that establish some other minimum price requirement for services to non-residential customers.
2. The commission may not enforce provisions of any order establishing an alternative form of regulation that impose on an incumbent local exchange carrier multiplier penalties for repeated failures to meet service quality index performance standards with respect to any actions, inactions or other performance of that carrier occurring after July 31, 2010. The commission shall include in its report the service quality performance data required to be submitted to the commission by incumbent local exchange carriers affected by this subsection, together with any summary or analysis the commission may develop to assist the Legislature in reviewing whether this provision has had any effect on service quality performance.
3. The Commission may not require any local exchange carrier to prepare or submit pursuant to section 3 of the commission's rule Chapter 140, Utility Service Area and Infrastructure Maps, or pursuant to any similar provision of any successor rule, infrastructure maps: in a format different from or that contain a level of detail that is greater than the maps most recently submitted by that utility pursuant to that rule prior to the effective date of this resolve; or depicting the infrastructure connecting interoffice facilities to remote terminals and digital loop carriers.
4. The commission may not require any telecommunication carrier, pursuant to the commission's rule, Chapter 200, Telecommunications Carrier Outage Reporting, to submit notices of unscheduled service outages or notices of restorations of service earlier than 7 calendar days following the restoration of service.
5. A reorganization of an incumbent local exchange carrier is not subject to commission approval unless the reorganization results in a merger, sale or transfer of a controlling interest of the incumbent local exchange carrier or any entity that owns more than 50% of the incumbent local exchange carrier, as defined in the commission's rules.
6. The commission may not enforce its rule, Chapter 230, Installation, Maintenance and Ownership of Customer Premise Wire.

Also the Public Utilities Commission is prohibited from regulating interconnected voice over Internet protocol service as a telephone service under Title 35-A, unless otherwise directed by subsequently enacted law, and any commission order that is inconsistent with this prohibition is void. The specified intent of this provision is to return

Joint Standing Committee on Energy, Utilities and Technology

interconnected voice over Internet protocol service to its status prior to the issuance by the commission of its October 27, 2010 order in docket number 2008-421. Notwithstanding any limitation that the legislative findings in this resolve might impose on the commission as a result of the regulatory effects of this provision, the commission may, free of any such limitations, examine and develop recommendations regarding interconnected voice over Internet protocol service when developing its plan.

Resolve 2011, chapter 69 was finally passed as an emergency measure effective June 9, 2011.

LD 1479 An Act To Minimize Conflicts between Property Owners and Grid-scale Wind Energy Developments ONTP

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

This bill removes statutory guidance for wind energy development standards and creates specific statewide standards for setback requirements, shadow flicker effects and decommissioning plans for grid-scale wind energy developments and offshore wind power projects. This bill limits the length of roads and utility lines associated with a grid-scale wind energy development and the type of lighting that may be placed on a wind turbine. This bill directs the Department of Environmental Protection to adopt rules concerning statewide standards for sound level limits.

The committee considered 14 bills related to wind energy development during the First Regular Session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 1483 An Act To Amend the Charter of the Sanford Sewerage District P & S 11

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	OTP-AM	S-140

This bill amends the charter of the Sanford Sewerage District to incorporate certain provisions of the sanitary district laws, to increase the number of trustees from 3 to 5 and to make other technical changes.

Committee Amendment "A" (S-140)

This amendment makes certain technical changes to the bill to make the charter of the Sanford Sewerage District consistent with the sanitary and sewer district provisions of the Maine Revised Statutes, Title 38. The amendment provides that, prior to proposing any amendment to the charter to the Legislature, the trustees must present the amendment to the town council of the Town of Sanford for review and comment. It also replaces the provision in the bill that establishes the election to staggered terms of the trustees of the district to remove the number of votes the trustees receive as the factor that determines the terms of office.

Enacted Law Summary

Private and Special Law 2011, chapter 11 amends major portions of the charter of the Sanford Sewerage District to make it consistent with provisions of the sanitary and sewer district provisions of Maine Revised Statutes, Title 38.

Joint Standing Committee on Energy, Utilities and Technology

It increases the number of trustees from 3 to 5. It provides that prior to proposing any amendment to the charter to the Legislature, the trustees must present the amendment to the town council of the Town of Sanford for review and comment.

LD 1506 An Act To Remove Obstacles to the Use of Technological Advances for Heating in Multifamily Structures PUBLIC 300

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-493

Under current law, electric space heating equipment may not be installed as the primary heating system in construction that is funded using public funds. This bill specifically exempts electric thermal storage space heating equipment from this prohibition.

Committee Amendment "A" (H-493)

This amendment defines "geothermal heat pump" and provides that geothermal heat pumps are not considered electric space heating equipment for the purposes of the laws governing electric heating systems in subsidized housing, thus allowing the pumps to be installed in multifamily residential structures funded by public funds.

Enacted Law Summary

Public Law 2011, chapter 300 defines "geothermal heat pump" and provides that geothermal heat pumps and electric thermal storage space heating equipment are not considered electric space heating equipment for the purposes of the laws governing electric heating systems in subsidized housing, thus allowing geothermal heat pumps and electric thermal storage space heating equipment to be installed in multifamily residential structures funded by public funds.

LD 1510 An Act Regarding Information Provided to Consumers by Competitive Electricity Providers PUBLIC 284

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-398

This bill removes the requirement that a competitive electricity provider provide information to a customer at least once annually that enhances the consumer's ability to effectively make choices in a competitive electricity market. It requires the Public Utilities Commission to establish by rule standards for making this information available through any means considered appropriate.

Committee Amendment "A" (H-398)

This amendment changes the designation of the rules related to information provided to consumers by competitive electricity providers from major substantive rules to routine technical rules and removes the date by which the rules were to be adopted.

Enacted Law Summary

Public Law 2011, chapter 284 removes the requirement that a competitive electricity provider provide information to a customer at least once annually that enhances the consumer's ability to effectively make choices in a competitive electricity market. It requires the Public Utilities Commission to establish by rule standards for making this

Joint Standing Committee on Energy, Utilities and Technology

information available through any means considered appropriate. This law amends the designation of the rules related to information provided to consumers by competitive electricity providers from major substantive rules to routine technical rules and removes the date by which the rules were to be adopted.

LD 1516 An Act To Protect Consumer Information at the Efficiency Maine Trust

PUBLIC 343

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM	S-198 S-267 BARTLETT

This bill designates as confidential, for purposes of the freedom of access laws, those records retained by the Efficiency Maine Trust that contain information about a customer's energy usage or that contain personal information about a customer seeking financing through the trust.

Committee Amendment "A" (S-198)

This amendment clarifies the personal information that is considered confidential by the Efficiency Maine Trust and extends the confidentiality to include records of customers seeking participation in any program of the trust, rather than records of customers seeking financing through a program of the trust as proposed in the bill.

Senate Amendment "A" To Committee Amendment "A" (S-267)

This amendment clarifies that confidentiality applies to the records of customers who have participated in a program of the Efficiency Maine Trust as well as customers seeking to participate in any program of the trust.

Enacted Law Summary

Public Law, chapter 343 designates as confidential, for purposes of the freedom of access laws, those records retained by the Efficiency Maine Trust that contain information about a customer's energy usage or that contains the social security number, address, telephone number or email address of a customer who has participated or is seeking to participate in a program of the trust.

LD 1521 An Act To Amend the InforME Public Information Access Act

PUBLIC 321

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP-AM	S-195

This bill amends the InforME Public Information Access Act to add definitions of "agency fees," "fee service," "portal fee" and "user" and amends definitions of "premium services" and "subscriber." The bill allows the InforME board to establish "portal fees" for electronic services, which is defined in current law to include all the services provided by InforME through electronic means, including access to information. The bill also allows InforME to assess fees on agencies. The bill changes InforME's fiscal year to coincide with the calendar year. It expands the confidentiality of InforME records to include not only records relating to the identity of subscribers (those who pay for services) but also of users. It exempts, however, public records held by data custodians.

Committee Amendment "A" (S-195)

Joint Standing Committee on Energy, Utilities and Technology

This amendment modifies the bill by:

1. Adding a definition of "transaction" and modifying the definition of "portal fee" to mean a fee paid by a user for a transaction;
2. Establishing a cap on portal fees of \$6 plus 3% of the total charges for each transaction, with a provision allowing the InforME Board to establish a higher portal fee by major substantive rule; and
3. Clarifying the language in the bill regarding confidentiality of user information.

Enacted Law Summary

Public Law 2011, chapter 321 amends the InforME Public Information Access Act to add definitions of "agency fees", "fee service," "portal fee", "transaction" and "user" and amends definitions of "premium services" and "subscriber." The law allows the InforME board to establish "portal fees" for electronic services but establishes a cap on portal fees of \$6 plus 3% of the total charges for each transaction; the InforME Board may establish a higher portal fee by major substantive rule. The law also allows InforME to assess fees on agencies. The law changes InforME's fiscal year to coincide with the calendar year. It expands the confidentiality of InforME records to include not only records relating to the identity of subscribers (those who pay for services) but also of users. It exempts, however, public records held by data custodians.

LD 1527 An Act To Encourage the Creation of Jobs through Development of ONTP
Maine's Solar Industry

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

This bill promotes development of Maine's solar industry. It requires the Maine Uniform Building and Energy Code to include standards for solar installations in new and existing buildings, and requires the Technical Building Codes and Standards Board to adopt a model municipal ordinance for solar permitting. The bill also creates a solar set-aside within Maine's existing renewable portfolio standard. The bill revives the solar and wind energy rebate program previously administered by the Efficiency Maine Trust.

LD 1545 An Act To Authorize the Public Utilities Commission To Exercise PUBLIC 110
Jurisdiction over Private Natural Gas Pipelines To Ensure Safe EMERGENCY
Operation

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

This bill authorizes the Public Utilities Commission to exercise safety regulations over any private natural gas pipeline that serves a single customer.

Enacted Law Summary

Public Law 2011, chapter 110 authorizes the Public Utilities Commission to exercise safety regulations over any private natural gas pipeline that serves a single customer.

Joint Standing Committee on Energy, Utilities and Technology

Public Law 2011, chapter 110 was enacted as an emergency measure effective May 19, 2011.

LD 1561 An Act To Create the Nickerson Lake Sewer District

**P & S 14
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM	S-199

This bill creates the Nickerson Lake Sewer District.

Committee Amendment "A" (S-199)

This amendment makes certain changes to the bill to make it consistent with the sanitary district laws and the laws governing all sewer districts. It also does the following:

1. Clarifies that the purpose of the district is to provide wastewater treatment services, including subsurface wastewater collection, treatment and disposal services;
2. Provides that, within the territory of the district and in areas outside the territory of the district located within the Town of Linneus or the Town of New Limerick, the district may exercise the powers specified under the Maine Revised Statutes, Title 38, section 1151 regarding locating its pipes and facilities and may also locate one or more septic fields;
3. Removes the requirement that certain trustees own property within the district; and
4. Adds an emergency preamble to the bill.

Enacted Law Summary

Private and Special Law 2011, chapter 14 creates the Nickerson Lake Sewer District.

Private and Special Law 2011, chapter 14 was enacted as an emergency measure effective June 9, 2011.

LD 1564 An Act Concerning Certain Privileges Transferred to GNE, LLC by Great Northern Paper, Inc.

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H THOMAS		

This bill, which was indefinitely postponed without reference to committee, retroactively excepts from the rights, privileges, immunities or franchises that Great Northern Paper, Inc. may sell or transfer pursuant to Private and Special Law 2001, chapter 45 the right to take or use water conveyed to Great Northern Paper, Inc. by Private and Special Law 1917, chapter 94.

Joint Standing Committee on Energy, Utilities and Technology

LD 1570 An Act To Reduce Energy Prices for Maine Consumers

PUBLIC 413

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM	S-272 S-310 THIBODEAU

This bill caps the percentage of supply sources for retail electricity sales that must come from new renewable capacity resources at 4%. It requires the Public Utilities Commission to set the price of the alternative compliance payment rate for meeting the new renewable capacity resource requirement at no more than 110% of the prior year's average market prices of renewable energy credits. It specifies that any long-term contract negotiated by the Public Utilities Commission for capacity resources, available energy associated with capacity resources or available renewable energy credits associated with capacity resources may not be greater than 90% of the market price of capacity resources, available energy associated with capacity resources or available renewable energy credits associated with capacity resources. It requires the Public Utilities Commission to obtain the approval of the Legislature, instead of providing notice to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters, prior to requiring an investor-owned transmission and distribution utility to enter into a long-term contract for energy efficiency capacity resources.

Committee Amendment "A" (S-272)

This amendment is the majority report of the committee. It strikes the bill and replaces it. It provides a definition of "to refurbish" as it applies to new renewable capacity resources. It requires the Public Utilities Commission to conduct rulemaking to ensure that consumers will benefit from long-term contracts. It requires legislative approval for long-term contracts for energy efficiency capacity resources that result in a fee or an assessment on ratepayers. Finally, this amendment directs the Public Utilities Commission to conduct an in-depth analysis of the new renewable capacity resources portfolio requirements.

Senate Amendment "A" To Committee Amendment "A" (S-310)

Current law exempts the sale of electricity by a competitive electricity provider to a Pine Tree Development Zone business from the requirements of the portfolio standard established under the Maine Revised Statutes, Title 35-A, section 3210. Rather than the exemption being permitted upon request of a certified electricity provider, this amendment makes the exemption automatic and allows a qualified Pine Tree Development Zone business to request a waiver from the exemption. The amendment allows the Public Utilities Commission to adopt routine technical rules to implement the exemption.

Enacted Law Summary

Public Law 2011, chapter 413 provides a definition of "to refurbish" as it applies to new renewable capacity resources. It requires the Public Utilities Commission to conduct a rulemaking to ensure that consumers will benefit from long-term contracts. It requires legislative approval for long-term contracts for energy efficiency capacity resources that result in a fee or an assessment on ratepayers.

Sale of electricity by a competitive electricity provider to a Pine Tree Development Zone business is exempt from the requirements of the portfolio standard established under the Maine Revised Statutes, Title 35-A, section 3210 unless a qualified Pine Tree Development Zone business requests a waiver from the exemption. The Public Utilities Commission may adopt routine technical rules to implement the exemption.

Finally, this law directs the Public Utilities Commission to conduct an in-depth analysis of the new renewable

Joint Standing Committee on Energy, Utilities and Technology

capacity resources portfolio requirements. The commission must report to the committee by January 31, 2011. The committee may submit a bill related to the findings to the Second Regular Session of the 125th Legislature.

LD 1577 An Act To Amend the Winthrop Utilities District Charter

**P & S 12
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD ROSEN R	OTP	

This bill amends the charter of the Winthrop Utilities District to give it authority to impose liens for rates and assessments and issue foreclosure notices in accordance with the laws governing sanitary districts.

Enacted Law Summary

Private and Special Law 2011, chapter 12 amends the charter of the Winthrop Utilities District to give it authority to impose liens for rates and assessments and issue foreclosure notices in accordance with the laws governing sanitary districts.

Private and Special Law 2011, chapter 12 was enacted as an emergency measure effective June 2, 2011.

Joint Standing Committee on Energy, Utilities and Technology

SUBJECT INDEX

Agency matters -- PUC/OPA/OEIS

Enacted

LD 429	An Act To Clarify the Role of the Public Advocate	PUBLIC 79
LD 710	An Act To Amend the Laws Governing the Duties of the Director of the Governor's Office of Energy Independence and Security	PUBLIC 55

Not Enacted

LD 789	An Act To Eliminate the Governor's Office of Energy Independence and Security	ONTP
LD 1455	An Act To Create Efficiencies in State Government by Transferring the Duties of the Public Advocate to the Office of the Attorney General	LEAVE TO WITHDRAW

Dig Safe

Enacted

LD 331	Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 31 EMERGENCY
LD 407	An Act To Clarify the Dig Safe Standards	PUBLIC 72 EMERGENCY

Not Enacted

LD 916	An Act To Clarify Notification Procedures during an Emergency Excavation	LEAVE TO WITHDRAW
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Electricity

Enacted

LD 13	Resolve, Regarding Legislative Review of Portions of Chapter 316: Long-Term Contracting and Resource Adequacy, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 10 EMERGENCY
LD 463	An Act Concerning Policy Objectives of the Public Utilities Commission	PUBLIC 109
LD 529	An Act To Enhance Transparency in the Regulation of Large, Investor-owned Transmission and Distribution Utilities	PUBLIC 71
LD 729	An Act To Ensure Ratepayer Benefits from Long-term Contracts for Renewable Energy Credits	PUBLIC 273

LD 732	Resolve, Directing the Public Utilities Commission To Adopt Rules Affecting Utility Deposits	RESOLVE 32
LD 756	Resolve, To Examine Cyber Security and Privacy Issues Relating to Smart Meters	RESOLVE 82
LD 793	An Act To Protect Ratepayers While Enhancing Energy Independence and Security	PUBLIC 277
LD 795	An Act To Expand Net Energy Billing	PUBLIC 262
LD 802	An Act To Amend the Requirements for Electric Transmission Lines	PUBLIC 281
LD 1275	Resolve, To Promote Greater Transparency and Accountability through Regional Transmission Organization Reform	RESOLVE 68
LD 1510	An Act Regarding Information Provided to Consumers by Competitive Electricity Providers	PUBLIC 284
<u>Not Enacted</u>		
LD 68	Resolve, Directing the Public Utilities Commission To Examine the Purchase of Low-cost Electric Power from Quebec	ONTP
LD 183	An Act Relating To Net Energy Billing for Solar Energy Users	ONTP
LD 241	An Act To Promote Energy Independence and Renewable Energy Production	ONTP
LD 493	An Act To Provide Municipalities with Reciprocal Rights To Rent Space for Street Lights on Utility Poles in Municipal Rights-of-way	ONTP
LD 620	Resolve, To Protect Maine Electricity Ratepayers Regarding the Installation of Smart Meters	ONTP
LD 668	An Act To Improve Regional Transmission Organization Responsiveness	ONTP
LD 801	An Act To Authorize the Public Utilities Commission To Require That Transmission or Distribution Lines Be Placed Underground	ONTP
LD 870	An Act To Examine Electric Utility Regulation and Fees To Reduce Rates	ONTP
LD 935	An Act To Create Fair and Open Competition in Line Extension Construction	Carried Over
LD 1028	An Act To Ensure Open and Transparent Bidding for the Lowest Electric Rates	ONTP
LD 1396	An Act To Require a Transmission and Distribution Utility To Provide Safeguards to Consumers Prior To Installing Wireless Smart Meters	MAJORITY (ONTP) REPORT
LD 1411	An Act To Facilitate Transparency and Accountability while Reducing Electricity Costs	ONTP
LD 1564	An Act Concerning Certain Privileges Transferred to GNE, LLC by Great Northern Paper, Inc.	INDEF PP

Energy Conservation

Enacted

LD 361	Resolve, To Evaluate the Energy Use of the State House and the Burton M. Cross State Office Building	RESOLVE 40
LD 431	An Act To Require the Efficiency Maine Trust To More Effectively Administer Funds	PUBLIC 84
LD 553	An Act To Improve Maine's Energy Security	PUBLIC 400
LD 1506	An Act To Remove Obstacles to the Use of Technological Advances for Heating in Multifamily Structures	PUBLIC 300
LD 1516	An Act To Protect Consumer Information at the Efficiency Maine Trust	PUBLIC 343

Not Enacted

LD 485	An Act To Ensure the Greatest Possible Public Benefit from Energy Efficiency Spending	ONTP
LD 699	An Act To Conserve Energy in Certain Commercial Buildings	ONTP
LD 923	An Act To Prevent Conflict of Interest in Efficiency Maine Audits	ONTP
LD 1066	An Act To Increase Home Weatherization and Energy Independence	DIED IN CONCURRENCE
LD 1264	An Act To Improve the Energy Efficiency of Public Buildings and Create Jobs	HELD BY GOVERNOR

Miscellaneous - Utilities and Energy

Enacted

LD 1191	Resolve, To Encourage Business Development by Creating Limits on the Time Certain Utilities May Hold a Business Customer's Deposit	RESOLVE 38
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Natural Gas

Enacted

LD 197	An Act To Improve Response to Gas Safety Emergencies	PUBLIC 27
LD 908	An Act Regarding Gas Utilities under the Safety Jurisdiction of the Public Utilities Commission	PUBLIC 197 EMERGENCY
LD 1091	An Act To Expand the Availability of Natural Gas to the Citizens of Maine	PUBLIC 261

LD 1545	An Act To Authorize the Public Utilities Commission To Exercise Jurisdiction over Private Natural Gas Pipelines To Ensure Safe Operation	PUBLIC 110 EMERGENCY
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Not Enacted

LD 328	An Act To Move Propane Safety Oversight to the Maine Fuel Board	ONTP
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LD 1158	An Act To Change the Regulation of Liquefied Petroleum Gas Distribution Facilities	ONTP
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Renewable Resources

Enacted

LD 761	An Act To Provide Rebates for Renewable Energy Technologies	PUBLIC 314 EMERGENCY
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LD 999	An Act Regarding the Public Utilities Commission's Ability To Use Certain Funds	PUBLIC 283
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LD 1366	Resolve, To Clarify the Expectation for the 2012 Assessment of Progress on Meeting Wind Energy Development Goals	RESOLVE 93
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LD 1570	An Act To Reduce Energy Prices for Maine Consumers	PUBLIC 413
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Not Enacted

LD 425	An Act To Stimulate Demand for Renewable Resources	Carried Over
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LD 502	An Act To Place a Moratorium on Expedited Permitting of Grid-scale Wind Energy Development	ONTP
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LD 600	An Act To Promote a Safe and Sustainable Environment by Extending the Portfolio Standard	ONTP
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LD 711	An Act To Regulate Noise from Wind Turbines in Residential Developments	ONTP
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LD 865	An Act To Require the Department of Environmental Protection To Enforce Standards for Smaller-scale Wind Energy Development in Organized Areas	ONTP
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LD 956	An Act To Improve Maine's Renewable Portfolio Standard	ONTP
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LD 1035	Resolve, To Establish Baseline Information on Health Impacts from Grid-scale Wind Energy Development	ONTP
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LD 1042	An Act To Preserve and Protect Citizens' Property Rights and Values	ONTP
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LD 1059	An Act To Correct a Statutory Oversight Regarding Renewable Capacity Resources Portfolio Requirements for Consumer-owned Utilities	MAJORITY (ONTP) REPORT
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LD 1112	An Act To Improve Maine's Renewable Energy Portfolio Standard	ONTP
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LD 1170	An Act To Establish a Code of Ethics for Individuals Involved in Grid-scale Wind Energy Development	ONTP
LD 1204	An Act To Create Jobs through Home Energy Efficiency	ONTP
LD 1234	An Act To Restore the Uniform Visual Permitting Standard for Wind Power Projects	ONTP
LD 1236	An Act To Amend the Legislative Findings in the Maine Wind Energy Act	ONTP
LD 1291	Resolve, To Promote Community Wind Energy Development	ONTP
LD 1323	An Act To Support Solar Energy Development in Maine	MAJORITY (ONTP) REPORT
LD 1362	An Act To Ensure Accurate Valuation of a Community Benefits Package for Communities That Host Wind Energy Developments	ONTP
LD 1443	An Act To Improve the Permitting Process for Wind Energy Developments and To Protect Maine's Quality of Place	ONTP
LD 1447	An Act To Create Jobs through the Establishment of the Renewable Energy Resources Feed-in Tariff Program	ONTP
LD 1479	An Act To Minimize Conflicts between Property Owners and Grid-scale Wind Energy Developments	ONTP
LD 1527	An Act To Encourage the Creation of Jobs through Development of Maine's Solar Industry	ONTP

Telecommunications

Enacted

LD 243	An Act To Ensure Emergency Communications for Persons with Disabilities	PUBLIC 173
LD 554	An Act To Amend the Telecommunications Education Access Fund	PUBLIC 54
LD 1466	Resolve, To Direct the Public Utilities Commission To Develop a Plan To Reform Telecommunications Regulation	RESOLVE 69 EMERGENCY
LD 1521	An Act To Amend the InforME Public Information Access Act	PUBLIC 321

Not Enacted

LD 48	An Act To Require Oral Disclosure of the Cost of Certain Public Telephone Calls	INDEF PP
LD 192	An Act To Bring a Green Data Center to Maine	ONTP
LD 1014	An Act To Create the Children's Wireless Protection Act	MAJORITY (ONTP) REPORT

LD 1311	An Act To Specify That Providers of Voice Over Internet Protocol Services and Internet Protocol Enabled Services Do Not Constitute Telephone Utilities	ONTP
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Water/Sewer - Charters

Enacted

LD 890	An Act To Create the Anson and Madison Water District	P & S 6 EMERGENCY
LD 1018	An Act To Amend the Charter of the Anson Water District	P & S 5
LD 1441	An Act To Amend the Yarmouth Water District Charter	P & S 8
LD 1483	An Act To Amend the Charter of the Sanford Sewerage District	P & S 11
LD 1561	An Act To Create the Nickerson Lake Sewer District	P & S 14 EMERGENCY
LD 1577	An Act To Amend the Winthrop Utilities District Charter	P & S 12 EMERGENCY

Water/Sewer - General

Enacted

LD 84	An Act To Improve the Sewer District Rate Collection Procedures	PUBLIC 26 EMERGENCY
LD 772	An Act To Modify the Auditing Requirements for Certain Small Water Utilities	PUBLIC 77
LD 909	An Act To Provide Additional Flexibility for the Funding of Infrastructure Improvements by Consumer-owned Water Utilities	PUBLIC 106
LD 1061	An Act To Amend the Lien Process for Unpaid Water Rates	PUBLIC 97

Not Enacted

LD 1077	An Act To Enhance Public Participation in Decisions Relating to the Large-scale Extraction and Transportation of Water	MAJORITY (ONTP) REPORT
LD 1382	An Act To Protect Homeowners Regarding Sewer Liens	ONTP

LD INDEX

LD #		Page #
LD 13	-----	Page 1
LD 48	-----	Page 1
LD 68	-----	Page 2
LD 84	-----	Page 2
LD 183	-----	Page 3
LD 192	-----	Page 3
LD 197	-----	Page 3
LD 241	-----	Page 5
LD 243	-----	Page 5
LD 328	-----	Page 6
LD 331	-----	Page 6
LD 361	-----	Page 7
LD 407	-----	Page 8
LD 425	-----	Page 9
LD 429	-----	Page 9
LD 431	-----	Page 10
LD 463	-----	Page 11
LD 485	-----	Page 11
LD 493	-----	Page 11
LD 502	-----	Page 12
LD 529	-----	Page 13
LD 553	-----	Page 13
LD 554	-----	Page 14
LD 600	-----	Page 15
LD 620	-----	Page 15
LD 668	-----	Page 15
LD 699	-----	Page 16
LD 710	-----	Page 16
LD 711	-----	Page 17
LD 729	-----	Page 17
LD 732	-----	Page 18
LD 756	-----	Page 18
LD 761	-----	Page 19
LD 772	-----	Page 19
LD 789	-----	Page 20
LD 793	-----	Page 20
LD 795	-----	Page 21
LD 801	-----	Page 22
LD 802	-----	Page 22
LD 865	-----	Page 23
LD 870	-----	Page 23
LD 890	-----	Page 23
LD 908	-----	Page 24
LD 909	-----	Page 26
LD 916	-----	Page 28
LD 923	-----	Page 28
LD 935	-----	Page 28
LD 956	-----	Page 29
LD 999	-----	Page 29
LD 1014	-----	Page 30
LD 1018	-----	Page 30
LD 1028	-----	Page 31
LD 1035	-----	Page 31
LD 1042	-----	Page 31

LD 1059	-----	Page 32
LD 1061	-----	Page 32
LD 1066	-----	Page 33
LD 1077	-----	Page 33
LD 1091	-----	Page 34
LD 1112	-----	Page 35
LD 1158	-----	Page 35
LD 1170	-----	Page 35
LD 1191	-----	Page 36
LD 1204	-----	Page 36
LD 1234	-----	Page 37
LD 1236	-----	Page 37
LD 1264	-----	Page 38
LD 1275	-----	Page 39
LD 1291	-----	Page 40
LD 1311	-----	Page 40
LD 1323	-----	Page 40
LD 1362	-----	Page 41
LD 1366	-----	Page 41
LD 1382	-----	Page 43
LD 1396	-----	Page 43
LD 1411	-----	Page 43
LD 1441	-----	Page 44
LD 1443	-----	Page 44
LD 1447	-----	Page 44
LD 1455	-----	Page 45
LD 1466	-----	Page 45
LD 1479	-----	Page 49
LD 1483	-----	Page 49
LD 1506	-----	Page 50
LD 1510	-----	Page 50
LD 1516	-----	Page 51
LD 1521	-----	Page 51
LD 1527	-----	Page 52
LD 1545	-----	Page 52
LD 1561	-----	Page 53
LD 1564	-----	Page 53
LD 1570	-----	Page 54
LD 1577	-----	Page 55