

Joint Standing Committee on Utilities and Energy

LD 420

An Act to Strengthen Energy Conservation

PUBLIC 624
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM MAJ	H-961
FERGUSON	OTP-AM MIN	

LD 420, which was carried over from the First Regular Session, proposed to increase the cap on the total conservation program expenditures for each transmission and distribution utility to .25 cent per kilowatt hour and to require the Public Utilities Commission, in setting such expenditures levels, to consider levels of conservation program expenditures in other New England states.

Committee Amendment "A" (H-961), which was the majority report of the committee, proposed to replace the bill. This amendment proposed to:

1. Remove the responsibility for developing and monitoring the implementation of conservation programs from the State Planning Office;
2. Remove responsibility for administering new conservation programs from transmission and distribution utilities;
3. Direct the Public Utilities Commission to develop and administer conservation programs funded through assessments on transmission and distribution utilities;
4. Establish goals and guidelines for the commission in undertaking its responsibilities with respect to conservation programs;
5. Direct the commission to secure relevant expertise in carrying out its conservation-related responsibilities;
6. Allow the commission to use a portion of the funds collected for conservation programs for administrative costs of the commission in carrying out its responsibilities;
7. Require the commission to report annually to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on funds raised and spent and activities taken with respect to conservation programs;
8. Authorize transmission and distribution utilities to create transition benefit plans for employees who are laid off as a result of the transfer to the commission of the administration of conservation programs;
9. In order to facilitate start-up of conservation programs, authorize the commission to implement on a short-term basis, without satisfying all the procedural requirements of the new law, conservation programs that the commission finds to be cost effective;
10. Require the commission to adjudicate contract disputes relating to the administration of existing conservation-related contracts by transmission and distribution utilities, establish an arbitration process to

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settle such disputes, and establish certain standards for contract interpretation by the commission and arbitrators in settling such disputes;

11. Require the commission to report on the feasibility of assuming the administration of existing conservation-related contracts;
12. Add an emergency preamble and emergency clause to the bill; and
13. Add an allocation section to the bill and a fiscal note.

Committee Amendment "B" (H-962), which was the minority report of the committee, proposed to replace the bill and change the title to reflect the content of the amendment. This amendment proposed to remove all funding for the electric energy conservation program and to eliminate the program. The amendment also proposed to add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 624, removes the responsibility for developing and monitoring the implementation of energy conservation programs from the State Planning Office; removes responsibility for administering new conservation programs from transmission and distribution utilities; directs the Public Utilities Commission to develop and administer conservation programs funded through assessments on transmission and distribution utilities; establishes goals and guidelines for the commission in undertaking its responsibilities with respect to conservation programs; directs the commission to secure relevant expertise in carrying out its conservation-related responsibilities; allows the commission to use a portion of the funds collected for conservation programs for administrative costs of the commission in carrying out its responsibilities; requires the commission to report annually to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on funds raised and spent and activities taken with respect to conservation programs; authorizes transmission and distribution utilities to create transition benefit plans for employees who are laid off as a result of the transfer to the commission of the administration of conservation programs; in order to facilitate start-up of conservation programs, authorizes the commission to implement on a short-term basis, without satisfying all the procedural requirements of the new law, conservation programs that the commission finds to be cost effective; requires the commission to adjudicate contract disputes relating to the administration of existing conservation-related contracts by transmission and distribution utilities, establishes an arbitration process to settle such disputes, and establishes certain standards for contract interpretation by the commission and arbitrators in settling such disputes; requires the commission to report on the feasibility of assuming the administration of existing conservation-related contracts.

Public Law 2001, chapter 624 was enacted as an emergency measure effective April 5, 2002.

LD 646

An Act to Establish the Energy Resources Council

PUBLIC 630

Sponsor(s)
MCKEE
TREAT

Committee Report
OTP-AM

Amendments Adopted
H-882

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LD 646, which was carried over from the First Regular Session, proposed to establish the Maine Energy Advisory Council to advise and make recommendations to the State Planning Office concerning energy issues.

Committee Amendment "A" (H-882) proposed to replace the bill. The amendment proposed to create the Energy Advisory Council to facilitate more effective interagency coordination of the State's activities regarding energy issues. The proposed Council would be comprised of the Director of the State Planning Office, Chair of the Public Utilities Commission, Commissioner of Environmental Protection, the Public Advocate, Commissioner of Transportation, Commissioner of Administrative and Financial Services, Commissioner of Economic and Community Development and the Director of the Maine State Housing Authority and staffed by the State Planning Office. The amendment proposed to change the title and add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 630 creates the Energy Advisory Council to facilitate more effective interagency coordination of the State's activities regarding energy issues. The Council is comprised of the Director of the State Planning Office, Chair of the Public Utilities Commission, Commissioner of Environmental Protection, the Public Advocate, Commissioner of Transportation, Commissioner of Administrative and Financial Services, Commissioner of Economic and Community Development and the Director of the Maine State Housing Authority.

LD 1139 **An Act to Ensure Access to Energy Markets for Maine's Small Hydroelectric Facilities** **ONTP**

<u>Sponsor(s)</u> EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1139, which was carried over from the First Regular Session, proposed to require transmission and distribution utilities to purchase power from hydroelectric energy facilities with a capacity of less than 5 megawatts at the average wholesale market clearing price for the period during which the electricity is metered.

LD 1412 **An Act Relating to the Transfer of Certain Privileges Bestowed by the Legislature upon Great Northern Paper, Inc. to Great Northern Energy, LLC** **ONTP**

<u>Sponsor(s)</u> MICHAUD MH STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1412, which was carried over from the First Regular Session, proposed to provide that the rights and privileges held by Great Northern Paper, Inc. that relate to the location, construction, operation or maintenance of dams used in the generation of electricity would be transferred to Great Northern Energy, LLC upon the acquisition by Great Northern Energy of the dams.

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LD 1837

An Act to Improve the Ability of the Public Utilities Commission to Enforce State Laws, Rules and Requirements

ONTP

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1837 proposed to increase the dollar amount of the penalty that the Public Utilities Commission may impose if a public utility does not comply with the utility law or commission rules, tariffs or orders; it proposed to establish certain guidelines for assessing the penalty.

LD 1838

An Act to Eliminate Unnecessary Filing Requirements for Water Utilities

PUBLIC 488

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-765
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LD 1838 proposed to remove the requirement that, in addition to filing plans for the construction of a water system, a water utility must file with the Public Utilities Commission and with the Department of Human Services engineering estimates, all costs, and a justification of the construction project and of its next best alternative. The bill proposed to remove the requirement that the information be made available for public review but to retain the requirement that the public be notified if expenses exceed a specified level.

Under current law a water utility must provide special notice to customers if it proposes to incur expenditures over a certain amount as a result of the requirements of the federal Safe Drinking Water Act. Under the bill a water utility would be required to provide such notice anytime it proposed to incur such expenditures, whether or not those expenses would be incurred as a result of the federal Safe Drinking Water Act.

Committee Amendment "A" (H-765) proposed to change the public notice portion of the bill back to the current law so that notice would only be required when a water utility incurs such expenditures as a result of the federal Safe Drinking Water Act.

Enacted law summary

Public Law 2001, chapter 488 removes the requirement that a water utility that, as a result of the requirements of the federal Safe Drinking Water Act, will incur expenses in excess of 50% of its annual operating revenue file with the Public Utilities Commission and with the Department of Human Services engineering estimates, all costs, and a justification of the construction project and of the utility's next best alternative. The law also removes the requirement that this information be made available for public review; it retains the requirement that the public be notified if such expenses will be incurred.

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LD 1845

An Act Authorizing the Town of Waldoboro to Refinance Certain Temporary Bond Anticipation Notes Issued for its Water Project

**P & S 51
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	H-772 H-810 SAVAGE W

LD 1845 proposed to extend the period for temporary financing for the Town of Waldoboro's water project.

Committee Amendment "A" (H-772) proposed to extend the period of temporary financing for the Waldoboro water project an additional year so that the total period of temporary financing authorized is 6 years. It also proposed to add a fiscal note to the bill.

House Amendment "A" (H-810) proposed to make a technical correction to the emergency preamble.

Enacted law summary

Private and Special Law 2001, chapter 51 extends the period for temporary financing for the Town of Waldoboro's water project to 6 years.

Private and Special Law 2001, chapter 51 was enacted as an emergency measure effective March 6, 2002.

LD 1857

An Act to Amend the Charter of the Mount Blue Water District

**P & S 48
EMERGENCY**

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

LD 1857 proposed to change the eligibility requirements for the election of trustees for the Mt. Blue Standard Water District. It also proposed to allow the trustees to determine the compensation for the trustees and the treasurer of the board of trustees. The bill also proposed to allow the trustees to elect a treasurer that is not a trustee of the district.

Committee Amendment "A" (H-773) proposed to clarify certain language of the bill relating to the hiring of a nontrustee as treasurer of the Mt. Blue Standard Water District and make this provision retroactive to the effective date of the law creating the district. It also proposed to allow a person who does not reside in the district to be a trustee if the person is a customer of the district. It proposed to allow the trustees to propose the compensation of the trustees and the treasurer, but to make the proposal subject to approval by the voters of the district. It proposed to make all these changes subject to referendum approval.

Enacted law summary

Private and Special Law 2001, chapter 48 amends the charter of the Mt. Blue Standard Water District to allow a person who does not reside in the district to be a trustee if the person is a customer of the district; to allow the trustees to propose the compensation of the trustees and the treasurer, but makes the proposal subject to approval by the voters of the district; and, retroactive to the effective date of the law creating the district, to allow the

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trustees to hire a treasurer who is not a trustee of the district. All these provisions are subject to referendum approval within the district.

Private and Special Law 2001, chapter 48 was enacted as an emergency measure effective March 21, 2002, subject to referendum approval.

LD 1862

An Act to Amend the Charter of the Winterport Sewerage District

**P & S 49
EMERGENCY**

Sponsor(s)
BROOKS

Committee Report
OTP-AM

Amendments Adopted
H-761
H-769 BROOKS

LD 1862 proposed to amend the Charter of the Winterport Sewerage District by increasing the debt limit to \$1,200,000. The bill also proposed to amend the charter by adding language that allows any subsequent debt changes to be made by referendum.

Committee Amendment "A" (H-761) proposed to replace the bill. The amendment proposed:

1. To increase the debt limit of the Winterport Sewerage District from \$400,000 to \$1,200,000, subject to approval by local referendum; and
2. To permit the district to increase its debt limit in the future through a referendum process.

House Amendment "A" to Committee Amendment "A" (H-769) proposed to add language to the referendum clause to address the fact that the Town of Winterport held a town meeting on Saturday, January 26, 2002 at which the question whether the debt limit of the Winterport Sewerage District should be increased to \$1,200,000 was voted and approved. The amendment proposed to provide that if due certificate of that vote is filed with the Secretary of State, Part A of the Act, which authorizes the increase in debt limit, takes effect when approved.

Enacted law summary

Private and Special Law 2001, chapter 49 amends the Charter of the Winterport Sewerage District to increase the debt limit of the Winterport Sewerage District from \$400,000 to \$1,200,000, subject to approval by local referendum, and to permit the district to increase its debt limit in the future through a referendum process. Private and Special Law 2001, chapter 49 recognizes that the Town of Winterport held a town meeting prior to enactment of this law at which the question whether the debt limit of the Winterport Sewerage District should be increased was voted and approved; the law provides that if due certificate of that vote is filed with the Secretary of State, the authority to increase in debt limit takes effect without the necessity of further referendum approval.

Private and Special Law 2001, chapter 49 was enacted as an emergency measure effective February 21, 2002.

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LD 1869 **An Act Regarding Protective Orders in Public Utilities Commission Proceedings** **ONTP**

<u>Sponsor(s)</u> MCALEVEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1869 proposed to change the criteria for the issuance of protective orders in Public Utilities Commission proceedings. It proposed to repeal some of the changes that were made in 1998 that required, with some exceptions, confidential information to be made available to an opposing party's counsel or consultant and to allow the Public Utilities Commission to determine the financial interests of the parties seeking access to confidential information.

LD 1893 **An Act to Facilitate More Effective Consumer Representation at the Office of the Public Advocate** **PUBLIC 476**

<u>Sponsor(s)</u> FERGUSON		<u>Committee Report</u> OTP MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 1893 proposed to authorize the Public Advocate to substitute an economic analyst position for a vacant senior counsel position. The bill also proposed to authorize the Public Advocate to compensate a senior counsel at a higher salary range when the increase is necessary to provide competitive salary levels.

Enacted law summary

Public Law 2001, chapter 476 authorizes the Public Advocate to substitute an economic analyst position for a vacant senior counsel position. Public Law 2002, chapter 476 also authorizes the Public Advocate to compensate a senior counsel at a higher salary range when the increase is necessary to provide competitive salary levels.

LD 1906 **An Act to Amend the Charter of the Corinna Sewer District** **P & S 47
EMERGENCY**

<u>Sponsor(s)</u> DAVIS P TOBIN J		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1906 proposed to amend the charter of the Corinna Sewer District by allowing the trustees to set a date for the annual meeting.

Enacted law summary

Private and Special Law 2001, chapter 47 amends the charter of the Corinna Sewer District by allowing the trustees discretion in setting the date for the annual meeting.

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Private and Special Law 2001, chapter 47 was enacted as an emergency measure effective February 14, 2002.

LD 1937 **An Act to Benefit Maine's Economy** **ONTP**

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

LD 1937 proposed to use funds from the asset sale gain accounts of Bangor Hydro-Electric and Central Maine Power (ratepayer funds derived from the sale of generation assets) to provide rate subsidies in the form of 1 cent/kWh credits to medium and large electricity consumers. These accounts were used by the Public Utilities Commission to provide a .8 cent/kWh subsidy in the form of credits to certain medium and large customers of BHE and CMP from April 15, 2001 to February 28, 2002. In stipulations approved by the Public Utilities Commission in "stranded cost" cases for BHE and CMP, further subsidies were provided in the form of credits of .45 cents/kWh for large consumers of CMP and .4 cents/kWh for certain large customers of BHE.

LD 1973 **An Act Regarding Utility Easements** **PUBLIC 608**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM	H-872

LD 1973 proposed to provide that utilities would obtain easements to maintain, improve and replace facilities across a railroad in the event the railroad is abandoned. The bill also proposed to specify that electric utilities can take easements across railroad property unless the crossing would interfere with rail operations.

Committee Amendment "A" (H-872) proposed to replace the bill. This amendment proposed

1. To authorize the Public Utilities Commission to allow a natural gas utility or a person maintaining or operating a telephone or electric line to acquire an easement to run a line across a railroad, including an abandoned railroad; and
2. To clarify that the commission cannot authorize a natural gas utility or a person maintaining or operating a telephone or electric line to acquire by eminent domain land owned by the State.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 608 authorizes the Public Utilities Commission to allow a natural gas utility or a person maintaining or operating a telephone or electric line to acquire an easement to run a line across a railroad, including an abandoned railroad, and clarifies that the commission can not authorize a natural gas utility or a person maintaining or operating a telephone or electric line to acquire by eminent domain land owned by the State.

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LD 1981 **An Act to Prohibit the Charging of Tolls for Phone Calls Made Between Contiguous Communities** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD ME MARTIN	ONTP	

LD 1981 proposed to prohibit a telephone utility from charging a toll-call rate for a telephone call made between contiguous communities. Similar issues relating to local calling areas were reviewed by the committee in the First Regular Session (see LD 33); also, the Public Utilities Commission is reviewing these issues in the context of its revision of its Basic Service Calling Area Rule, Chapter 205.

LD 1985 **An Act to Avoid Incompatible Employment of Water Utility Employees** **ONTP**

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

LD 1985 proposed to establish a new process that water utilities would be required to follow in cases involving potential conflicts of interest in the hiring of contractors. It also proposed to establish criteria for the employment of municipal officers and their family members by a water utility. The bill also proposed to allow the Public Utilities Commission to grant a waiver of the employment criteria if it found that the water utility's hiring procedure was equitable for ratepayers and candidates for employment.

LD 1995 **Resolve, Regarding Participation in Regional Transmission Organization** **RESOLVE 81
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM	H-838

LD 1995 proposed to require the Public Utilities Commission to conduct a study of the feasibility of the State's transmission and distribution utilities' participation in a regional transmission organization that includes northern Maine and Canada. The resolve also proposed to require that the Public Utilities Commission require that any regional transmission organization joined by the State's transmission and distribution utilities have a governance structure that provides for voting participation of consumers.

Committee Amendment "A" (H-838) proposed to add clarifying language to the section of the resolve directing the Public Utilities Commission to undertake a study. This amendment proposed to remove the section of the resolve relating to the governance structure of a regional transmission organization. This amendment also proposed to add a fiscal note to the resolve.

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Enacted law summary

Resolve 2001, chapter 81 requires the Public Utilities Commission to conduct a study of the advantages and disadvantages of the State's transmission and distribution utilities' participation in a regional transmission organization that includes northern Maine and Canada.

Resolve 2001, chapter 81 was finally passed as an emergency measure effective March 14, 2002.

LD 2003

An Act to Prepare Residential Electricity Customers for Competitive Electricity Markets in Maine

**PUBLIC 528
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS EDMONDS	OTP-AM	H-819

LD 2003 proposed to advance by 2 years the deadline for the Public Utilities Commission investigation of the continued necessity of standard-offer service in the State's competitive electricity markets. The bill also proposed to specify certain matters that the commission must investigate with respect to the continuation of standard-offer service and proposed to require the commission to make recommendations to the Utilities and Energy Committee on appropriate changes in the laws governing standard-offer service.

Committee Amendment "A" (H-819) proposed to add language to the bill to clarify that the Public Utilities Commission is in no manner limited in its investigation of standard-offer issues to those described in the bill. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 528 advances by 2 years the deadline for the Public Utilities Commission investigation of the value and continued necessity of standard-offer service in the State's competitive electricity markets. The bill also specifies certain matters that the commission must investigate with respect to the continuation of standard-offer service and requires the commission to make recommendations to the Utilities and Energy Committee on appropriate changes in the laws governing standard-offer service.

Public Law 2001, chapter 528 was enacted as an emergency and took effect on March 12, 2002.

LD 2024

An Act to Improve the Safety Provided by the Underground Facilities Protection Law

**PUBLIC 577
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM	H-895

LD 2024 proposed to revise the law governing the so-called dig-safe system. The revisions proposed to provide limited exemptions for cemeteries and shoulder grading; require operators to mark inactive facilities, affirmatively respond to the dig-safe system and locate facilities to the point of service transfer; require the system to implement

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a location-specific information capability; and require excavators to re-notify the system monthly. The bill also proposed to specify that the person who mechanically performs the excavation is responsible for verifying that notifications and locations have been performed and for locating facilities on private property under some circumstances. Finally, the bill proposed to remove the exemption for water utilities and for highway sign installation and to make some administrative changes.

Committee Amendment "A" (H-895) proposed to replace the bill. This amendment proposed to change the so-called dig-safe law by:

1. Establishing alternative procedures for shoulder-grading activities, allowing exemption from current hand-dig requirements;
2. Exempting excavations in cemeteries if certain precautions are taken;
3. Eliminating the current exemption for highway sign work;
4. Requiring underground facility operators to mark gas and electric facilities known to the operators located within a public way;
5. Establishing procedures to identify and locate abandoned facilities;
6. Requiring, in the case of subcontracting or multiple excavators, the excavator responsible for the actual excavation to ascertain whether required notices have been given;
7. Exempting private landowners from the definition of underground facility operator; and
8. Repealing the provision requiring architects and designers to make the location of underground facilities part of their plans.

Enacted law summary

Public Law 2001, chapter 577 revises provisions of the law that govern the Dig Safe underground facilities protection program in the State by establishing alternative procedures for shoulder-grading activities that allow an exemption from current hand-dig requirements; exempting excavations in cemeteries if certain precautions are taken; eliminating the current exemption for highway sign work; requiring underground facility operators to mark gas and electric facilities known to the operators located within a public way; establishing procedures to identify and locate abandoned facilities; requiring, in the case of subcontracting or multiple excavators, the excavator responsible for the actual excavation to ascertain whether required notices have been given; exempting private landowners from the definition of underground facility operator; and repealing the provision requiring architects and designers to mark the location of underground facilities on their plans.

Public Law 2001, chapter 577 was enacted as an emergency measure effective March 28, 2002.

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LD 2041

An Act to Control Internet "Spam"

DIED BETWEEN
BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN FERGUSON	OTP-AM	

LD 2041 proposed to restrict unsolicited commercial e-mail, defined as e-mail that is sent for the purpose of advertising or conveying real property, goods or services or extending credit, soliciting contributions or broadcasting a political or social message, by requiring the e-mail to contain a valid toll-free telephone number, return e-mail address and return postal address maintained by the sender to which the recipient may respond indicating that the recipient does not wish to receive further unsolicited commercial e-mail from the sender. The restriction would not apply to e-mail sent to persons with whom the sender has a prior relationship or who have requested the information from the sender. The bill proposed to require unsolicited commercial e-mail to include labels in the subject line so that recipients are made aware that the e-mail is an unsolicited commercial e-mail and whether it contains material suitable only for adults. Sending unsolicited commercial e-mail in violation of these requirements would be considered an unfair trade practice. The bill proposed that all these provisions would be repealed in the event that federal legislation is enacted that prohibits or regulates unsolicited commercial e-mail.

Committee Amendment "A" (H-906) proposed to replace the bill. This amendment proposed to preserve the main provisions of the original bill but clarify and modify some of the language and add some new provisions. Specifically, the amendment proposed to:

1. Modify the definition of "unsolicited commercial e-mail" to remove reference to social and political commentary and to exclude e-mail from an e-mail service provider if the service provider has an agreement with the recipient allowing the sending of advertisements in exchange for free e-mail service;
2. Require a person sending unsolicited commercial e-mail to provide in the e-mail a valid return e-mail address or Internet website through which the recipient may decline further such e-mail but remove from the bill the requirements that the sender provide a U.S. postal address and a toll-free telephone number;
3. Require unsolicited commercial e-mail to include appropriate labels in the subject line so that recipients are made aware that the e-mail is an unsolicited commercial e-mail and whether it contains material suitable only for adults;
4. Provide that violations of these provisions constitute unfair trade practices enforceable by the Attorney General and also provide for civil actions for injunctive relief and monetary damages of up to \$500 for violations that may be brought by recipients of the e-mails and injunctive relief and monetary damages of up to \$1,000 for violations brought by e-mail service providers;
5. Remove from the bill the provision that would repeal the law upon enactment of federal law on unsolicited commercial e-mail; and
6. Add a fiscal note to the bill.

Senate Amendment "A" (S-584) proposed to replace the bill. The amendment proposed to preserve certain portions of the bill, to modify other portions and to add new provisions. Specifically, the amendment proposed to:

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1. Add a definition of "commercial e-mail" limiting it to email that primarily advertises or promotes the commercial availability of a product or service for profit or invites recipient to view Internet site operated primarily for commercial purposes; the definition would exclude e-mail from an e-mail service provider if the service provider has an agreement with the recipient allowing the sending of advertisements in exchange for free e-mail service;
2. Add a new definition of "unsolicited commercial e-mail" to exclude any email to a recipient who had given permission to the sender to send such email or who had any business relationship with the sender in the last 5 years, unless the recipient had requested not to receive such emails;
3. Remove from the bill the requirement that unsolicited commercial e-mail include a label in the subject line so that recipients are made aware that the e-mail is an unsolicited commercial e-mail; it proposed to preserve the requirement that a label be included if the email contains material suitable only for adults;
4. Require a person sending commercial e-mail to provide in the e-mail a valid return e-mail address or Internet website through which the recipient may decline further such e-mail but remove from the bill the requirements that the sender provide a U.S. postal address and a toll-free telephone number;
5. Provide that violations of these provisions constitute unfair trade practices enforceable by the Attorney General and also provide for civil actions for injunctive relief and monetary damages of up to \$600 for violations that may be brought by recipients of the e-mails and injunctive relief and monetary damages of up to \$1,000 for violations brought by e-mail service providers;
6. Remove from the bill the provision that would repeal the law upon enactment of federal law on unsolicited commercial e-mail; and
7. Provide that an e-mail service provider is not liable for any commercial e-mail it didn't initiate.

Senate Amendment "A" to Committee Amendment "A" (S-520) proposed to amend the committee amendment with a net effect substantively identical to Senate Amendment "A" (S-584), except that it did not propose to increase the monetary damages in civil actions brought by recipients of emails from \$500, as proposed in the committee amendment, to \$600, as proposed in Senate Amendment "A" (S-584).

LD 2073

An Act to Amend the Charter of the Portland Water District for the Purpose of Redistricting Trustee Representation to Reflect 2000 Census Data

**P & S 56
EMERGENCY**

Sponsor(s)
MCLAUGHLIN
PENDLETON

Committee Report
OTP-AM

Amendments Adopted
H-818

LD 2073 proposed to amend the charter of the Portland Water District to reapportion the 11 trustees among the 10 member communities based on 2000 census data. The reapportionment would be phased in as the terms of current trustees expire beginning in November 2002.

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Committee Amendment "A" (H-818) proposed to make further changes to the charter of the Portland Water District relating to the timing and manner of trustee elections to make them consistent with the reapportionment of the district's trustees and to add clarifying language to the portion of the bill dealing with transition.

House Amendment "A" (H-893) This amendment proposed replace the bill with new provisions to require the Public Utilities Commission to develop a plan, to be reviewed by the Legislature, redistricting the representation of the trustees of the Portland Water District based upon water consumption. The number of trustees would remain at 11 but the commission would be required to make recommendations regarding the length of the terms of the trustees. The amendment proposed to require the commission to review the district boundaries for the trustees every 5 years.

Enacted law summary

Private and Special Law 2001, chapter 56 amends the charter of the Portland Water District to reapportion the 11 trustees among the 10 member communities based on 2000 census data. The reapportionment will be phased in as the terms of current trustees expire beginning in November 2002.

Private and Special Law 2001, chapter 56 was enacted as an emergency measure effective March 21, 2002.

LD 2085

An Act Relating to the Transfer to GNE, LLC of Certain Privileges Bestowed by the Legislature upon Great Northern Paper, Inc.

**P & S 45
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM MAJ	S-404
STANLEY	OTP-AM MIN	

LD 2085 was a concept draft pursuant to Joint Rule 208. LD 2085 proposed to facilitate the pending sale of Great Northern Paper, Inc.'s hydroelectric facilities and to provide for economic development in the Katahdin region.

Committee Amendment "A" (S-404), which was the majority report of the committee, proposed to facilitate the pending sale of Great Northern Paper, Inc.'s hydroelectric facilities by allowing Great Northern Paper, Inc. and its successors to transfer to 3rd parties any or all charter rights related to Great Northern Paper, Inc.'s hydroelectric facilities; it also proposed to confirm Great Northern Paper, Inc.'s authority to sell power on the same basis as any other person engaged in the business of selling electricity and to clarify that the purchaser of Great Northern Paper, Inc.'s dams and hydroelectric and related facilities would have that ability. The amendment also proposed to require notification to and an opportunity to meet with the Governor and area Legislators upon the transfer of the hydropower facilities or the facility licenses or the closure of either of the Millinocket mills.

The amendment proposed to require certain payments to be made to the economic development body serving the Katahdin region if, during a defined 15-year period, certain new transmission lines are built and either of the paper mills are closed. The amendment proposed to prohibit any agreement or understanding between the owner of the hydropower facilities and the owner of either paper mill under which the owner of a mill receives revenue from the sale of electricity from the hydropower facilities and there is a paper mill closing for the purpose of allowing or increasing the sale of the electricity from the hydropower facilities to any other purchaser or entity or into the wholesale electric market.

Joint Standing Committee on Utilities and Energy

The amendment proposed to repeal certain obsolete provisions of Private and Special Law relating to authorizations for certain entities to sell power or transmit energy from the hydropower facilities.

Committee Amendment "B" (S-405), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed the same provisions as the majority report but also proposed to require certain reports to be made to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and to authorize the committee to report out legislation relating to the hydropower facilities to the 125th and 126th Legislatures.

Senate Amendment "A" (S-406) proposed to remove the emergency preamble and emergency clause from the amendment, add a provision making the legislation retroactive to January 25, 2002 and add a provision requiring that if any part of the Act is held invalid, the entire Act is invalidated.

Enacted law summary

Private and Special Law 2001, chapter 45 allows Great Northern Paper, Inc. and its successors to transfer to 3rd parties any or all charter rights related to Great Northern Paper, Inc.'s hydroelectric facilities and confirms Great Northern Paper, Inc.'s authority to sell power on the same basis as any other person engaged in the business of selling electricity and to clarify that the purchaser of Great Northern Paper, Inc.'s dams and hydroelectric and related facilities will have that authority. The law also requires notification and an opportunity to meet with the Governor and area Legislators, upon the occurrence of certain events that would affect the Katahdin region. The law requires certain payments to be made to the economic development body serving the Katahdin region if, during a defined 15-year period, certain new transmission lines are built and there is a paper mill closing. The law prohibits any agreement or understanding between the owner of the hydropower facilities and the owner of either paper mill under which the owner of a mill receives revenue from the sale of electricity from the hydropower facilities and there is a paper mill closing for the purpose of allowing or increasing the sale of the electricity from the hydropower facilities to any other purchaser or entity or into the wholesale electric market. The law repeals certain obsolete provisions of Private and Special Law relating to authorizations for certain entities to sell power or transmit energy from the hydropower facilities.

Private and Special Law 2001, chapter 45 was enacted as an emergency measure effective January 28, 2002.

NOTE: LD 2083 (the "Errors Bill"), sections E-5 and E-6 as enacted (PL 2001, ch. 667) retroactively added new provisions to the Private and Special Law 2001, chapter 45. The new language exempts from Public Utilities Commission regulation the sale and transmission of electricity generated by the hydroelectric facilities formerly owned by Great Northern Paper, Inc. to any persons to which Great Northern Paper, Inc. formerly supplied or sold such electricity between July 1, 1997 and January 28, 2002 unless the commission determines that a person to whom the electricity is sold, provided or transmitted has reasonable access to the electrical grid of a regulated transmission and distribution utility or for any other reason finds that continuance of the exemption is not in the public interest.

Joint Standing Committee on Utilities and Energy

LD 2107

Resolve, Regarding Legislative Review of Portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 83
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-894

LD 2107 proposed to provide for legislative review of portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-894) proposed to authorize the final adoption of those portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions that are major substantive rules of the Public Utilities provided certain enumerated changes are made to the rule. The changes would (1) clarify that a transmission and distribution utility is not required to certify the safety of a private line but only to make a determination whether the line can be safely energized, (2) require a transmission and distribution utility to refuse to energize a private line if it is unsafe and allow a transmission and distribution utility to refuse to energize a private line if it otherwise does not meet the standards of the rules, (3) establish a timeframe for a transmission and distribution utility's inspection of a privately built line, a timeframe and process for resolving disputes between a transmission and distribution utility and a private line contractor about the application of the rules, and exemptions from these timeframes in cases of a weather emergency, and (4) increase the period of cost sharing among users of line extensions from 10 to 20 years.

Enacted law summary

Resolve 2001, chapter 83 authorizes final adoption of portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, a major substantive rule of the Public Utilities Commission, provided certain enumerated changes are made to the rule.

Resolve 2001, chapter 83 was finally passed as an emergency measure effective March 21, 2002.

LD 2147

An Act Providing for the Supply of Water to the City of Brewer

**P & S 66
EMERGENCY**

Sponsor(s)
YOUNGBLOOD
LEDWIN

Committee Report
OTP-AM

Amendments Adopted
S-498
S-510 YOUNGBLOOD

LD 2147 proposed to authorize the City of Brewer to acquire the assets of the Brewer Water District. The bill also proposed to repeal the charter of the Brewer Water District.

Committee Amendment "A" (S-498) proposed to replace the bill. This amendment proposed to preserve the essential elements of the bill but make various modifications and add new provisions. This amendment proposed to:

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1. Authorize the City of Brewer to hold a referendum on the dissolution of the Brewer Water District and the transfer of the district's assets to the city;
2. Upon approval of the referendum, and approval of a majority of the City Council of Brewer and a majority of the trustees of the district, require the transfer of the assets and obligations of the water district to the city;
3. Upon the transfer of the assets and obligations of the water district to the city, grant to the city authority, now possessed by the district, to take water from water sources outside the city, to serve customers outside the city, to lay pipe and exercise eminent domain outside the city, and to adopt rules to protect Hatcase Pond, which is located in the Town of Dedham and the Town of Eddington; and
4. Require the Public Utilities Commission, at the request of the city, to examine employment contracts of the district and authorize the commission to void a contract if the commission finds the contract was an unreasonable act of the district.

The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-510) proposed to add an emergency preamble and clause and change language in the bill to allow submission of the issue of dissolution of the Brewer Water District to the voters of the City of Brewer at the June primary.

Enacted law summary

Private and Special Law 2001, chapter 66 authorizes the City of Brewer to hold a referendum on the dissolution of the Brewer Water District and the transfer of the district's assets to the city; upon approval of the referendum, and approval of a majority of the City Council of Brewer and a majority of the trustees of the district, requires the transfer of the assets and obligations of the water district to the city; upon the transfer of the assets and obligations of the water district to the city, grants to the city authority, now possessed by the district, to take water from water sources outside the city, to serve customers outside the city, to lay pipe and exercise eminent domain outside the city and to adopt rules to protect Hatcase Pond, which is located in the Town of Dedham and the Town of Eddington; and requires the Public Utilities Commission, at the request of the city, to examine employment contracts of the district and authorizes the commission to void a contract if the commission finds the contract was an unreasonable act of the district.

Private and Special Law 2001, chapter 66 was enacted as an emergency measure effective April 4, 2002.

LD 2159

**An Act to Amend the Charter of the Corinna Water District to
Allow for the Appointment of Trustees**

**P & S 65
EMERGENCY**

<u>Sponsor(s)</u> DAVIS P TOBIN J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-474
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LD 2159 proposed to amend the charter of the Corinna Water District to provide for the appointment of trustees to the board of trustees of the Corinna Water District by the municipal officers of the Town of Corinna. It also proposed to repeal a provision requiring the trustees to be customers of the district.

Joint Standing Committee on Utilities and Energy

The current trustees of the Corinna Water District were appointed by the municipal officers of the Town of Corinna. In the change to the district's charter accomplished by Private and Special Law 2001, chapter 13, this was prospectively changed and the trustees' successors were to be elected. Under the bill, the trustees would again be appointed by the municipal officers of the Town of Corinna.

Committee Amendment "A" (S-474) proposed to provide that the new trustees of the Corinna Water District are to be appointed within 3 months of the effective date of the legislation. This amendment also proposed retroactively to extend the terms of existing trustees until their successors are appointed and retroactively to remove the requirement created by Private and Special Law 2001, chapter 13 that the trustees be residents of the district.

Enacted law summary

Private and Special Law 2001, chapter 65 amends the charter of the Corinna Water District to provide that its trustees are to be appointed by the municipal officers of the Town of Corinna. This law provides that the new trustees of the Corinna Water District are to be appointed within 3 months of the effective date of the legislation. The law retroactively extends the terms of existing trustees until their successors are appointed and retroactively removes the requirement created by Private and Special Law 2001, chapter 13 that the trustees be residents of the district.

Private and Special Law 2001, chapter 65 was enacted as an emergency measure effective April 2, 2002.

LD 2171

An Act to Withdraw from the Texas Low-level Radioactive Waste Disposal Compact

**PUBLIC 629
EMERGENCY**

Sponsor(s)
SAVAGE W
FERGUSON

Committee Report
OTP-AM

Amendments Adopted
H-1006

LD 2171 proposed to terminate the State's participation in an interstate compact with the states of Texas and Vermont for the disposal of low-level radioactive waste generated in the 3 states at a facility to be licensed and built in the State of Texas. There is a strong likelihood that the decommissioning of the Maine Yankee Atomic Power Company nuclear power plant will be completed prior to the opening of any disposal facility in Texas; remaining low-level waste generators in this State produce a small volume of waste that currently is accepted for disposal at facilities in South Carolina and Utah. Under the compact, the customers paying for Maine Yankee's decommissioning could eventually be exposed to a \$25,000,000 payment obligation for compact membership.

Committee Amendment "A" (H-1006) proposed to clarify certain language in the bill and repeal Public Law 1993, chapter 400, section 4 that enacted the text of the Texas Low-Level Radioactive Waste Disposal Compact.

Enacted law summary

Public Law 2001, chapter 629 terminates the State's participation in an interstate compact with the states of Texas and Vermont for the disposal in Texas of low-level radioactive waste generated in the 3 states.

Public Law 2001, chapter 629 was enacted as an emergency measure effective April 5, 2002.

Joint Standing Committee on Utilities and Energy

LD 2207

An Act to Amend the Charter of the Winterport Water District

**P & S 68
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	Pursuant to Joint Order	

LD 2207, which was reported by the committee pursuant to Joint Order, proposed to increase the debt limit of the Winterport Water District to \$1.2 million, subject to approval in a local referendum, and to permit the district to increase its debt limit in the future through a referendum process.

Enacted law summary

Private and Special Law 2001, chapter 68 increases the debt limit of the Winterport Water District, subject to approval in a local referendum, and permits the district to increase its debt limit in the future through a referendum process.

Private and Special Law 2001, chapter 68 was enacted as an emergency measure effective April 8, 2002.

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