

STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON UTILITIES AND  
ENERGY**

April 2010

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# Joint Standing Committee on Utilities and Energy

**LD 543 An Act Concerning the Allocation of Power Generated by GNE, LLC**

**P & S 40**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H JACKSON	OTP-AM	H-803

This bill, which was carried over from the First Regular Session of the 124th Legislature, requires electricity generated by GNE, LLC hydropower facilities to be first allocated to the paper production facilities located in Millinocket and East Millinocket.

### **Committee Amendment "A" (H-803)**

This amendment replaces the bill. This amendment provides that electricity generated by the hydropower facilities identified in Private and Special Law 2001, chapter 45 that is not under contract to be sold to the paper production facilities in Millinocket and East Millinocket or to any other entity may be offered for sale by the owner of the hydropower facilities to any municipally owned electricity provider serving the Katahdin region. The parties to such an offer are required to negotiate in good faith to reach mutually agreeable terms of sale. The owner of the hydropower facilities may offer to a municipally owned electricity provider serving the Katahdin region a right of first refusal with respect to the purchase of electricity generated by the hydropower facilities.

### **Enacted Law Summary**

Private and Special Law 2009, chapter 40 provides that electricity generated by the hydropower facilities identified in Private and Special Law 2001, chapter 45 that is not under contract to be sold to the paper production facilities in Millinocket and East Millinocket or to any other entity may be offered for sale by the owner of the hydropower facilities to any municipally owned electricity provider serving the Katahdin region. The parties to such an offer are required to negotiate in good faith to reach mutually agreeable terms of sale. The owner of the hydropower facilities may offer to a municipally owned electricity provider serving the Katahdin region a right of first refusal with respect to the purchase of electricity generated by the hydropower facilities.

**LD 1222 Resolve, To Promote Geothermal Energy**

**RESOLVE 161**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-369

This bill, which was carried over from the First Regular Session of the 124th Legislature, is a concept draft pursuant to Joint Rule 208. This bill proposes to create a tax incentive program for geothermal energy, similar to the federal Energy Improvement and Extension Act of 2008 and the state solar and wind energy rebate program, to address the needs of residents who live in areas where solar or wind power are not viable options. Under the proposed incentive program, homeowners who install geothermal heating and cooling systems would be eligible for a one-time tax credit of a percentage of the total investment for residential ground loop or ground water geothermal heat pump installations, with a maximum credit for a single residence.

### **Committee Amendment "A" (S-369)**

This amendment replaces the bill, which was a concept draft, with a resolve. The amendment directs the Executive

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Department, Governor's Office of Energy Independence and Security to examine policy options and develop recommendations to promote and provide incentives for the installation of residential geothermal heating and cooling systems, particularly in multifamily residences. It requires the Governor's Office of Energy Independence and Security, by January 15, 2011, to submit a report of its findings and recommendations, including draft legislation, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and authorizes the committee to submit a bill relating to the report to the First Regular Session of the 125th Legislature.

### **Enacted Law Summary**

Resolve 2009, chapter 161 directs the Executive Department, Governor's Office of Energy Independence and Security to examine policy options and develop recommendations to promote and provide incentives for the installation of residential geothermal heating and cooling systems, particularly in multifamily residences. It requires the Governor's Office of Energy Independence and Security, by January 15, 2011, to submit a report of its findings and recommendations, including draft legislation, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and authorizes the committee to submit a bill relating to the report to the First Regular Session of the 125th Legislature.

### **LD 1350     An Act To Establish the Maine Transmission Mitigation Trust Fund**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON	ONTP	

This bill, which was carried over from the First Regular Session of the 124th Legislature, imposes a state excise tax per megawatt hour of electricity transmitted over certain high-voltage electric transmission property. The bill also creates the Maine Transmission Mitigation Trust and the Maine Transmission Mitigation Trust Fund. The revenue from the imposition of the state excise tax on certain high-voltage electric transmission property is deposited in the trust fund, which is managed by the trust. The trustees of the trust are required to distribute 20% of the trust fund, up to \$10,000,000, annually to municipalities that have submitted winning bids to the trust for projects to install underground utility infrastructure. The remainder of the trust fund must be paid to electricity customers in proportion to each customer's purchases of electricity transmitted over the State's transmission and distribution utilities transmission lines.

### **LD 1430     An Act To Ensure Electric Capacity To Serve Maine Consumers**

**ONTP**

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

This bill, which was carried over from the First Regular Session of the 124th Legislature, amends the laws governing electric utilities to define "capacity resource" to include distributed generation resource. It specifies that determinations relating to capability responsibility, which is defined in the bill as the amount of electric generation capacity required to meet the needs of electricity users within the State, must be made by the State. It establishes a goal of supporting the integrated use of demand response programs and distributed generation resources in order to fulfill the State's capability responsibility. Finally, it amends the law to require, rather than permit, the Public Utilities Commission to enter into contracts for interruptible, demand response or energy efficiency capacity

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resources.

## LD 1504 An Act To Provide Predictable Benefits to Maine Communities That Host Wind Energy Developments

PUBLIC 642

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	H-829 FITTS S-501

This bill requires that proposals for expedited wind energy development projects must demonstrate to the siting authority that the proposed generating facility will provide a tangible benefit to Maine ratepayers in the form of a reduction in long-term electric rates.

### Committee Amendment "A" (S-501)

This amendment replaces the bill. Part A of the amendment does the following.

1. It requires an applicant for an expedited wind energy development to establish a community benefits package in an amount of no less than \$4,000 per year per wind turbine. The package is an aggregate collection of tangible benefits resulting from an expedited wind energy development from: payments to the host community or communities; payments that reduce energy costs in the host community or communities; and donations for land or natural resource conservation.
2. It also requires an applicant for an expedited wind energy developments to provide, as part of any permit application, detailed documentation of tangible benefits to be provided.
3. It provides certain exceptions from the community benefits package requirement. Specifically, the requirement is waived for any development that has an installed capacity of less than 20 megawatts or is owned by a nonprofit, public or quasi-public entity, and the requirement does not apply to those turbines included in the development that are located in a host community in which the legislative body has voted to waive or reduce the requirement or located on Passamaquoddy Indian territory or Penobscot Indian territory at the option of the respective tribe or nation. It also allows the Aroostook Band of Micmacs to be treated as a host community with respect to expedited wind energy developments on Band Trust Land, as defined in the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171, 105 Stat. 1143 (1991), if the band obtains through appropriate legislation municipal authority that is substantially equivalent to the authority possessed by the Penobscot Nation and the Passamaquoddy Tribe under the Maine Revised Statutes, Title 30, section 6206 within their respective Indian territories.
4. It specifies that community benefit agreement payments to counties acting as host communities may be used for projects and programs of public benefit located anywhere within that county.
5. It requires the Department of Economic and Community Development and the Executive Department, State Planning Office, to the extent practicable within existing resources, to provide assistance to host communities, upon a community's request, in connection with benefits from expedited wind energy developments.
6. It requires the Executive Department, Governor's Office of Energy Independence and Security, in its annual assessment and report on wind energy, to include a summary of tangible benefits provided, including community benefits packages and community benefit agreement payments and to review the community benefits package requirement and actual amounts of negotiated community benefits packages relative to the required minimum.

Part B of the amendment amends the law governing appeals of final actions of the Commissioner of Environmental

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Protection, the Board of Environmental Protection and the Maine Land Use Regulation Commission regarding an application for an expedited wind energy development. The amendment requires that any appeal of final action in these instances be taken to the Supreme Judicial Court and specifies that the Law Court has exclusive jurisdiction over requests for judicial review of final agency action regarding expedited wind energy developments. Part B also requires that any judicial appeal of a municipal decision regarding permitting of an expedited wind energy development be heard and determined by the Superior Court as expeditiously as possible.

### **House Amendment "A" To Committee Amendment "A" (H-829)**

This amendment addresses the costs of and fees for certain applications before the Maine Land Use Regulation Commission and the Department of Environmental Protection. It requires that the director of the Maine Land Use Regulation Commission shall keep billing statements from other state agencies for the actual cost of the application review for a project designated as an extraordinary project. For an application to the Department of Environmental Protection that has been designated by the Commissioner of Environmental Protection as subject to special fees, the amendment requires:

1. Staff of the Department of Environmental Protection, as well as staff of the Department of Inland Fisheries and Wildlife, the Department of Conservation, the Department of Agriculture, Food and Rural Resources and the Department of Marine Resources to submit quarterly reports to the Commissioner of Environmental Protection detailing the time spent on that application;
2. That the processing fee for such an application be equal to the actual cost to the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Conservation, the Department of Agriculture, Food and Rural Resources and the Department of Marine Resources;
3. That the processing fee be distributed to each department that incurs a cost to be deposited in the account in which the expenses were incurred in that department to reimburse the actual cost to that department; and
4. That any appeal of an application fee must be made to the agency of jurisdiction of the application.

### **Enacted Law Summary**

Public Law 2009, chapter 642 establishes a community benefits package requirement for expedited wind energy developments as follows.

1. It requires an applicant for an expedited wind energy development to establish a community benefits package in an amount of no less than \$4,000 per year per wind turbine. The package is an aggregate collection of tangible benefits resulting from an expedited wind energy development from: payments to the host community or communities; payments that reduce energy costs in the host community or communities; and donations for land or natural resource conservation.
2. It also requires an applicant for an expedited wind energy developments to provide, as part of any permit application, detailed documentation of tangible benefits to be provided.
3. It provides certain exceptions from the community benefits package requirement. Specifically, the requirement is waived for any development that has an installed capacity of less than 20 megawatts or is owned by a nonprofit, public or quasi-public entity, and the requirement does not apply to those turbines included in the development that are located in a host community in which the legislative body has voted to waive or reduce the requirement or located on Passamaquoddy Indian territory or Penobscot Indian territory at the option of the respective tribe or nation. It also allows the Aroostook Band of Micmacs to be treated as a host community with respect to expedited wind energy developments on Band Trust Land, as defined in the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171, 105 Stat. 1143 (1991), if the band obtains through appropriate legislation municipal authority that is substantially equivalent to the authority possessed by the Penobscot Nation and the Passamaquoddy Tribe under the Maine Revised Statutes, Title 30, section 6206 within their respective Indian territories.

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4. It specifies that community benefit agreement payments to counties acting as host communities may be used for projects and programs of public benefit located anywhere within that county.
5. It requires the Department of Economic and Community Development and the Executive Department, State Planning Office, to the extent practicable within existing resources, to provide assistance to host communities, upon a community's request, in connection with benefits from expedited wind energy developments.
6. It requires the Executive Department, Governor's Office of Energy Independence and Security, in its annual assessment and report on wind energy, to include a summary of tangible benefits provided, including community benefits packages and community benefit agreement payments and to review the community benefits package requirement and actual amounts of negotiated community benefits packages relative to the required minimum.

The law also includes several provisions regarding appeals of final actions of the Commissioner of Environmental Protection, the Board of Environmental Protection and the Maine Land Use Regulation Commission with respect to applications for expedited wind energy developments. Specifically, it requires that any appeal of final action in these instances be taken to the Supreme Judicial Court and specifies that the Law Court has exclusive jurisdiction over requests for judicial review of final agency action regarding expedited wind energy developments. It also requires that any judicial appeal of a municipal decision regarding permitting of an expedited wind energy development be heard and determined by the Superior Court as expeditiously as possible.

The law also addresses the costs of and fees for certain applications before the Maine Land Use Regulation Commission and the Department of Environmental Protection. It requires that the director of the Maine Land Use Regulation Commission shall keep billing statements from other state agencies for the actual cost of the application review for a project designated as an extraordinary project. For an application to the Department of Environmental Protection that has been designated by the Commissioner of Environmental Protection as subject to special fees, the law requires:

1. Staff of the Department of Environmental Protection, as well as staff of the Department of Inland Fisheries and Wildlife, the Department of Conservation, the Department of Agriculture, Food and Rural Resources and the Department of Marine Resources to submit quarterly reports to the Commissioner of Environmental Protection detailing the time spent on that application;
2. That the processing fee for such an application be equal to the actual cost to the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Conservation, the Department of Agriculture, Food and Rural Resources and the Department of Marine Resources;
3. That the processing fee be distributed to each department that incurs a cost to be deposited in the account in which the expenses were incurred in that department to reimburse the actual cost to that department; and
4. That any appeal of an application fee must be made to the agency of jurisdiction of the application.

**LD 1515      An Act To Amend the Charter of the Caribou Utilities District**

**P & S 29  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB	OTP-AM	H-614

This bill amends the charter of the Caribou Utilities District by allowing the district to disconnect the water service of a consumer for nonpayment of sewer services and also allows the district to enter into contracts for the disposal of

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sewage with organizations inside and outside the boundaries of the district.

### **Committee Amendment "A" (H-614)**

This amendment adds an emergency preamble and emergency clause to the bill to ensure the Caribou Utilities District has necessary authority immediately to contract with persons inside and outside the district to provide for disposal of sewage and commercial and industrial wastewater.

### **Enacted Law Summary**

Private and Special Law 2009, chapter 29 amends the charter of the Caribou Utilities District by allowing the district to disconnect the water service of a consumer for nonpayment of sewer services and also allows the district to enter into contracts for the disposal of sewage with organizations inside and outside the boundaries of the district.

See also LD 1645 relating to the disconnection of water service of a consumer for nonpayment of sewer services.

Private and Special Law 2009, chapter 29 was enacted as an emergency measure effective March 1, 2010.

### **LD 1516    An Act To Amend the Charter of the Dexter Utility District**

**P & S 35**

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

This bill amends the charter of the Dexter Utility District by allowing the district to disconnect a customer's water service if that customer fails to pay for sewer service.

### **Enacted Law Summary**

Private and Special Law 2009, chapter 35 amends the charter of the Dexter Utility District by allowing the district to disconnect a customer's water service if that customer fails to pay for sewer service.

See also LD 1645 relating to the disconnection of water service of a consumer for nonpayment of sewer services.

### **LD 1525    An Act To Create the Buckfield Water District**

**P & S 36**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-649

This bill amends the charter of the Buckfield Village Corporation by amending the corporation's territory, changing how the corporation is managed from a board of assessors to trustees and giving the corporation the authority to operate as a water district. The bill also repeals charters that give the corporation conflicting powers and duties.

### **Committee Amendment "A" (H-649)**

This amendment replaces the bill. This amendment creates the Buckfield Water District, subject to local referendum

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approval. It also requires the Buckfield Village Corporation to transfer all of its assets and liabilities to the district, if the corporation and the district are able to arrange for the existing debt of the corporation to be assumed by the district.

## Enacted Law Summary

Private and Special Law 2009, chapter 36 creates the Buckfield Water District, subject to local referendum approval. It also requires the Buckfield Village Corporation to transfer all of its assets and liabilities to the district, if the corporation and the district are able to arrange for the existing debt of the corporation to be assumed by the district.

## LD 1535 An Act To Create a Smart Grid Policy in the State

**PUBLIC 539  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK	OTP-AM	H-695

This bill establishes a state policy on smart grid infrastructure including employment of a smart grid to improve power reliability as well as the overall efficiency of the power resource and delivery system while reducing energy consumption, greenhouse gas emissions and costs to consumers, in part by offering consumers greater choice and information about their electricity consumption. The state policy ensures that deployment of a smart grid is done in a manner that is consistent with applicable safety, security and reliability standards.

The bill specifies a hierarchy of energy resources to be assessed in the implementation of smart grid policy in the State and it requires the Public Utilities Commission, in proceedings involving the review of a transmission and distribution utility's system investments or upgrades, to ensure that the utility has considered the deployment of technologies that support smart grid functions in accordance with this hierarchy of energy resources. The bill allows transmission and distribution utilities to recover reasonable costs associated with creating a smart grid.

The bill directs the Public Utilities Commission to examine the need for and feasibility of creating or designating a special entity in each transmission and distribution utility service territory to facilitate a rapid increase in the availability and use of smart grid functions.

### Committee Amendment "A" (H-695)

This amendment makes the following changes to the bill.

1. It clarifies the definition of "smart grid," adds a definition of "smart grid coordinator" and amends the definition of "public utility" to include a smart grid coordinator.
2. It amends the bill regarding the State's smart grid policy to focus on the smart grid as a means of improving reliability and efficiency and reducing ratepayer costs.
3. It authorizes the Public Utilities Commission to adopt rules regarding the implementation of smart grid functions in the State and specifies those rules as routine technical rules.
4. It removes the provision of the bill that specifies a hierarchy of energy resources to be assessed in the implementation of smart grid policy in the State. It also removes the provision in the bill that requires the commission, in proceedings involving the review of a transmission and distribution utility's system investments or upgrades, to ensure that the utility has considered the deployment of technologies that support smart grid functions in accordance with the above-mentioned hierarchy of energy resources.

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5. It removes the provision of the bill that requires the commission to examine the need for and feasibility of creating or designating a smart grid company in each transmission and distribution utility service territory. Instead, the amendment includes a provision that requires the commission, upon petition, to open an adjudicatory proceeding to determine whether it is in the public interest of the State to authorize a smart grid coordinator to manage access to smart grid functions and associated infrastructure, technology and applications within a service territory of a utility. Upon a finding that it is in the public interest, the amendment authorizes the commission to adopt, by rule or as part of the adjudicatory proceeding, standards regarding smart grid coordinators. Pursuant to such standards, the commission is permitted to authorize no more than one smart grid coordinator within each transmission and distribution utility service territory.
6. It adds a provision to require a transmission and distribution utility to file and have approved by the commission a transition plan for displaced employees when an investment in smart grid infrastructure by a transmission and distribution utility will lead to the displacement of 20 or more employees within a 3-year period.
7. It adds a provision requiring transmission and distribution utilities to provide customer education regarding smart grid functions and how they can benefit customers.
8. It adds a provision to clarify that this law does not limit any other authority of the commission with respect to smart grid implementation.

### **Enacted Law Summary**

Public Law 2009, chapter 539 establishes a state policy on smart grid infrastructure including the promotion of development, implementation, availability and use of smart grid functions to improve the overall reliability and efficiency of the electric system, reduce ratepayers' costs, reduce and better manage energy consumption and reduce greenhouse gas emissions. The state policy ensures that deployment of a smart grid functions is done in a manner that is consistent with applicable reliability, safety, security and privacy standards.

This law also does the following:

1. It authorizes the Public Utilities Commission to adopt rules regarding the implementation of smart grid functions in the State and specifies those rules as routine technical rules.
2. It requires the Public Utilities Commission, upon petition, to open an adjudicatory proceeding to determine whether it is in the public interest of the State to authorize a smart grid coordinator to manage access to smart grid functions and associated infrastructure, technology and applications within a service territory of a utility. Upon a finding that it is in the public interest, the commission is authorized to adopt, by rule or as part of the adjudicatory proceeding, standards regarding smart grid coordinators. Pursuant to such standards, the commission is permitted to authorize no more than one smart grid coordinator within each transmission and distribution utility service territory.
3. It requires a transmission and distribution utility to file and have approved by the commission a transition plan for displaced employees when an investment in smart grid infrastructure by a transmission and distribution utility will lead to the displacement of 20 or more employees within a 3-year period.
4. It permits transmission and distribution utilities to recover prudently incurred incremental costs associated with implementing smart grid functions and associated infrastructure, technology or applications.
5. It requires transmission and distribution utilities to provide customer education regarding smart grid functions and how they can benefit customers.

Public Law 2009, chapter 539 was enacted as an emergency measure effective March 23, 2010.

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**LD 1556      Resolve, To Review Certification Requirements for Installation of Solar Photovoltaic Systems**

**RESOLVE 152  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON	OTP-AM	H-609

This resolve directs the Public Utilities Commission, energy programs division to review the qualifications required for a rebate for installation of solar energy systems under the Maine Revised Statutes, Title 35-A, section 3211-C, subsection 2 and report to the Joint Standing Committee on Utilities and Energy with recommendations on whether those requirements are appropriate for ensuring proper installation of solar energy systems. The report is due within 30 days of the effective date of this resolve, and the committee is authorized to introduce a bill on this matter to the Second Regular Session of the 124th Legislature.

### **Committee Amendment "A" (H-609)**

This amendment limits the scope of the review by the Public Utilities Commission of installation requirements for solar rebates to a review of the installation requirements for solar photovoltaic systems. The amendment also requires the Public Utilities Commission, in conducting the review, to give particular attention to the requirement of certification by a North American board of certified energy practitioners and to consider a requirement that is based, instead, on an entry-level exam for solar photovoltaic installations.

### **Enacted Law Summary**

Resolve 2009, chapter 152 directs the Public Utilities Commission, energy programs division to review the installation qualifications required for a rebate for installation of solar photovoltaic systems under the solar and wind energy rebate program and to evaluate whether those requirements are necessary and appropriate for ensuring safe and proper installation of such systems. The resolve requires the Public Utilities Commission, in conducting the review, to give particular attention to the requirement that an installer is certified by a North American board of certified energy practitioners and consider a requirement that is based, instead, on an entry-level exam for solar photovoltaic installations. The resolve requires that the commission report its findings and recommendations within 30 days of the effective date of the resolve to the Joint Standing Committee on Utilities and Energy and authorizes the committee to introduce a bill to implement the recommendations to the Second Regular Session of the 124th Legislature.

Resolve 2009, chapter 152 was finally passed as an emergency measure effective March 1, 2010.

**LD 1557      An Act To Raise the Indebtedness Limit of the Eagle Lake Water and Sewer District**

**P & S 28**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON	OTP	

This bill raises the indebtedness limit of the Eagle Lake Water and Sewer District from \$2,500,000 to \$3,500,000.

### **Enacted Law Summary**

Private and Special Law 2009, chapter 28 raises the indebtedness limit of the Eagle Lake Water and Sewer District

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from \$2,500,000 to \$3,500,000.

**LD 1571 An Act To Ensure That Maine's Energy Corridor Policy Does Not Harm Maine's Renewable Power Development**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON	ONTP	

This bill amends the laws that establish the Commission to Study Energy Infrastructure, which is charged with developing a plan for agreements for leasing or otherwise allowing the use of state-owned lands or assets for the installation of lines, cables, pipelines or other structures for the transmission of energy resources, communication transmission systems or related facilities. The bill requires the commission to make specific findings regarding the potential for the development of renewable and other energy projects in this State before final adoption of an energy corridor plan and requires the commission, in the development of the plan, to consider and give preference to energy project development in this State. The bill directs the commission to make findings of fact based on economic models developed by the Executive Department, State Planning Office to assess employment, taxation and other economic effects of power production in this State and the development of different types of corridors in this State and to assess and quantify the effect of the various options on consumers in this State in the short term and the long term. This bill also extends the commission's report deadline to May 1, 2010.

**LD 1578 Resolve, To Direct the Public Utilities Commission and the Public Advocate To Account for Certain Resource Expenditures**

RESOLVE 190

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLAHERTY BARTLETT	OTP-AM	H-697

Under current law, the Public Utilities Commission and the Office of Public Advocate assess utilities to fund the legislatively approved budgets for these agencies. This bill directs that the assessment be applied to communications service providers, which will broaden the pool of entities sharing the cost.

**Committee Amendment "A" (H-697)**

This amendment replaces the bill with a resolve that directs the Public Utilities Commission and the Public Advocate, beginning no later than July 1, 2010, to separately account for and track resources devoted to matters related to providers of communications services that are not subject to assessments pursuant to the Maine Revised Statutes, Title 35-A, section 116. The Public Utilities Commission and the Public Advocate are required to report the accounting to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2012 together with any recommendations regarding the practicality of subjecting any communications service providers to assessments pursuant to Title 35-A, section 116.

**Enacted Law Summary**

Resolve 2009, chapter 190 directs the Public Utilities Commission and the Public Advocate, beginning no later than July 1, 2010, to separately account for and track resources devoted to matters related to providers of communications services that are not subject to assessments pursuant to the Maine Revised Statutes, Title 35-A, section 116. The Public Utilities Commission and the Public Advocate are required to report the accounting to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2012 together with any recommendations regarding the practicality of subjecting any communications service providers to assessments

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pursuant to Title 35-A, section 116.

**LD 1581      Resolve, Regarding Commercial Electricity Customers Whose Bills  
Increased after a Decrease in Electricity Use**

**RESOLVE 179**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS HOBBINS	OTP-AM	H-700 H-739 FITTS

This bill requires the Public Utilities Commission to ensure that there is no increase in an electricity customer's bill as a result of that customer's reduction in demand or consumption of electricity attributable to the implementation of energy conservation or energy efficiency measures.

**Committee Amendment "A" (H-700)**

This amendment replaces the bill with a resolve. The amendment addresses those commercial electricity customers that experienced higher electricity bills after a decrease in electricity use and that have been found to be eligible for the best rate option in the Public Utilities Commission's investigation into rate class changes applicable to transmission and distribution general service customers due to energy efficiency or demand reduction, Public Utilities Commission Docket # 2009-397. The amendment requires that those particular commercial customers receive credits for the difference between what the customers were actually charged for delivery service during the 12-month period preceding the commission's final order in Public Utilities Commission Docket # 2009-397 and what the customers would have been charged under the best rate option during that period.

**House Amendment "A" To Committee Amendment "A" (H-739)**

This amendment ensures that the cost of customer credits required by this resolve are recoverable by the utility.

**Enacted Law Summary**

Resolve 2009, chapter 179 addresses those commercial electricity customers that experienced higher electricity bills after a decrease in electricity use and that have been found to be eligible for the best rate option in the Public Utilities Commission's investigation into rate class changes applicable to transmission and distribution general service customers due to energy efficiency or demand reduction, Public Utilities Commission Docket # 2009-397. The resolve requires that those particular commercial customers receive credits for the difference between what the customers were actually charged for delivery service during the 12-month period preceding the commission's final order in Public Utilities Commission Docket # 2009-397 and what the customers would have been charged under the best rate option during that period. The cost of customer credits required by this resolve are recoverable by the utility.

**LD 1589      An Act To Authorize Sanitary Districts, Water Utilities and Sewer  
Districts To Waive an Automatic Lien Foreclosure**

**PUBLIC 490**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE NASS R	OTP-AM	H-600 H-630 HINCK

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This bill authorizes sanitary districts to waive automatic foreclosure of a sanitary district lien mortgage.

### **Committee Amendment "A" (H-600)**

This amendment makes it clear that a notice of waiver of automatic foreclosure must be dated.

### **House Amendment "A" (H-630)**

This amendment authorizes sewer districts and water utilities to waive automatic foreclosure of lien mortgages.

### **Enacted Law Summary**

Public Law 2009, chapter 490 authorizes sanitary and sewer districts as well as water utilities to waive automatic foreclosure of lien mortgages.

## **LD 1601     An Act To Create the Lincolnville Sewer District**

**P & S 32**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-360

This bill creates the Lincolnville Sewer District.

### **Committee Amendment "A" (S-360)**

This amendment makes certain technical changes to the bill to clarify that the Lincolnville Sewer District's purposes include providing water service in addition to sewer services, that the trustees of the new district have staggered terms as specified in the Maine Revised Statutes, Title 35-A, section 6410 and that after the first board is appointed by the municipal officers of the Town of Lincolnville trustees are elected and vacancies filled in accordance with the Title 35-A, section 6410. This amendment also provides that the trustees must be residents and voters of the district.

### **Enacted Law Summary**

Private and Special Law 2009, chapter 32 creates the Lincolnville Sewer District.

## **LD 1643     An Act To Facilitate the Involvement of the Office of the Public Advocate in the FairPoint Communications Bankruptcy Case**

**P & S 30  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK HOBBINS	OTP-AM	H-618

This bill authorizes an allocation of \$100,000 to cover costs to be incurred through a contract for legal services to be provided by bankruptcy counsel for the FairPoint Communications bankruptcy proceedings in New York. This bill authorizes the Office of the Public Advocate to impose a special assessment to cover the cost of those legal services only on those telecommunications providers already subject to assessment under the Maine Revised Statutes, Title 35-A, section 116, subsection 8.

### **Committee Amendment "A" (H-618)**

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This amendment adds an appropriations and allocations section.

## Enacted Law Summary

Private and Special Law 2009, chapter 30 authorizes an allocation of \$100,000 to cover costs to be incurred through a contract for legal services to be provided by bankruptcy counsel for the FairPoint Communications bankruptcy proceedings in New York. It authorizes the Office of the Public Advocate to impose a special assessment to cover the cost of those legal services only on those telecommunications providers already subject to assessment under the Maine Revised Statutes, Title 35-A, section 116, subsection 8.

Private and Special Law 2009, chapter 30 was enacted as an emergency measure effective March 1, 2010.

### LD 1644 **An Act To Require That a Utility Company Notify the Owner of Property prior to Disconnecting Services**

ONTP

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

This bill requires the Public Utilities Commission to adopt rules requiring a utility to notify a landlord when residential utility service of a tenant is to be terminated or disconnected.

See also LD 1695.

### LD 1645 **An Act To Streamline Collections for Consumer-owned Consolidated Water and Wastewater Utilities**

PUBLIC 541  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-698

This bill allows a consumer-owned water utility that also provides sewer services to disconnect water service to a user for nonpayment by that user of the utility's sewer service charges.

#### **Committee Amendment "A" (H-698)**

This amendment imposes specific terms and conditions on any consumer-owned water utility authorized to provide sewer services that chooses to exercise the authority granted in the bill to disconnect water service for nonpayment of sewer service. The terms and conditions include requiring annual reports to the Public Utilities Commission regarding disconnections, requiring that the utility provide to the customer certain information about available assistance programs, prohibiting disconnection based on bills for estimated sewer usage and prohibiting disconnection of multiunit rental facilities greater than two units unless the owner occupies one of the units. A utility that has the disconnection authority under a charter provision enacted prior to August 1, 2010 is exempted from the prohibition relating to disconnection of multiunit rental facilities. The amendment requires the Public Utilities Commission to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2012 on disconnection actions taken by utilities as well as any commission recommendations for changes to the law. The amendment clarifies that its provisions apply to all combined water and sewer entities, including those that may already have similar authority in their charters. The amendment also adds an emergency preamble and emergency clause to the bill.

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## Enacted Law Summary

Public Law 2009, chapter 541 allows a consumer-owned water utility that also provides sewer services to disconnect water service to a user for nonpayment by that user of the utility's sewer service charges. This law imposes specific terms and conditions on any consumer-owned water utility authorized to provide sewer services that chooses to exercise this authority, including requiring annual reports to the Public Utilities Commission regarding disconnections, requiring that the utility provide to the customer certain information about available assistance programs, prohibiting disconnection based on bills for estimated sewer usage and prohibiting disconnection of multiunit rental facilities greater than two units unless the owner occupies one of the units. A utility that has the disconnection authority under a charter provision enacted prior to August 1, 2010 is exempted from the prohibition relating to disconnection of multiunit rental facilities. The law requires the Public Utilities Commission to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2012 on disconnection actions taken by utilities as well as any commission recommendations for changes to the law. The law applies to all combined water and sewer entities, including those that may already have similar authority in their charters.

Public Law 2009, chapter 541 was enacted as an emergency measure effective March 24, 2010.

## LD 1646 An Act To Establish a Broadband Policy for Maine

**PUBLIC 586  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLAHERTY BARTLETT	OTP-AM	H-685

This bill:

1. Provides a definition of "broadband," using as a model the broadband baseline used by the United States Federal Communications Commission;
2. Establishes a goal of 100% deployment of baseline broadband service by the end of 2012 and establishes a policy of promoting sustainable private investment to increase broadband service that exceeds the minimum levels throughout the State;
3. Requires state agencies to assist in promoting private investment in broadband infrastructure to stimulate rapid and sustainable deployment of broadband services; and
4. Requires the ConnectME Authority to develop target prices for broadband services and establish competitively neutral discounts to customers in areas where services are more expensive than the average metropolitan rates.

### Committee Amendment "A" (H-685)

This amendment replaces the bill. The amendment establishes certain broadband goals and policies to promote broadband infrastructure deployment and availability in this State.

## Enacted Law Summary

Public Law 2009, chapter 586 establishes certain broadband goals and policies to promote broadband infrastructure deployment and availability in this State.

Public Law 2009, chapter 586 was enacted as an emergency measure effective April 1, 2010.

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LD 1647 An Act To Enhance Maine's Clean Energy Opportunities

PUBLIC 518  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY BARTLETT	OTP-AM	H-675

This bill requires the Public Utilities Commission to direct investor-owned transmission and distribution utilities to enter into long-term contracts for capacity resources and any available energy associated with such resources to the extent necessary to meet the energy efficiency targets articulated in the Efficiency Maine Trust's triennial plan. It specifies when the commission need not conduct a competitive solicitation for contracts for energy efficiency capacity resources and amends the laws governing contracts for capacity resources and related energy. It defines "heating fuel" and "liquid fossil fuel" for purposes of the targets of the triennial plan. It includes in the Efficiency Maine Trust's triennial plan an examination of the national and regional carbon markets and the appropriate participation of the State in these markets. It allows the trust to consult with or retain independent legal counsel. It provides that the commission may not charge any assessment under the triennial plan until the plan has been reviewed by the joint standing committee of the Legislature having jurisdiction over energy matters and approved by the commission. It specifies when electricity customers receiving service at transmission and subtransmission voltage levels are eligible for new conservation programs. It amends the laws governing the administration by the trust of certain federally funded energy programs.

### Committee Amendment "A" (H-675)

This amendment makes the following changes to the bill:

1. It adds a provision to the bill to allow long-term contracts for renewable energy credits associated with capacity resources.
2. It removes the requirement contained in the bill that the Public Utilities Commission direct investor-owned transmission and distribution utilities to enter into long-term contracts for capacity resources and associated energy. It replaces it with permissive language that authorizes the commission to direct utilities to enter into long-term contracts for energy efficiency capacity resources and associated energy if the commission determines that the assessments on transmission and distribution utilities for conservation and energy efficiency will not provide sufficient funds to meet the energy efficiency program budget allocations in the triennial plan of the Efficiency Maine Trust or an annual update to the triennial plan. It also clarifies that energy efficiency capacity resources contracted under this provision may not exceed what is necessary to implement the energy efficiency program budget allocations in the triennial plan. The amendment also adds language to clarify that the commission may direct utilities to enter into long-term contracts only when such contracts are in the best interest of customers.
3. It changes the provision of the bill regarding competitive solicitation for contracts for energy efficiency capacity resources to require the commission to conduct a competitive solicitation for energy efficiency capacity resources and related energy or to contract with the Efficiency Maine Trust to deliver those resources through a competitive solicitation process.
4. It changes the provision of the bill that exempts contracts for energy efficiency capacity resources from the requirement that payment be made only after contracted amounts of capacity and energy are provided. The amendment allows contracts with the Efficiency Maine Trust for energy efficiency capacity resources and related energy to provide a 20% up-front payment at the start of the contract, but otherwise requires payments only after contracted amounts of capacity and energy have been substantiated.

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5. It removes the requirement in the bill that the triennial plan include an examination of national and regional carbon markets and instead requires that the plan specify the appropriate participation of the State in those carbon markets.
6. It removes the provision of the bill that eliminated the \$3 to \$1 savings target for cost-effective heating and cooling measures in the triennial plan of the Efficiency Maine Trust.
7. It removes the provision of the bill that authorizes the Efficiency Maine Trust to consult with or retain independent legal counsel.
8. It amends the provision of the bill regarding the imposition and review of additional assessments on transmission and distribution utilities to realize energy efficiency and demand response resources. The amendment specifies that the commission may not increase these assessments until the Legislature has approved the budget of the Efficiency Maine Trust and requires the commission to present any recommended increases in the assessment after its approval of the triennial plan or any annual update plan.
9. It replaces the provision of the bill regarding participation of electricity customers receiving service at transmission and subtransmission voltage levels in new conservation programs with a directive to the Efficiency Maine Trust to convene a working group to examine options regarding the participation of such customers in conservation programs and to submit a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 31, 2011 on this subject. The committee is authorized to submit a bill.
10. It adds a provision that requires the Public Utilities Commission to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters, by January 15, 2012, on long-term contracts for capacity resources, including the number, types and lengths of contracts.

### **Enacted Law Summary**

Public Law 2009, chapter 518 includes the following provisions related to long-term contracting for energy efficiency capacity resources and associated energy.

1. It authorizes the Public Utilities Commission to direct transmission and distribution utilities to enter into long-term contracts for energy efficiency capacity resources and associated energy if, after July 1, 2011, the commission determines that the assessments on transmission and distribution utilities for conservation and energy efficiency will not provide sufficient funds to meet the energy efficiency program budget allocations in the triennial plan of the Efficiency Maine Trust or an annual update to the triennial plan. It provides that energy efficiency capacity resources contracted under this provision of law may not exceed what is necessary to implement the energy efficiency program budget allocations in the triennial plan, and it clarifies that the commission may direct utilities to enter into long-term contracts only when such contracts are in the best interest of customers.
2. It requires the commission to conduct a competitive solicitation for energy efficiency capacity resources and related energy or to contract with the Efficiency Maine Trust to deliver those resources through a competitive solicitation process.
3. It allows contracts with the Efficiency Maine Trust for energy efficiency capacity resources and related energy to provide a 20% up-front payment at the start of the contract, but otherwise requires payments only after contracted amounts of capacity and energy have been substantiated.

With respect to long-term contracts for capacity resources more generally, this law permits the Public Utilities Commission to direct investor-owned transmission and distribution utilities to enter into long-term contracts for any available renewable energy credits associated with capacity resources under long-term contracts to the extent the cost of the renewable energy credits is below market value or the purchase of renewable energy credits adds value to the transaction. It also requires the Public Utilities Commission to report to the joint standing committee of the

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Legislature having jurisdiction over utilities and energy matters, by January 15, 2012, regarding long-term contracts for capacity resources that have been implemented, including the number, types and lengths of contracts.

This law defines "heating fuel" and "liquid fossil fuel" for purposes of the targets of the triennial plan of the Efficiency Maine Trust and requires that the plan specify the appropriate participation of the State in national and regional carbon markets. It also amends the laws governing the administration by the trust of certain federally funded energy programs.

This law specifies that the Public Utilities Commission may not increase assessments on transmission and distribution utilities to realize energy efficiency and demand response resources until the Legislature has approved the budget of the Efficiency Maine Trust, and it requires the commission to present to the joint standing committee of the Legislature having jurisdiction over public utilities matters any recommended increases in the assessment following the approval of the Efficiency Maine Trust's triennial plan or any annual update plan.

It directs the Efficiency Maine Trust to convene a working group to examine options regarding the participation of electricity customers receiving service at transmission and subtransmission levels in the energy efficiency programs of the trust, particularly those programs funded by assessments on transmission and distribution utilities. It requires the trust to submit a report of the findings and recommendations of the working group to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 31, 2011.

Public Law 2009, chapter 518 was enacted as an emergency measure effective March 17, 2010.

### **LD 1652     An Act To Provide More Information to the Public Advocate**

**ONTP**

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

This bill authorizes the Public Advocate to make written information requests of utilities subject to the jurisdiction of the Public Utilities Commission on any matter related to the rates, charges, tariffs, books or service quality of the utility. The utility has a reasonable period of time, not to exceed 30 days, in which to respond to the inquiries. If the utility refuses to respond, the Public Advocate may request enforcement by the Public Utilities Commission.

### **LD 1660     An Act To Reallocate Funds for a Position at the Public Utilities Commission**

**ONTP**

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

This bill reallocates funds for a Staff Accountant position at the Public Utilities Commission. Funds for this position are allocated from the Public Utilities - Administrative Division program and the Emergency Services Communication Bureau program. The reallocations proposed by this bill were included in the Supplemental Budget, LD 1671.

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## LD 1661 An Act To Create a Position at the Public Utilities Commission

ONTP

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

This bill adds one Utility Analyst - Public Service Coordinator III position at the Public Utilities Commission as required by the policy of the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration. The Public Utilities Commission partners with the United States Department of Transportation with respect to the federal gas pipeline safety program and has assumed certain gas pipeline inspection and enforcement responsibilities from the Pipeline and Hazardous Materials Safety Administration. The new position is created to carry out these gas pipeline safety inspection and enforcement responsibilities. Funds for this position are allocated from the Public Utilities Commission Regulatory Fund and are partially reimbursed by the United States Department of Transportation.

## LD 1680 An Act To Assist in Reviewing Wind Energy Applications

**PUBLIC 492  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	S-370

This bill amends the laws governing the siting of wind energy developments. It makes certain provisions of the laws governing the Maine Land Use Regulation Commission consistent with the corresponding provisions applicable to the Department of Environmental Protection. These provisions allow the commission to require a preapplication notice of filing; allow the commission to require an applicant to attend a public meeting during the review of a wind energy development; allow the commission to extend the processing time with the consent of the applicant; and clarify that, in certain circumstances, associated facilities are not subject to the same time limits. The bill clarifies that the provisions of law regarding a development's effects on scenic character apply to all wind energy developments, as defined in the Maine Revised Statutes, Title 35-A, of 100 kilowatts or greater in the expedited areas of the commission's jurisdiction, including wind energy developments that do not qualify as grid-scale. It specifies that in the jurisdiction of the commission, all wind energy developments are subject to fee provisions as extraordinary projects, allowing the commission to recover costs associated with processing of the applications, including the cost of noise or other studies.

### Committee Amendment "A" (S-370)

This amendment clarifies the provision of the bill regarding the consideration by the Maine Land Use Regulation Commission of the effects of a wind energy development on scenic character and existing uses relating to scenic character for a wind energy development with a generating capacity of 100 kilowatts or greater but less than grid-scale.

### Enacted Law Summary

Public Law 2009, chapter 492 amends the laws governing the siting of wind energy developments. It makes certain provisions of these laws governing the Maine Land Use Regulation Commission consistent with the corresponding provisions applicable to the Department of Environmental Protection. These provisions allow the commission to require a preapplication notice of filing; allow the commission to require an applicant to attend a public meeting

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during the review of a wind energy development; allow the commission to extend the processing time with the consent of the applicant; and clarify that, in certain circumstances, associated facilities are not subject to the same time limits. The law clarifies that the provisions of law regarding a development's effects on scenic character apply to all wind energy developments, as defined in the Maine Revised Statutes, Title 35-A, of 100 kilowatts or greater in the expedited areas of the commission's jurisdiction, including wind energy developments that do not qualify as grid-scale. It specifies that in the jurisdiction of the commission, all wind energy developments are subject to fee provisions as extraordinary projects, allowing the commission to recover costs associated with processing of the applications, including the cost of noise or other studies.

Public Law 2009, chapter 492 was enacted as an emergency measure effective March 5, 2010.

**LD 1682      An Act To Amend the Electric Utility Industry Laws as They Relate to  
Renewable Resources**

**PUBLIC 542**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-372 S-414 HOBBS

This bill amends various definitions in the Maine Revised Statutes, Title 35-A relating to renewable resources. Specifically, this bill amends the law in the following ways.

1. The bill amends definitions of "eligible resource," "new renewable capacity resources," "renewable energy credit" and "renewable resource" in the law governing electrical generation portfolio requirements. These changes:
  - a. Limit all eligible resources qualifying under the basic 30% portfolio requirement, including cogeneration facilities, to those resources not exceeding 100 megawatts;
  - b. Add a new 100-megawatt limit on all new renewable resources that can qualify for the new renewable resource portfolio requirement above 30%;
  - c. Add a requirement that hydroelectric generators, other than those that qualify as small power production facilities under federal regulations, must meet state and federal fish passage requirements in order to qualify for the basic 30% portfolio requirement; and
  - d. Specify that biomass generators that qualify as renewable resources under the basic 30% portfolio requirement include those fueled by anaerobic digestion of agricultural products, by-products and wastes.
  
2. The bill clarifies the definition of "renewable capacity resource" in the law governing capacity resource adequacy and removes from the definition facilities that qualify as small power production facilities that do not otherwise qualify as renewable resources under Title 35-A, section 3210, subsection 2, paragraph C.
  
3. The bill modifies the law governing green power options to clarify that 100-megawatt capacity limits do not apply to resources that qualify as "green power supply" or for "renewable energy credit." Under current law, because of certain cross-references, it is unclear whether the 100-megawatt capacity limits apply to qualifying resources other than wind power or to all qualifying resources.
  
4. The bill amends the definition of "eligible renewable resource" in the law governing the community-based renewable energy pilot program to make it consistent with the changes to the definition of "renewable resource" in

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the law relating to electrical generation portfolio requirements.

5. The bill, by changing the definition of "renewable resource" in the law governing electrical generation portfolio requirements, also affects the definition of that term as it is used in Title 5, section 1766-A relating to renewable energy usage requirements for state buildings and in Title 35-A, section 3201, subsection 8-A and section 3210-A giving transmission and distribution utilities authority to administer purchase and sale agreements between competitive electricity providers and small generators, including those relying on renewable resources. In each case the changes result from these laws cross-referencing the definition of "renewable resource" in the law governing electrical generation portfolio requirements. The changes in each case:

- a. Remove from qualifying as a renewable resource federally qualified small power production facilities that do not otherwise qualify as a renewable resource and generators fueled by municipal solid waste in conjunction with recycling;
- b. Add landfill gas as qualifying as a renewable resource;
- c. Require hydroelectric generators to meet federal and state fish passage requirements in order to qualify as a renewable resource; and
- d. Provide that biomass generators fueled by anaerobic digestion of agricultural products, by-products and wastes qualify as a renewable resource.

The changes also allow renewable resources over 100 megawatts to be used to meet the renewable energy usage required for state buildings under Title 5, section 1766-A.

### **Committee Amendment "A" (S-372)**

This amendment replaces the bill. The amendment:

1. Clarifies which resources are subject to the 100-megawatt capacity limit on new renewable capacity resources in order to qualify for the new renewable resource portfolio requirement above 30% and related renewable energy credits under that law and the law governing green power options. Specifically, the amendment clarifies that all new renewable capacity resources except for wind power installations are subject to the 100-megawatt limit;
2. Adds definitions of "new" and "renewable capacity resources" to the law governing renewable resources portfolio requirements rather than relying on cross-references to those terms as used in the capacity resource adequacy laws;
3. Specifies types of biomass generators included within the definitions of "renewable resource" and "renewable capacity resource." This clarifies that generators fueled by wood or wood waste, landfill gas or anaerobic digestion of agricultural products, by-products or wastes qualify under the basic portfolio requirement, the new renewable resource portfolio requirement, the law governing green power options and the community-based renewable energy pilot program; and
4. Amends the definition of "renewable capacity resource" in the law governing capacity resource adequacy, the definitions of "green power supply" and "renewable energy credit" in the law governing green power options and the definition of "eligible renewable resource" in the law governing the community-based renewable energy pilot program to make them consistent with the definition of "renewable capacity resource" now provided in the law governing renewable resource portfolio requirements.

### **Senate Amendment "A" To Committee Amendment "A" (S-414)**

This amendment provides that "renewable energy credit" includes a tradable instrument that represents an amount of electricity generated from eligible resources.

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## Enacted Law Summary

Public Law 2009, chapter 542 amends the laws governing renewable resources. This law:

1. Clarifies which resources are subject to the 100-megawatt capacity limit on new renewable capacity resources in order to qualify for the new renewable resource portfolio requirement above 30% and related renewable energy credits under that law and the law governing green power options. Specifically, the amendment clarifies that all new renewable capacity resources except for wind power installations are subject to the 100-megawatt limit;
2. Adds definitions of "new" and "renewable capacity resources" to the law governing renewable resources portfolio requirements rather than relying on cross-references to those terms as used in the capacity resource adequacy laws;
3. Specifies types of biomass generators included within the definitions of "renewable resource" and "renewable capacity resource." This clarifies that generators fueled by wood or wood waste, landfill gas or anaerobic digestion of agricultural products, by-products or wastes qualify under the basic portfolio requirement, the new renewable resource portfolio requirement, the law governing green power options and the community-based renewable energy pilot program;
4. Amends the definition of "renewable capacity resource" in the law governing capacity resource adequacy, the definitions of "green power supply" and "renewable energy credit" in the law governing green power options and the definition of "eligible renewable resource" in the law governing the community-based renewable energy pilot program to make them consistent with the definition of "renewable capacity resource" now provided in the law governing renewable resource portfolio requirements; and
5. Clarifies that "renewable energy credit" includes a tradable instrument that represents an amount of electricity generated from eligible resources.

**LD 1695      Resolve, Directing the Public Utilities Commission To Address Public Safety Issues Relating to Disconnection of Certain Utilities**

**RESOLVE 168  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS CRAVEN	OTP-AM	H-680

This bill requires the Public Utilities Commission to adopt rules that require the notification of the owner of multiunit residential rental property when utilities are disconnected or terminated and provide the tenant whose service is being disconnected or terminated with information about utility payment assistance programs.

### **Committee Amendment "A" (H-680)**

This amendment replaces the bill with a resolve that directs the Public Utilities Commission, in consultation with representatives of transmission and distribution utilities, gas utilities and water utilities as well as representatives of owners of rental units and representatives of tenants and other interested persons, to seek to develop appropriate and reasonable procedures to allow owners of rental units to receive notice of disconnection of electric, gas or water service to a tenant. The commission is directed to examine a variety of issues related to this matter and is authorized to take action pursuant to existing laws and rules or to adopt rules as necessary to achieve the goals of the resolve. The commission is required to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2011 the results of its examination as well as any procedures established. The amendment also adds an emergency preamble and an emergency clause.

## Enacted Law Summary

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Resolve 2009, chapter 168 directs the Public Utilities Commission, in consultation with representatives of transmission and distribution utilities, gas utilities and water utilities as well as representatives of owners of rental units and representatives of tenants and other interested persons, to seek to develop appropriate and reasonable procedures to allow owners of rental units to receive notice of disconnection of electric, gas or water service to a tenant. The commission is directed to examine a variety of issues related to this matter and is authorized to take action pursuant to existing laws and rules or to adopt rules as necessary to achieve the goals of the resolve. The commission is required to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2011 the results of its examination as well as any procedures established.

See also LD 1644.

Resolve 2009, chapter 168 was finally passed as an emergency measure effective March 24, 2010.

### **LD 1696     An Act Regarding Community-based Renewable Energy**

**PUBLIC 565  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS	OTP-AM	H-730

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to revise recently enacted legislation on feed-in tariffs and community-based energy generation facilities to correct some issues that have arisen.

#### **Committee Amendment "A" (H-730)**

This amendment replaces the bill, which was a concept draft. The amendment makes community-based renewable energy projects eligible for funds from the voluntary Renewable Resource Fund for community demonstration projects. The amendment also transfers all duties regarding the administration of the Renewable Resource Fund to the Efficiency Maine Trust as of July 1, 2010, instead of having responsibilities for that fund divided between the trust and the Public Utilities Commission. The amendment specifies that, under the community-based renewable energy pilot program, the municipal legislative body can delegate to its municipal officers the authority to pass the required resolution of support for a community-based renewable energy project.

The amendment clarifies that, as of July 1, 2010, community-based renewable energy projects continue to be eligible to apply for funding from the Regional Greenhouse Gas Initiative Trust Fund as nonelectric savings programs. Until July 1, 2010, current law provides that these projects are eligible to apply for funding from the Energy and Carbon Savings Trust Fund, which becomes the Regional Greenhouse Gas Initiative Trust Fund on that date.

The amendment also prohibits a state agency or instrumentality that is administering American Reinvestment and Recovery Act of 2009 funds from prohibiting a community-based renewable energy project that is eligible to receive such funds under federal guidelines from applying to the state agency or instrumentality for such funds.

#### **Enacted Law Summary**

Public Law 2009, chapter 565 makes community-based renewable energy projects eligible for funds from the voluntary Renewable Resource Fund for community demonstration projects and transfers all duties regarding the administration of the Renewable Resource Fund to the Efficiency Maine Trust as of July 1, 2010, instead of having responsibilities for that fund divided between the trust and the Public Utilities Commission. The law also specifies that, under the community-based renewable energy pilot program, the municipal legislative body can delegate to its municipal officers the authority to pass the required resolution of support for a community-based renewable energy project.

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This law clarifies that, as of July 1, 2010, community-based renewable energy projects continue to be eligible to apply for funding from the Regional Greenhouse Gas Initiative Trust Fund as nonelectric savings programs. Until July 1, 2010, current law provides that these projects are eligible to apply for funding from the Energy and Carbon Savings Trust Fund, which becomes the Regional Greenhouse Gas Initiative Trust Fund on that date.

This law also prohibits a state agency or instrumentality that is administering American Reinvestment and Recovery Act of 2009 funds from prohibiting a community-based renewable energy project that is eligible to receive such funds under federal guidelines from applying to the state agency or instrumentality for such funds.

Public Law 2009, chapter 565 was enacted as an emergency measure effective March 29, 2010.

### **LD 1697    An Act To Protect Universal Service**

**ONTP**

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

This bill prohibits instrumentalities, institutions or agencies of the State from providing telecommunications service or information service to any person other than itself or its tenants. The bill also prohibits instrumentalities, institutions or agencies of the State from procuring such services in a manner that constrains or limits alternative proposals to meet instrumentalities', institutions' or agencies' needs. The bill establishes a right of action for injunctive relief and damages for violation of these requirements. The bill also repeals authority for the University of Maine to install lines on existing utility facilities within or along a right of way for the purpose of transmitting data and communications.

### **LD 1717    An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses**

**PUBLIC 591  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P BLISS	OTP-AM	H-745

This bill allows a municipality, on its own or through agreement with other municipalities, counties, nonprofit organizations, private lenders or other entities, to establish a clean energy improvement financing program under which financing for a clean energy improvement located on a qualifying real property is secured, with the written agreement of all owners of record of the property, by a municipal lien on the property that takes precedence over all other claims on the property, excepting only claims for property taxes and liens for nonpayment of sewer or water utility services, and that is enforced by the municipality in the same manner as is a municipal property tax lien. It defines "clean energy improvement" as an energy efficiency improvement or energy generation system that relies on solar arrays and installations, geothermal installations or wind power installations as authorized by the municipality.

#### **Committee Amendment "A" (H-745)**

This amendment replaces the bill. The amendment does the following.

1. It enacts the Property Assessed Clean Energy Act, or PACE Act, which authorizes the Efficiency Maine Trust and municipalities to establish property assessed clean energy programs, referred to as PACE programs, under which

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property owners may voluntarily finance energy savings improvements on qualifying property through a specific mortgage, called a PACE mortgage, and repay that mortgage through an assessment on the property, called a PACE assessment. The terms of the mortgage and assessment would be spelled out in an agreement, called a PACE agreement.

2. It specifies that funding for the PACE programs may be provided from the federal Energy Efficiency and Conservation Block Grant Program or any other funds available to the trust for this purpose.
3. It permits a municipality that has adopted a PACE ordinance to administer a PACE program, including, but not limited to, entering into PACE agreements with property owners and collecting PACE assessments. It also permits a municipality that has adopted a PACE ordinance to enter into a contract with the trust to administer some or all functions of the PACE program for the municipality and authorizes the trust to enter into contracts with municipalities for that purpose.
4. It requires the trust to establish a comprehensive quality assurance system within nine months of establishing a PACE program and to develop model documents and educational materials for use by municipalities in the implementation of PACE programs. The amendment permits the trust to establish terms and conditions under which municipalities and property owners may participate in a PACE program.
5. It requires any PACE agreement entered into pursuant to a PACE program to comply with underwriting requirements established by rule by the trust and to provide consumer disclosure that is consistent with the principles of truth in lending as specified by rule. In developing these rules, the trust is required to seek advice from the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection and consumer credit industry stakeholders and specifies certain minimum underwriting requirements that must be included. It also specifies that the privacy provisions of the federal Gramm-Leach-Bliley Act apply to all consumer financial information obtained by the trust or municipalities in implementing PACE programs.
6. It specifies that a PACE assessment is not a tax but may be assessed and collected by the trust, a municipality or a designated agent.
7. It requires that notice of a PACE agreement be filed in the appropriate registry of deeds and specifies that filing of this notice creates a PACE mortgage against the property. It also specifies minimum requirements for the notice.
8. It specifies that the priority of a PACE mortgage is determined by the date of filing of the notice and that a PACE mortgage is not entitled to any special or senior priority.
9. It requires the trust to create a reserve fund to protect the trust in the event of a judicial sale or foreclosure on property subject to a PACE mortgage.
10. It requires the trust to report annually on the implementation of PACE programs and related provisions of law.
11. It specifies that until the trust has sufficient staffing resources to undertake its responsibilities under the PACE Act, the Public Utilities Commission, at the request of the trust, shall provide assistance to the trust in administering the PACE Act within the limits of the commission's resources.
12. It requires the trust to convene a stakeholder group to review and make recommendations regarding the implementation of PACE programs pursuant to the PACE Act and the development of and sources of funding for municipally funded PACE programs, including but not limited to municipal bonding and private capital markets. The review must consider program features to ensure long-term energy savings, promote quality workmanship and otherwise contribute to achieving the state policy goal of weatherizing 100% of homes and 50% of businesses by 2030. It requires the trust to submit an interim report on the findings and recommendations of the stakeholder group to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters no later March 1, 2011 and a final report no later than January 30, 2012.

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### **Enacted Law Summary**

Public Law 2009, chapter 591 does the following.

1. It enacts the Property Assessed Clean Energy Act, or PACE Act, which authorizes the Efficiency Maine Trust and municipalities to establish property assessed clean energy programs, referred to as PACE programs, under which property owners may voluntarily finance energy savings improvements on qualifying property through a specific mortgage, called a PACE mortgage, and repay that mortgage through an assessment on the property, called a PACE assessment. The terms of the mortgage and assessment would be spelled out in an agreement, called a PACE agreement.
2. It specifies that funding for the PACE programs may be provided from the federal Energy Efficiency and Conservation Block Grant Program or any other funds available to the trust for this purpose.
3. It permits a municipality that has adopted a PACE ordinance to administer a PACE program, including, but not limited to, entering into PACE agreements with property owners and collecting PACE assessments. It also permits a municipality that has adopted a PACE ordinance to enter into a contract with the trust to administer some or all functions of the PACE program for the municipality and authorizes the trust to enter into contracts with municipalities for that purpose.
4. It requires the trust to establish a comprehensive quality assurance system within nine months of establishing a PACE program and to develop model documents and educational materials for use by municipalities in the implementation of PACE programs. The amendment permits the trust to establish terms and conditions under which municipalities and property owners may participate in a PACE program.
5. It requires any PACE agreement entered into pursuant to a PACE program to comply with underwriting requirements established by rule by the trust and to provide consumer disclosure that is consistent with the principles of truth in lending as specified by rule. In developing these rules, the trust is required to seek advice from the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection and consumer credit industry stakeholders and specifies certain minimum underwriting requirements that must be included. It also specifies that the privacy provisions of the federal Gramm-Leach-Bliley Act apply to all consumer financial information obtained by the trust or municipalities in implementing PACE programs.
6. It specifies that a PACE assessment is not a tax but may be assessed and collected by the trust, a municipality or a designated agent.
7. It requires that notice of a PACE agreement be filed in the appropriate registry of deeds and specifies that filing of this notice creates a PACE mortgage against the property. It also specifies minimum requirements for the notice.
8. It specifies that the priority of a PACE mortgage is determined by the date of filing of the notice and that a PACE mortgage is not entitled to any special or senior priority.
9. It requires the trust to create a reserve fund to protect the trust in the event of a judicial sale or foreclosure on property subject to a PACE mortgage.
10. It requires the trust to report annually on the implementation of PACE programs and related provisions of law.
11. It specifies that until the trust has sufficient staffing resources to undertake its responsibilities under the PACE Act, the Public Utilities Commission, at the request of the trust, shall provide assistance to the trust in administering the PACE Act within the limits of the commission's resources.
12. It requires the trust to convene a stakeholder group to review and make recommendations regarding the

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implementation of PACE programs pursuant to the PACE Act and the development of and sources of funding for municipally funded PACE programs, including but not limited to municipal bonding and private capital markets. The review must consider program features to ensure long-term energy savings, promote quality workmanship and otherwise contribute to achieving the state policy goal of weatherizing 100% of homes and 50% of businesses by 2030. It requires the trust to submit an interim report on the findings and recommendations of the stakeholder group to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters no later March 1, 2011 and a final report no later than January 30, 2012.

Public Law 2009, chapter 591 was enacted as an emergency measure effective April 1, 2010.

### **LD 1720      Resolve, Regarding Waste-to-energy Power**

**RESOLVE 163**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	OTP-AM	H-650

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend current law to adapt the State's energy policy and laws as they relate to the Passamaquoddy Tribe to accommodate federal waste-to-energy developments currently before the United States Congress in the American Clean Energy and Security Act of 2009.

#### **Committee Amendment "A" (H-650)**

This amendment replaces the bill, which was a concept draft, with a resolve. The amendment directs the Executive Department, Governor's Office of Energy Independence and Security to examine the issue of qualifying certain waste-to-energy power for renewable energy credits and renewable resource portfolio requirements, with consideration of relevant policy developments, technologies, potential implications and current laws. In conducting the examination, the office is required to consult with the Passamaquoddy Tribe, the Department of Environmental Protection, the Public Utilities Commission and the Efficiency Maine Trust. This amendment requires the office to submit a report of its findings and recommendations by February 15, 2011 to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and authorizes the committee to submit a bill relating to the report to the First Regular Session of the 125th Legislature.

#### **Enacted Law Summary**

Resolve 2009, chapter 163 directs the Executive Department, Governor's Office of Energy Independence and Security to examine the issue of qualifying certain waste-to-energy power for renewable energy credits and renewable resource portfolio requirements, with consideration of relevant policy developments, technologies, potential implications and current laws. In conducting the examination, the office is required to consult with the Passamaquoddy Tribe, the Department of Environmental Protection, the Public Utilities Commission and the Efficiency Maine Trust. This resolve requires the office to submit a report of its findings and recommendations by February 15, 2011 to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and authorizes the committee to submit a bill relating to the report to the First Regular Session of the 125th Legislature.

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**LD 1756     An Act To Amend the Charter of the Gardiner Water District**

**P & S 37**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY MCCORMICK	OTP-AM	H-661

This bill allows the Gardiner Water District to purchase water from the Hallowell Water District. The bill also requires the Gardiner Water District to inform its customers that the district will be providing nonfluoridated water and that the customers should contact their dentists or health care providers if they wish to continue receiving the benefits of fluoride.

### **Committee Amendment "A" (H-661)**

This amendment clarifies a cross-reference in the bill.

### **Enacted Law Summary**

Private and Special Law 2009, chapter 37 allows the Gardiner Water District to purchase water from the Hallowell Water District. The law also requires the Gardiner Water District to inform its customers that the district will be providing nonfluoridated water and that the customers should contact their dentists or health care providers if they wish to continue receiving the benefits of fluoride.

**LD 1762     Resolve, Regarding Energy Conservation through Voltage Regulation**

**RESOLVE 169**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-416

This bill provides that an electric utility may recover from ratepayers the costs of and earn a 15% rate of return on investments and installations of voltage regulation technologies that reduce energy consumption, improve grid efficiency, raise or lower voltage as needed and are 99% or more efficient across at least 90% of the load curve.

### **Committee Amendment "A" (S-416)**

This amendment replaces the bill with a resolve. The resolve directs the Efficiency Maine Trust, in the development and implementation of conservation programs, to examine voltage regulation technologies and evaluate the potential for and cost-effectiveness of the application of these technologies as an energy conservation tool for industrial, commercial and residential electricity customers of the State. It requires the trust to seek input from the Public Utilities Commission and transmission and distribution utilities with respect to utility incentive issues and voltage regulation technologies in the context of smart grid implementation. It requires the trust to report on its examination and evaluation as part of the annual report of the trust that is due by December 1, 2010.

### **Enacted Law Summary**

Resolve 2009, chapter 169 directs the Efficiency Maine Trust, in the development and implementation of conservation programs, to examine voltage regulation technologies and evaluate the potential for and cost-effectiveness of the application of these technologies as an energy conservation tool for the industrial, commercial and residential electricity customers of the State. It requires the trust to seek input from the Public

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Utilities Commission and transmission and distribution utilities with respect to utility incentive issues and voltage regulation technologies in the context of smart grid implementation. It requires the trust to report on its examination and evaluation as part of the annual report of the trust that is due by December 1, 2010.

## LD 1778 An Act To Enable the Installation of Broadband Infrastructure

**PUBLIC 612  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL BARTLETT	OTP-AM	H-784 H-807 HINCK

This bill establishes a new entity known as a "dark fiber provider." A dark fiber provider is an entity providing fiber-optic cable without equipment for transmitting communications and that provides dark fiber to all carriers and end users on an open-access basis and without unreasonable discrimination and is subject to grant-related requirements, restrictions and conditions imposed by the Federal Government and secured by security interests granted to the Federal Government. Dark fiber providers must file informational rate schedules with the Public Utilities Commission and adhere to those rate schedules and must post their rates on publicly accessible websites. A dark fiber provider may use the public right-of-way for its facilities and may enter into joint use agreements with respect to the facilities of public utilities and cable television providers and may opt to carry out any required make-ready engineering and make-ready work at its own expense.

### **Committee Amendment "A" (H-784)**

This amendment replaces the bill and also modifies the emergency preamble. This amendment:

1. Defines a dark fiber provider as an entity that owns, controls, operates or manages federally supported dark fiber and that meets other qualifications and establishes that a dark fiber provider is a telephone utility under the public utility laws of the Maine Revised Statutes, Title 35-A;
2. Authorizes a dark fiber provider to construct lines and to place facilities along public roads in the same manner as other telephone utilities for the purposes of constructing and maintaining its federally supported dark fiber and authorizes the Public Utilities Commission to resolve pole attachment disputes involving a dark fiber provider with respect to the construction and maintenance of federally supported dark fiber;
3. Requires that a dark fiber provider apply for approval from the Public Utilities Commission to offer federally supported dark fiber and requires that the commission approve or deny the application and make its decision on any waivers or exemptions requested by the dark fiber provider within 60 days of its receipt of the application. The commission may extend its review if it determines that it requires additional time, but must issue its order no later than 90 days after receipt of the application; and
4. Establishes a broadband sustainability fee that a dark fiber provider must collect from entities that obtain federally supported dark fiber from the dark fiber provider. For the first five years the fee is \$3 per month multiplied by the number of miles of strand purchased, leased or used; the fee then drops to \$2 per month. The fee ends on December 31, 2017. The funds are administered by the ConnectME Authority. Five percent of the funds is deposited in the ConnectME Fund and is available to support the authority's administrative expenses and for use in accordance with the authority's current statutory purposes. The remaining funds are deposited in a separate broadband sustainability fund administered by the authority. These funds may be disbursed to an incumbent local exchange carrier to fund deployment of broadband infrastructure in unserved areas within the carrier's service territory or, if there are no unserved areas, to increase available broadband speeds for customers within the carrier's service territory. The portion of the funds within the broadband sustainability fund available to each incumbent

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local exchange carrier is calculated based on that portion of the total miles of leased, sold or used federally supported dark fiber in the State that is leased, sold or used within the carrier's service territory. The funds remain available in the broadband sustainability fund for one year and, if not disbursed to carriers, are transferred to the ConnectME Fund, unless the authority for good cause shown extends this period. To receive funds the carrier must provide a request and a certification relating to the use of the funds for deployment of broadband infrastructure in unserved areas or to increase available broadband speeds. The carrier is required to use the funds in accordance with that certification. All funds remaining in the broadband sustainability fund at the end of the third year after the broadband sustainability fee ceases are transferred to the ConnectME Fund.

### **House Amendment "B" To Committee Amendment "A" (H-807)**

This amendment modifies Committee Amendment "A" as follows.

1. It clarifies that incumbent local exchange carriers have a limited right of first refusal to access the broadband sustainability fund.
2. Committee Amendment "A" provides that funds not requested by incumbent local exchange carriers within one year are transferred to the ConnectME Fund but allows the ConnectME Authority to extend this time period. This amendment removes the ability of the ConnectME Authority to extend the one-year time frame. This amendment also provides that all funds remaining in the broadband sustainability fund one year after the broadband sustainability fee ceases are transferred to the ConnectME Fund.
3. It limits the use by an incumbent local exchange carrier of disbursements from the broadband sustainability fund to the deployment of broadband infrastructure in unserved areas within the carrier's service territory.

### **Enacted Law Summary**

Public Law 2009, chapter 612:

1. Defines a dark fiber provider as an entity that owns, controls, operates or manages federally supported dark fiber and that meets other qualifications and establishes that a dark fiber provider is a telephone utility under the public utility laws of the Maine Revised Statutes, Title 35-A;
2. Authorizes a dark fiber provider to construct lines and to place facilities along public roads in the same manner as other telephone utilities for the purposes of constructing and maintaining its federally supported dark fiber and authorizes the Public Utilities Commission to resolve pole attachment disputes involving a dark fiber provider with respect to the construction and maintenance of federally supported dark fiber;
3. Requires that a dark fiber provider apply for approval from the Public Utilities Commission to offer federally supported dark fiber and requires that the commission approve or deny the application and make its decision on any waivers or exemptions requested by the dark fiber provider within 60 days of its receipt of the application. The commission may extend its review if it determines that it requires additional time, but must issue its order no later than 90 days after receipt of the application; and
4. Establishes a broadband sustainability fee that a dark fiber provider must collect from entities that obtain federally supported dark fiber from the dark fiber provider. For the first five years the fee is \$3 per month multiplied by the number of miles of strand purchased, leased or used; the fee then drops to \$2 per month. The fee ends on December 31, 2017. The funds are administered by the ConnectME Authority. Five percent of the funds is deposited in the ConnectME Fund and is available to support the authority's administrative expenses and for use in accordance with the authority's current statutory purposes. The remaining funds are deposited in a separate broadband sustainability fund administered by the authority; incumbent local exchange carriers have a limited right of first refusal to access these funds to fund deployment of broadband infrastructure in unserved areas within the carrier's service territory. The portion of the funds within the broadband sustainability fund available to each incumbent local exchange carrier is calculated based on that portion of the total miles of leased, sold or used

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federally supported dark fiber in the State that is leased, sold or used within the carrier's service territory. The funds remain available in the broadband sustainability fund for one year and, if not disbursed to carriers, are transferred to the ConnectME Fund. To receive funds the carrier must provide a request and a certification relating to the use of the funds for deployment of broadband infrastructure in unserved areas. The carrier is required to use the funds in accordance with that certification. All funds remaining in the broadband sustainability fund on December 31, 2018 are transferred to the ConnectME Fund.

Public Law 2009, chapter 612 was enacted as an emergency measure effective April 6, 2010.

### **LD 1783     An Act To Amend the Charter of the Kennebec Water District**

**P & S 38**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	S-413

This bill amends the charter of the Kennebec Water District as follows.

1. It removes the language indicating that the records of the water district are public and that the meetings are open.
2. It defines how the trustees are to establish the amount of compensation that they are entitled to receive.
3. It incorporates into the charter language enacted in Private and Special Law 1905, chapter 152 regarding the authority of the district to refund its indebtedness, exercise the right of eminent domain, mark boundaries and commence proceedings for condemnation.
4. It removes archaic language that authorizes the water district to acquire the Maine Water Company because the Maine Water Company was purchased by the Kennebec Water District pursuant to Private and Special Law 1899, chapter 200, section 6.
5. It removes archaic language that conditions the effect of the initial charter on the approval by the City of Waterville and the Fairfield Village Corporation because the City of Waterville and the Fairfield Village Corporation approved the charter at meetings held for that purpose pursuant to Private and Special Law 1899, chapter 200, section 14, first paragraph.

This bill also repeals language contained in Private and Special Law 1927, chapter 79 that conditioned a change to the Kennebec Water District charter regarding the appointment and terms of trustees on the repeal of the charters of the Kendalls Mills Village Corporation and the Fairfield Village Corporation because the charters of the Kendalls Mills Village Corporation and the Fairfield Village Corporation were repealed by Private and Special Law 1927, chapter 12.

#### **Committee Amendment "A" (S-413)**

This amendment makes various technical changes to the bill and removes certain obsolete language from the Kennebec Water District charter. It also removes from the bill the provision allowing the district trustees to establish their compensation, clarifies that the district's business must be conducted in accordance with the freedom of access laws and provides that an appeal from a decision of the district regarding a determination of damages for a taking of land must be made within 30 days of notice of the decision.

#### **Enacted Law Summary**

Private and Special Law 2009, chapter 38 amends the charter of the Kennebec Water District as follows.

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1. It removes the language indicating that the records of the water district are public and that the meetings are open but clarifies that the district's business must be conducted in accordance with the freedom of access laws.
2. It incorporates into the charter language enacted in Private and Special Law 1905, chapter 152 regarding the authority of the district to refund its indebtedness, exercise the right of eminent domain, mark boundaries and commence proceedings for condemnation.
3. It provides that an appeal from a decision of the district regarding a determination of damages for a taking of land must be made within 30 days of notice of the decision.
4. It removes certain archaic and obsolete language from the charter.

### **LD 1786     An Act Regarding Energy Infrastructure Development**

**PUBLIC 655**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-809

#### **PART A**

This bill amends the laws governing energy infrastructure corridors to designate the Interstate 95 corridor, the Interstate 295 corridor and the Searsport-Loring Corridor as "statutory corridors" and to continue a process for the designation of "petitioned corridors" by petition to the Public Utilities Commission. It establishes an interagency review panel to oversee the use of the statutory corridors including soliciting, accepting and evaluating proposals for the use of the corridors and it establishes standards for approval of proposals to ensure that they are in the long-term best interests of the State. For energy infrastructure projects within a statutory corridor, the bill requires projects to obtain a long-term occupancy agreement with the Interagency Review Panel, a consolidated environmental permit from the Department of Environmental Protection and, if the project is a transmission line, a certificate of public convenience and necessity from the Public Utilities Commission. For energy infrastructure projects within a petitioned corridor, the bill requires projects to obtain a corridor use certificate from the Public Utilities Commission, a consolidated environmental permit from the Department of Environmental Protection and, if the project is a transmission line, a certificate of public convenience and necessity from the commission. The bill requires the Interagency Review Panel to deny approval of and the Public Utilities Commission to deny a corridor use certificate for any energy infrastructure project that does not enhance opportunities for energy generation in the State and significantly and measurably reduce electric rates or other relevant energy costs for residents and businesses within the State. The bill also moves the repeal date for the energy infrastructure corridor laws from July 30, 2011 to July 30, 2015.

The bill requires that, except when prohibited by law, all revenues generated from the use of state-owned land and assets within energy infrastructure corridors be deposited in an energy infrastructure benefits fund. The bill requires the Maine Turnpike Authority to grant an easement to the Department of Transportation along the portion of Interstate 95 designated as the Maine Turnpike to allow its use as part of the Interstate 95 statutory corridor and requires revenues generated from the use of the easement as part of the Interstate 95 statutory corridor be deposited in the energy infrastructure benefits fund.

#### **PART B**

The bill requires all revenues collected in the energy infrastructure benefits fund be transferred to the Efficiency Maine Trust and used on a competitive basis to ensure a steady transition to energy independence and security for

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the State. It requires the Efficiency Maine Trust, in the expenditure of these funds, to give preference to proposals in three specific categories related to energy efficiency for manufacturing entities; efficiency in heating and transportation; and the development of renewable resources. The director of the Trust is required to report annually on the use of the revenues from the fund.

### PART C

The bill requires the director of the Governor's Office of Energy Independence and Security, within the comprehensive state energy plan, to identify transmission capacity and infrastructure needs and recommend actions to support the new renewable energy generation. It also requires the director to advise state agencies regarding energy-related principles to be considered in conjunction with the sale, lease or allowance of use of state-owned land or assets for energy infrastructure development.

The bill requires the joint standing committee of the Legislature having jurisdiction over utilities and energy matters to review the implementation of the provisions of this bill during the First Regular Session of the 125th Legislature. In addition, it requires the Department of Transportation to report to the committee by January 15, 2011 regarding current and potential uses of abandoned railroad corridors for energy infrastructure development.

### **Committee Amendment "A" (H-809)**

This amendment makes the following changes to Part A of the bill.

1. It clarifies the definition of "energy infrastructure." It preserves the exclusion of generation interconnection transmission facilities and energy generation facilities from the definition, as in current law, and adds an exclusion for electric transmission and distribution facilities and energy transport pipelines that cross an energy infrastructure corridor or are within a corridor for less than five miles.
2. It modifies the composition of the Interagency Review Panel to incorporate four members of the public: one with expertise in energy and utilities, one with expertise in real estate or finance, one representing industrial or commercial energy consumers and one representing residential energy consumers.
3. It modifies the provision in the bill regarding the participation of the Maine Turnpike Authority in the Interstate 95 statutory corridor. The amendment requires the Maine Turnpike Authority to negotiate and enter into a memorandum of agreement with the Department of Transportation to govern the conditions under which the authority will grant an occupancy agreement for use of the authority's property as part of the corridor and it specifies requirements regarding the terms of that memorandum of agreement.
4. It clarifies and consolidates in one section of law the decision criteria to be used by the Interagency Review Panel and the Public Utilities Commission in evaluating and making decisions on energy infrastructure proposals.
5. It adds language to prohibit the commission from designating a petitioned corridor in the Maine Turnpike.
6. It clarifies the provisions governing the consolidated environmental permit issued by the Department of Environmental Protection for development within an energy infrastructure corridor.
7. It adds language in the eminent domain provisions to treat energy transport pipelines consistently with transmission and distribution utilities.
8. It adds a provision to designate certain transmission lines as "high-impact electric transmission lines" and to require the Public Utilities Commission to review petitions for those lines using the same decision criteria that govern approval of energy infrastructure proposals in statutory corridors and petitioned corridors.
9. It adds a provision to explicitly repeal the provisions regarding legislative review of corridor plans under Public

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Law 2009, chapter 372, Part F, section 5.

It makes the following changes to Part B of the bill.

1. It amends the provisions regarding the disposition of revenues in the energy infrastructure benefits fund. In the bill, all such revenues are directed to the Efficiency Maine Trust. Under the amendment, 20% of the revenues are directed to a new Transportation Efficiency Fund to be administered by the Department of Transportation and used by the department to increase the energy efficiency of or reduce reliance on fossil fuels within the transportation system. The other 80% of the revenues is directed to the Efficiency Maine Trust for expenditure on energy efficiency initiatives and alternative energy resources initiatives.
2. It adds a new provision that directs the Executive Department, Governor's Office of Energy Independence and Security to convene two working groups to examine and make recommendations regarding the use of revenues generated by energy infrastructure development in energy infrastructure corridors. One working group is designed to focus on the use of these funds for transportation efficiency initiatives and the other is designed to focus on the use of these funds for alternative energy resources initiatives. Each group is required to submit a report by March 1, 2011.
3. It adds an appropriations and allocations section.

It makes the following changes to Part C of the bill.

1. It amends the provision regarding advice to be provided to state agencies by the Director of the Governor's Office of Energy Independence and Security to ensure consistency with the amendments to Part A of the bill regarding the decision criteria for energy infrastructure development and the Maine Turnpike Authority.
2. It clarifies that the required report from the Department of Transportation regarding current and potential uses of abandoned railroad corridors owned or controlled by the department for energy infrastructure development must be submitted to the joint standing committee of the Legislature having jurisdiction over transportation matters in addition to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters.

### **Enacted Law Summary**

Public Law 2009, chapter 655 addresses energy infrastructure development and the establishment of energy infrastructure corridors within the State.

#### **PART A**

Part A of the law designates the Interstate 95 corridor, the Interstate 295 corridor and the Searsport-Loring Corridor as "statutory corridors" and continues a process in current law for the designation of "petitioned corridors" by petition to the Public Utilities Commission. It establishes an interagency review panel to oversee the use of the statutory corridors including soliciting, accepting and evaluating proposals for the use of the corridors and it establishes standards for approval of proposals to ensure that they are in the long-term best interests of the State. For energy infrastructure projects within a statutory corridor, it requires projects to obtain a long-term occupancy agreement with the Interagency Review Panel, a consolidated environmental permit from the Department of Environmental Protection and, if the project is a transmission line, a certificate of public convenience and necessity from the Public Utilities Commission. For energy infrastructure projects within a petitioned corridor, it requires projects to obtain a corridor use certificate from the Public Utilities Commission, a consolidated environmental permit from the Department of Environmental Protection and, if the project is a transmission line, a certificate of public convenience and necessity from the commission. It specifies that an energy infrastructure proposal may be approved by the Interagency Review Panel or the Public Utilities Commission, as appropriate, only if the proposal meets certain criteria related to transmission opportunities for in-state energy generation, impacts on electric rates or other energy costs and the long-term public interest of the State. It also amends the laws governing the approval of

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electric transmission lines by the Public Utilities Commission to designate certain lines as "high-impact electric transmission lines" and to require the commission to review petitions for such lines using the same decision criteria that govern approval of proposals to development energy infrastructure within statutory corridors and petitioned corridors.

Part A of the law requires the Maine Turnpike Authority to negotiate and enter into a memorandum of agreement with the Department of Transportation to govern the conditions under which the authority will grant an occupancy agreement for use of the authority's property as part of the Interstate 95 corridor and it specifies requirements regarding the terms of that memorandum of agreement. It also prohibits the Public Utilities Commission from designating a petitioned corridor in the Maine Turnpike.

It also moves the repeal date for the energy infrastructure corridor laws forward from July 30, 2011 to July 30, 2015.

### PART B

Part B of the law establishes an energy infrastructure benefits fund, which consists of any revenues derived from the use of state-owned land and assets for energy infrastructure development. It provides that each fiscal year, 20% of the revenues collected in the energy infrastructure benefits fund be transferred to the Transportation Efficiency Fund to be administered by the Department of Transportation and used by the department to increase the energy efficiency of or reduce reliance on fossil fuels within the transportation system. The other 80% of the revenues are transferred to the Efficiency Maine Trust for expenditure on energy efficiency initiatives and alternative energy resources initiatives. The director of the Trust is required to report annually on the use of the revenues from the fund as part of the annual report of the Trust.

Part B of the law also directs the Executive Department, Governor's Office of Energy Independence and Security to convene two working groups to examine and make recommendations regarding the use of revenues generated by energy infrastructure development in energy infrastructure corridors. One working group is designed to focus on the use of these funds for transportation efficiency initiatives and the other is designed to focus on the use of these funds for alternative energy resources initiatives. Each working group is required to submit a report by March 1, 2011.

### PART C

Part C of the law requires the director of the Governor's Office of Energy Independence and Security as part of the comprehensive state energy plan to identify transmission capacity and infrastructure needs and recommend actions to support the new renewable energy generation. It also requires the director to advise state agencies regarding energy-related principles, consistent with the decision criteria for energy infrastructure development, to be considered in conjunction with the sale, lease or allowance of use of state-owned land or assets for energy infrastructure development.

It requires the joint standing committee of the Legislature having jurisdiction over utilities and energy matters to review the implementation of the provisions of this bill during the First Regular Session of the 125th Legislature. In addition, it requires the Department of Transportation to report to the joint standing committees having jurisdiction over transportation matters and over utilities and energy matters by January 15, 2011 regarding current and potential uses of abandoned railroad corridors for energy infrastructure development.

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## LD 1810 An Act To Implement the Recommendations of the Governor's Ocean Energy Task Force

PUBLIC 615  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	S-500

This bill implements the recommendations of the Governor's Ocean Energy Task Force.

### PART A

Part A amends the Maine Wind Energy Act to articulate state policy regarding transition to electric power to meet Maine's heating and transportation needs and recognize the key role of ocean wind and other renewable energy resources in accomplishing that transition over time; clarify that state policy encouraging siting of wind energy includes support for new transmission infrastructure needed to transport additional onshore and offshore wind energy to market; and establish the state goal of 8,000 megawatts of installed wind energy capacity, including 5,000 megawatts of offshore wind power, by 2030.

It authorizes the Public Utilities Commission, in issuing a certificate of public convenience and necessity for a transmission line that it has designated as an energy infrastructure corridor under the Maine Revised Statutes, Title 35-A, section 122, subsection 2, to consider anticipated future growth in electric power demand in determining if such a line is needed to attain state wind energy goals for generating facilities located in coastal waters, to allow a transmission and distribution utility to construct and own such a line under specified circumstances and to allow the recovery of the reasonable costs of construction of such a line through electric rates under specified circumstances.

It amends the Maine Waterway Development and Conservation Act to articulate that it is the policy of the State to support and encourage tidal power development at appropriate locations.

It directs the Department of Environmental Protection, in consultation with the Public Utilities Commission, the Finance Authority of Maine and the Efficiency Maine Trust, if adequate funding is received, to develop a program that provides incentives for Maine homeowners and business owners to convert their fossil fuel-powered home heating systems to more efficient, less polluting electric-powered systems.

It directs the Finance Authority of Maine, in consultation with the Department of Environmental Protection, the Public Utilities Commission and the Efficiency Maine Trust, to work to establish a moral obligation credit enhancement program to reduce financing costs of electric ratepayer-backed renewable ocean energy projects and projects for conversion to electric heating that do not pose a significant risk of financial loss to the State and that will support the goals of assisting in the development of commercial-scale renewable ocean energy projects or the conversion of energy demand away from the use of oil and gas as a primary energy source.

It directs the Public Utilities Commission to conduct a competitive solicitation for proposals for offshore wind, tidal and wave energy produced by one or more projects employing generating facilities located in the State's coastal waters or adjoining federal waters and authorizes the commission to negotiate a long-term contract with a technically competent generator for such energy if the contract terms would not have an unreasonable rate impact.

It directs the Executive Department, Governor's Office of Energy Independence and Security to amend the state energy plan to acknowledge the need for new transmission capacity to support attainment of state offshore wind energy generation goals.

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It directs the Maine Port Authority to assess and make a recommendation regarding acquisition of real estate near existing port facilities in the State needed to facilitate renewable ocean energy development opportunities.

### PART B

Part B amends the State's submerged lands leasing law to enact special provisions regarding renewable ocean energy projects, including clarification of the compatibility of such projects with public trust-related stewardship of submerged lands, fees for demonstration projects and further coordination of lease approval criteria and procedures with related state permitting requirements.

It establishes the Renewable Ocean Energy Trust to protect and enhance the integrity of public trust-related resources and related human uses of the State's submerged lands. Eighty percent of rental fees charged for leasing state submerged lands for renewable ocean energy projects, in addition to the State's share of federal revenues from leasing areas in federal waters for such projects, is deposited in the trust. Twenty percent of the rental fees is deposited in the existing Shore and Harbor Management Fund. Funds from the trust would be provided to the Department of Marine Resources for specified resource enhancement and compensation purposes.

It directs the Department of Conservation, Bureau of Parks and Lands to amend its submerged lands leasing rules to establish a rental fee schedule for leasing submerged lands for commercial-scale offshore wind and other renewable ocean energy projects.

It specifies that such fees must be commercially reasonable and balance state goals of assurance of fair compensation for use and mitigation of potential adverse effects on or conflict with existing uses of state-owned submerged lands with state wind and other renewable ocean energy-related goals. It specifies criteria that the bureau must consider in establishing these fees.

It specifies that the rules must allow a developer of a renewable ocean energy project to enter into a power sales contract that, through reduced rates or otherwise, provides the electric consumers a portion of the rental fee and obligates the developer to provide monetary payment to the State for the remaining portion of the fee.

### PART C

Part C clarifies that a municipality may tax renewable ocean energy-generating machinery, equipment or related components located on state submerged lands that are installed within the boundaries of the municipality, as established by its legislative charter, prior to the effective date of this provision. The bill provides that, for purposes of this provision, there is a rebuttable presumption that the boundaries of a municipality in the coastal area do not extend below the mean low-water line on waters subject to tidal influence.

It also clarifies that renewable ocean energy-generating machinery, equipment and related components that are in transit to be located in, on or above state submerged lands and are within the State on the first day of April of the applicable tax year are exempt from taxation.

It also specifies that renewable ocean energy-generating machinery, equipment and related components that are located in, on or above state submerged lands in the unorganized territory are exempt from taxation and provides that the unorganized territory is not entitled to reimbursement for the tax exemption.

### PART D

Part D amends the definition of "unorganized and deorganized areas" in the laws governing land use regulation to include, for the limited purpose of permitting community-based offshore wind energy projects and structures associated with resource analysis activities necessary for such intended projects, the siting of such projects and resource analysis structures. It defines "community-based offshore wind energy project," which is the type of

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small-scale offshore wind energy project subject to permitting by the Maine Land Use Regulation Commission. It provides for permit processing timelines and procedures for a community-based offshore wind energy project that are the same as for an expedited wind energy development.

It applies specific scenic character review criteria for a community-based offshore wind energy project consistent with the criteria for an expedited wind energy development and provides that an application for a community-based offshore wind energy project is exempt from review under the Maine Revised Statutes, Title 12, section 685-B, subsection 4 to the extent the Maine Land Use Regulation Commission determines that review and findings are required under criteria specified in Title 12, section 1862, subsection 2, paragraph A, subparagraph (6). It provides for specific review criteria regarding noise control, shadow flicker and safety setbacks for a community-based offshore wind energy project.

It requires the Maine Land Use Regulation Commission to adopt routine technical rules to allow an offshore wind power project and a community-based offshore wind energy project as uses requiring a permit, but not a special exception, in all applicable subdistricts and establishes the same on an interim basis.

### PART E

Part E makes several changes in the law regarding the issuance of permits for offshore wind power projects under the Natural Resources Protection Act and the site location of development law, and of permits for tidal power projects under the Maine Waterway Development and Conservation Act. The bill:

1. Provides that the Board of Environmental Protection may not assume jurisdiction over an application for any of those permits;
2. Provides that, in reviewing an appeal of a permit decision by the Commissioner of Environmental Protection on an application for any of those permits, the Board of Environmental Protection base its decision on the administrative record;
3. Provides that the Commissioner of Environmental Protection may not request that the Board of Environmental Protection assume jurisdiction over an application for any of those permits;
4. Provides that a person aggrieved by an order or decision of the Commissioner of Environmental Protection or Board of Environmental Protection regarding an application for any of those permits may appeal to the Supreme Judicial Court sitting as the law court; and
5. Requires the commissioner to issue a decision on an application for an offshore wind power project or tidal power project within 185 days, or 270 days if the commissioner holds a hearing. This review period does not apply to a project's associated facilities if the commissioner determines that such a review time is unreasonable due to the size, location, potential impacts, multiple agency jurisdiction or complexity of that portion of the development.

It adds offshore wind power projects subject to the Natural Resources Protection Act or the site location of development law and tidal power projects subject to the Maine Waterway Development and Conservation Act to the category of projects for which the Commissioner of Environmental Protection may contract for outside review services, at the applicant's expense, without the applicant's consent.

It amends the Natural Resources Protection Act to address offshore wind power projects as follows.

1. It adds a definition of "offshore wind power project" to the Natural Resources Protection Act.
2. It provides that in making a determination under Title 38, section 480-D, subsection 1 concerning an offshore wind power project, the Department of Environmental Protection shall consider the project's effects on scenic

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character and existing uses related to scenic character in accordance with Title 35-A, section 3452.

3. It adds a provision to the standards of the Natural Resources Protection Act that addresses certain issues related to an offshore wind power project that does not also require a permit under the site location of development law.
4. It amends a notification provision to provide that the Department of Environmental Protection may not review an application for an offshore wind power project without providing notice to the Maine Land Use Regulation Commission when the proposed development is within one mile of an area of land within the jurisdiction of the commission and notice to any municipality with land located within one mile of the proposed development. The Maine Land Use Regulation Commission and any municipality notified may provide comments within a reasonable period established by the Commissioner of Environmental Protection and the commissioner shall consider these comments.
5. It provides that the Department of Environmental Protection shall issue all permits under the Natural Resources Protection Act for offshore wind power projects except for community-based offshore wind energy projects as defined in Title 12, section 682, subsection 19.

It amends the site location of development law to address offshore wind power projects as follows:

1. It provides that a permit is required pursuant to the site location of development law for an offshore wind energy project with an aggregate generating capacity of 3 megawatts or more.
2. It adds a definition of "offshore wind power project" to the site location of development law.
3. It provides that in making a determination regarding an offshore wind power project with an aggregate generating capacity of 3 megawatts or more, the Department of Environmental Protection shall consider the project's effects on scenic character and existing uses related to scenic character in accordance with Title 35-A, section 3452.
4. It provides that an offshore wind power project with an aggregate generating capacity of 3 megawatts or more must avoid unreasonable shadow flicker effects, provide safety-related setbacks and provide significant tangible benefits, as required for a grid-scale wind energy development.
5. It provides that an offshore wind power project with an aggregate generating capacity of 3 megawatts or more that is located entirely within an area subject to the jurisdiction of the Maine Land Use Regulation Commission is not exempt from the site location of development law unless it is a community-based offshore wind energy project.
6. It provides that an offshore wind power project with an aggregate generating capacity of 3 megawatts or more is exempt from review under the existing use standard in Title 38, section 484, subsection 3 insofar as review is also required by the Department of Conservation under criteria specified in Title 12, section 1862, subsection 2, paragraph A, subparagraph (6), as determined by the Department of Environmental Protection.

It provides that the Department of Environmental Protection shall develop a permit by rule for offshore wind power project-related meteorological towers in coastal wetlands.

### PART F

Part F amends the Maine Waterway Development and Conservation Act to provide that the Department of Environmental Protection has statewide jurisdiction over wave power projects under that law.

### PART G

Part G expands the Public Utilities Commission's existing authority to exempt real estate of an entity to which the

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commission has issued a certificate of public convenience and necessity wholly or in part from a local ordinance to include real estate used for a renewable ocean energy project if, following public notice and comment, the commission determines the exemption reasonably necessary for public welfare and convenience. It also clarifies and limits the scope of a municipality's land use and zoning authority to promote consistency with pertinent state standards and requirements regarding offshore wind energy development.

### **Committee Amendment "A" (S-500)**

The amendment makes the following changes to Part A:

1. It removes the provision in the bill that permits the Public Utilities Commission to determine there is a public need for a transmission line that is sized to serve anticipated future growth needed to attain state wind energy goals for generating facilities located in coastal waters;
2. It removes the provision in the bill that requires a generator interconnection transmission facility that the Public Utilities Commission has designated as an energy infrastructure corridor under the Maine Revised Statutes, Title 35-A, section 122, subsection 2 to obtain a certificate of public convenience and necessity from the Public Utilities Commission and the provision that authorizes the commission to direct a transmission and distribution utility to construct and own such a line under certain circumstances and to allow the recovery of the reasonable costs of construction of such a line through electric rates;
3. It amends a provision in the bill to clarify the legislative finding regarding the potential contribution of wind resources in the State and the Gulf of Maine over time to be used to reduce the State's reliance on petroleum-based heating and transportation fuels;
4. It removes the provision of the bill that articulates a state policy regarding transition to electric power to meet the State's heating and transportation needs;
5. It amends the provision in the bill regarding the encouragement of tidal power development to clarify that policy and adds language regarding the encouragement of wave power development;
6. It removes the provision in the bill that directs the Department of Environmental Protection, in consultation with the Public Utilities Commission, the Finance Authority of Maine and the Efficiency Maine Trust, if adequate funding is received, to develop a program that provides incentives for Maine homeowners and business owners to convert their fossil fuel-powered heating systems to more efficient, less polluting electric-powered systems;
7. It removes the provision in the bill that directs the Finance Authority of Maine, in consultation with the Department of Environmental Protection, the Public Utilities Commission and the Efficiency Maine Trust, to develop a moral obligation credit enhancement program to reduce the financing costs of electric ratepayer-backed renewable ocean energy projects and projects for conversion to electric heating;
8. It amends the provision in the bill regarding long-term contracts for offshore wind and tidal energy projects. It directs the Public Utilities Commission to conduct a competitive solicitation for long-term contracts to supply capacity, energy and renewable energy credits from deep-water offshore wind energy pilot projects and tidal energy demonstration projects and authorizes the commission to direct a transmission and distribution utility to enter such a long-term contract if certain requirements are met by the supplier and the commission takes certain actions to mitigate the risks to ratepayers, including the development of an ocean wind green power offer; and
9. It amends the provision in the bill that requires the Executive Department, Governor's Office of Energy Independence and Security to examine and make recommendations related to long-term contracts for energy produced by other renewable ocean energy projects.

The amendment makes the following changes to Part B:

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1. It amends the provision regarding an application for a renewable ocean energy project under the submerged lands leasing program to require that the Department of Marine Resources be included in joint interagency preapplication meetings for a lease or easement and to require that the Director of the Bureau of Parks and Lands within the Department of Conservation provide notice to the Marine Resources Advisory Council and any lobster management policy council in whose or within three miles of whose designated lobster management zone the proposed renewable ocean energy project is located; and
2. It amends the provision regarding the Renewable Ocean Energy Trust to clarify that 80% of rental payments for wind energy demonstration projects and tidal energy demonstration projects are deposited in the trust.

The amendment removes all provisions contained in Part C of the bill regarding the taxation of renewable ocean energy-generating machinery, equipment or related components located in, on or above state submerged lands or in transit to be located in, on or above state submerged lands and, instead, replaces those provisions with a requirement that the Department of Administrative and Financial Services, Bureau of Revenue Services by November 1, 2011 provide an analysis of the tax treatment and exemption of such renewable ocean energy-generating machinery, equipment or related components to the joint standing committees of the Legislature having jurisdiction over taxation matters and over utilities and energy matters.

The amendment makes the following changes to Part D:

1. It amends the definition of "community-based offshore wind energy project," which is the type of small-scale offshore wind energy project subject to permitting by the Maine Land Use Regulation Commission, to establish an absolute capacity limit of 3 megawatts;
2. It clarifies the provision regarding the decision criteria for the Maine Land Use Regulation Commission and the Department of Conservation, Bureau of Parks and Lands in making decisions regarding community-based offshore wind energy projects;
3. It clarifies that a community-based offshore wind energy project does not have to meet the "significant tangible benefits" requirement that is applicable to grid-scale wind energy projects.

The amendment makes the following changes to Part E:

1. It amends the provisions in the bill regarding permits for offshore wind power projects under the Natural Resources Protection Act and the site location of development laws and permits for tidal power projects under the Maine Waterway Development and Conservation Act. The bill proposes to extend to all such permits the provisions of law governing expedited wind energy developments relative to the Board of Environmental Protection's jurisdiction and appeal procedures, including the ability to appeal directly to the law court, decision timeline and outside reviewers. The amendment, instead, extends those provisions of law governing expedited wind energy projects only to offshore wind energy demonstration projects and tidal energy demonstration projects;
2. It clarifies the provision regarding the decision criteria of the Department of Environmental Protection and the Department of Conservation, Bureau of Parks and Lands in making decisions regarding offshore wind power projects; and
3. It amends the provision regarding notice to be provided by the Department of Environmental Protection prior to review of an application for an offshore wind energy development to require notice to the Maine Land Use Regulation Commission when the proposed development is within three miles, rather than one mile, of an area of land within the jurisdiction of the commission and notice to any municipality with land located within three miles, rather than one mile, of the proposed development and to add a requirement for notice to any municipality in which associated facilities of the development are proposed.

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In Part G of the bill, the amendment removes the provision that establishes certain requirements regarding the scope and application of municipal land use standards in relation to state standards and requirements for offshore wind energy development.

The amendment amends the bill to add Part H, which includes an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2009, chapter 615 implements recommendations of the Governor's Ocean Energy Task Force.

#### **PART A**

Part A amends the Maine Wind Energy Act to articulate the potential, over time, for renewable energy resources in the State and in the Gulf of Maine to provide enough energy to reduce the State's reliance on oil and liquid-petroleum heating systems and petroleum-fueled motor vehicles; to clarify that state policy encouraging siting of wind energy includes support for new transmission infrastructure needed to transport additional onshore and offshore wind energy to market; and establish the state goal of 8,000 megawatts of installed wind energy capacity, including 5,000 megawatts of offshore wind power, by 2030. It also amends the Maine Waterway Development and Conservation Act to articulate that it is the policy of the State to support and encourage tidal and wave power development at appropriate locations.

It requires the Public Utilities Commission in determining public need with respect to issuance of a certificate of public convenience and necessity for a transmission line to consider, among other things, renewable energy generation goals.

It directs the Public Utilities Commission to conduct a competitive solicitation for long-term contracts to supply capacity, energy and renewable energy credits from deep-water offshore wind energy pilot projects and tidal energy demonstration projects and authorizes the commission to direct a transmission and distribution utility to enter such a long-term contract if certain requirements are met by the supplier and the commission takes certain actions to mitigate the risks to ratepayers, including the development of an ocean wind green power offer.

It directs the Executive Department, Governor's Office of Energy Independence and Security to make a recommendation to the joint standing committee of the Legislature having jurisdiction over utility and energy matters regarding terms and conditions for long-term contracts with renewable ocean energy projects other than deep-water offshore wind energy pilot projects and tidal energy demonstration projects. It also directs the Governor's Office of Energy Independence and Security to amend the State energy plan to acknowledge the need for new transmission capacity to support attainment of the State's offshore wind energy generation goals.

It directs the Maine Port Authority to assess and make a recommendation regarding acquisition of real estate near existing port facilities in the State needed to facilitate renewable ocean energy development opportunities.

#### **PART B**

Part B amends the State's submerged lands leasing law to enact special provisions regarding renewable ocean energy projects, including clarification of the compatibility of such projects with public trust-related stewardship of submerged lands, fees for demonstration projects and further coordination of lease approval criteria and procedures with related state permitting requirements. It requires that the Department of Marine Resources be included in joint interagency preapplication meetings for a lease or easement for a renewable ocean energy project and requires that the Director of the Bureau of Parks and Lands within the Department of Conservation provide notice to the Marine Resources Advisory Council and any lobster management policy council in whose or within three miles of whose designated lobster management zone the proposed renewable ocean energy project is located.

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It establishes the Renewable Ocean Energy Trust to protect and enhance the integrity of public trust-related resources and related human uses of the State's submerged lands. Eighty percent of rental fees charged for leasing state submerged lands for renewable ocean energy projects, including wind energy demonstration projects and tidal energy demonstration projects, in addition to the State's share of federal revenues from leasing areas in federal waters for such projects, is deposited in the trust. Twenty percent of the rental fees is deposited in the existing Shore and Harbor Management Fund. Funds from the trust would be provided to the Department of Marine Resources for specified resource enhancement and compensation purposes.

It directs the Department of Conservation, Bureau of Parks and Lands to amend its submerged lands leasing rules to establish a rental fee schedule for leasing submerged lands for commercial-scale offshore wind and other renewable ocean energy projects. It specifies that such fees must be commercially reasonable and balance state goals of assurance of fair compensation for use and mitigation of potential adverse effects on or conflict with existing uses of state-owned submerged lands with state wind and other renewable ocean energy-related goals. It specifies criteria that the bureau must consider in establishing these fees.

It specifies that the rules must allow a developer of a renewable ocean energy project to enter into a power sales contract that, through reduced rates or otherwise, provides the electric consumers a portion of the rental fee and obligates the developer to provide monetary payment to the State for the remaining portion of the fee.

### PART C

Part C requires that the Department of Administrative and Financial Services, Bureau of Revenue Services by November 1, 2011 provide an analysis of the tax treatment and exemption of such renewable ocean energy-generating machinery, equipment or related components to the joint standing committees of the Legislature having jurisdiction over taxation matters and over utilities and energy matters.

### PART D

Part D amends the definition of "unorganized and deorganized areas" in the laws governing land use regulation to include, for the limited purpose of permitting community-based offshore wind energy projects and structures associated with resource analysis activities necessary for such intended projects, the siting of such projects and resource analysis structures. It defines "community-based offshore wind energy project," which is the type of small-scale offshore wind energy project subject to permitting by the Maine Land Use Regulation Commission. It provides for permit processing timelines and procedures for a community-based offshore wind energy project that are the same as for an expedited wind energy development.

It applies specific scenic character review criteria for a community-based offshore wind energy project consistent with the criteria for an expedited wind energy development and provides that an application for a community-based offshore wind energy project is exempt from review under the Maine Revised Statutes, Title 12, section 685-B, subsection 4 to the extent the Maine Land Use Regulation Commission determines that review and findings are required under criteria specified in Title 12, section 1862, subsection 2, paragraph A, subparagraph (6). It provides for specific review criteria regarding noise control, shadow flicker and safety setbacks for a community-based offshore wind energy project.

It requires the Maine Land Use Regulation Commission to adopt routine technical rules to allow an offshore wind power project and a community-based offshore wind energy project as uses requiring a permit, but not a special exception, in all applicable subdistricts and establishes the same on an interim basis.

### PART E

Part E makes several changes in the laws regarding the issuance of a general permit for offshore wind energy demonstration projects under the Natural Resources Protection Act and the site location of development law, and the

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issuance of a general permit for tidal energy demonstration projects under the Maine Waterway Development and Conservation Act. The law:

1. Provides that the Board of Environmental Protection may not assume jurisdiction over an application for those general permits;
2. Provides that, in reviewing an appeal of a permit decision by the Commissioner of Environmental Protection on an application for those general permits, the Board of Environmental Protection base its decision on the administrative record.
3. Provides that the Commissioner of Environmental Protection may not request that the Board of Environmental Protection assume jurisdiction over an application for those general permits.
4. Provides that a person aggrieved by an order or decision of the Commissioner of Environmental Protection or Board of Environmental Protection regarding an application for those general permits may appeal to the Supreme Judicial Court sitting as the law court.

It requires the commissioner to issue a decision on an application for an offshore wind power project or tidal power project within 185 days or, if the commission holds a hearing, within 270 days. This review period does not apply to a project's associated facilities if the commissioner determines that such a review time is unreasonable due to the size, location, potential impacts, multiple agency jurisdiction or complexity of that portion of the development.

It adds offshore wind power projects subject to the Natural Resources Protection Act or the site location of development law and tidal power projects subject to the Maine Waterway Development and Conservation Act to the category of projects for which the Commissioner of Environmental Protection may contract for outside review services, at the applicant's expense, without the applicant's consent.

It amends the Natural Resources Protection Act to address offshore wind power projects as follows.

1. It adds a definition of "offshore wind power project."
2. It provides that in making a determination under Title 38, section 480-D, subsection 1 concerning an offshore wind power project, the Department of Environmental Protection shall consider the project's effects on scenic character and existing uses related to scenic character in accordance with Title 35-A, section 3452.
3. It adds a provision to the standards of the Natural Resources Protection Act that addresses certain issues related to an offshore wind power project that does not also require a permit under the site location of development law.
4. It amends a notification provision to provide that the Department of Environmental Protection may not review an application for an offshore wind power project without providing notice to the Maine Land Use Regulation Commission when the proposed development is within three miles of an area of land within the jurisdiction of the commission and notice to any municipality with land located within three miles of the proposed development and to any municipality in which associated facilities are located. The Maine Land Use Regulation Commission and any municipality notified may provide comments within a reasonable period established by the Commissioner of Environmental Protection and the commissioner shall consider these comments.
5. It provides that the Department of Environmental Protection shall issue all permits under the Natural Resources Protection Act for offshore wind power projects except for community-based offshore wind energy projects as defined in Title 12, section 682, subsection 19.

It amends the site location of development law to address offshore wind power projects as follows.

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1. It provides that a permit is required pursuant to the site location of development law for an offshore wind energy project with an aggregate generating capacity of 3 megawatts or more and adds a definition of "offshore wind power project" to the site location of development law.
2. It provides that in making a determination regarding an offshore wind power project with an aggregate generating capacity of 3 megawatts or more, the Department of Environmental Protection shall consider the project's effects on scenic character and existing uses related to scenic character in accordance with Title 35-A, section 3452.
3. It provides that an offshore wind power project with an aggregate generating capacity of 3 megawatts or more must avoid unreasonable shadow flicker effects, provide safety-related setbacks and provide significant tangible benefits, as required for a grid-scale wind energy development.
4. It provides that an offshore wind power project with an aggregate generating capacity of 3 megawatts or more that is located entirely within an area subject to the jurisdiction of the Maine Land Use Regulation Commission is not exempt from the site location of development law unless it is a community-based offshore wind energy project.
5. It provides that an offshore wind power project with an aggregate generating capacity of 3 megawatts or more is exempt from review under the existing use standard in Title 38, section 484, subsection 3 insofar as review is also required by the Department of Conservation under criteria specified in Title 12, section 1862, subsection 2, paragraph A, subparagraph (6), as determined by the Department of Environmental Protection.

It provides that the Department of Environmental Protection shall develop a permit by rule for offshore wind power project-related meteorological towers in coastal wetlands.

### PART F

Part F amends the Maine Waterway Development and Conservation Act to provide that the Department of Environmental Protection has statewide jurisdiction over wave power projects under that law.

### PART G

Part G expands the Public Utilities Commission's existing authority to exempt real estate of an entity to which the commission has issued a certificate of public convenience and necessity wholly or in part from a local ordinance to include real estate used for a renewable ocean energy project if, following public notice and comment, the commission determines the exemption reasonably necessary for public welfare and convenience. It also clarifies and limits the scope of a municipality's land use standards to promote consistency with pertinent state standards and requirements regarding offshore wind energy development.

### PART H

Part H establishes the Ocean Energy Fund within the Department of Marine Resources for the expenditure of funds from the Renewable Ocean Energy Trust.

Public Law 2009, chapter 615, was enacted as an emergency measure effective April 7, 2010.

# Joint Standing Committee on Utilities and Energy

**LD 1813 An Act Relating to the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Emergency Communications Services**

**PUBLIC 617  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-806

This bill implements the recommendations for legislative action found in the report on emergency communications in Kennebec County submitted by the Office of Program Evaluation and Government Accountability.

Part A requires the Public Utilities Commission, Emergency Services Communications Board (ESCB), with respect to public service answering points (PSAPs) to develop uniform standards and protocols for emergency dispatching; develop compliance and quality assurance and improvement programs; monitor PSAP compliance with standards and protocols; fund training programs and provide materials relating to the adoption of fire and law enforcement dispatch standards and protocols as well as continuing education programs related to standards and protocols, quality assurance practices, supervisory and management practices and other topics as appropriate for achieving compliance with ESCB rules or recertification requirements. It also requires the ESCB to make training offered to the public safety answering points available to entities providing only dispatch services on a fee basis; it allows the bureau to defray training costs for those entities if there are sufficient funds available in the E-911 Fund to do so.

Part B transfers the responsibility for establishing rates paid by political subdivisions for PSAP and dispatch services provided by the Department of Public Safety to political subdivisions from the Public Utilities Commission to the Maine Communications System Policy Board within the Department of Public Safety. It requires the Maine Communications System Policy Board to examine various methodologies for setting those fees and to make recommendations on any changes in methodologies to the Joint Standing Committee on Utilities and Energy by January 31, 2011. It authorizes the Joint Standing Committee on Utilities and Energy to submit a bill to implement the recommendations.

### **Committee Amendment "A" (H-806)**

This amendment replaces the bill. The amendment:

1. Modifies the makeup of the Maine Communications System Policy Board to provide that the 3 municipal members are nominated by a statewide municipal association. It removes the requirements that these members must represent towns of specific sizes and be participants in the cooperative use of the Department of Public Safety's communications systems;
2. Removes the authority of the Public Utilities Commission to establish the fees that must be paid by political subdivisions for public safety answering point services and dispatch services provided by the Department of Public Safety. It gives this authority to the Maine Communications System Policy Board and directs the board to set fees based on the department's incremental costs of providing such services to political subdivisions;
3. Directs the Public Utilities Commission, Emergency Services Communications Bureau to develop and implement a quality assurance program to audit and monitor compliance with emergency dispatching standards, practices and procedures of public safety answering points;
4. Authorizes the use of the E-9-1-1 fund to support legislatively authorized supervisory positions relating to emergency dispatch and E-9-1-1 call-taking services provided by the Department of Public Safety until June 30, 2011;

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5. Modifies the E-9-1-1 surcharge that is currently scheduled to increase to 52 cents on July 1, 2010 to provide that it increases to 45 cents instead;
6. Corrects a conflict created when Public Law 2009, chapter 400 repealed the Maine Revised Statutes, Title 25, section 2927, subsection 1-B and enacted related provisions in Title 25, section 2927, subsections 1-E and 1-F, and chapter 416 amended Title 25, section 2927, subsection 1-B. The conflict is corrected by repealing Title 25, section 2927, subsection 1-B and incorporating the changes to rates made by Public Law 2009, chapter 416 in Title 25, section 2927, subsections 1-E and 1-F. The corrections are applied retroactively to January 1, 2010, the effective date of Public Law 2009, chapter 400. The modification of the surcharge on prepaid wireless telecommunications service that will take effect on July 1, 2010 is exempted from a provision of law that provides that a change in that surcharge does not take effect until 60 days after enactment of the change; and
7. Adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2009, chapter 617:

1. Modifies the makeup of the Maine Communications System Policy Board to provide that the three municipal members are nominated by a statewide municipal association. It removes the requirements that these members must represent towns of specific sizes and be participants in the cooperative use of the Department of Public Safety's communications systems;
2. Removes the authority of the Public Utilities Commission to establish the fees that must be paid by political subdivisions for public safety answering point services and dispatch services provided by the Department of Public Safety. It gives this authority to the Maine Communications System Policy Board and directs the board to set fees based on the department's incremental costs of providing such services to political subdivisions;
3. Directs the Public Utilities Commission, Emergency Services Communications Bureau to develop and implement a quality assurance program to audit and monitor compliance with emergency dispatching standards, practices and procedures of public safety answering points;
4. Authorizes the use of the E-9-1-1 fund to support legislatively authorized supervisory positions relating to emergency dispatch and E-9-1-1 call-taking services provided by the Department of Public Safety until June 30, 2011;
5. Modifies the E-9-1-1 surcharge that is currently scheduled to increase to 52 cents on July 1, 2010 to provide that it increases to 45 cents instead;
6. Corrects a conflict created when Public Law 2009, chapter 400 repealed the Maine Revised Statutes, Title 25, section 2927, subsection 1-B and enacted related provisions in Title 25, section 2927, subsections 1-E and 1-F, and chapter 416 amended Title 25, section 2927, subsection 1-B. The conflict is corrected by repealing Title 25, section 2927, subsection 1-B and incorporating the changes to rates made by Public Law 2009, chapter 416 in Title 25, section 2927, subsections 1-E and 1-F. The corrections are applied retroactively to January 1, 2010, the effective date of Public Law 2009, chapter 400. The modification of the surcharge on prepaid wireless telecommunications service that will take effect on July 1, 2010 is exempted from a provision of law that provides that a change in that surcharge does not take effect until 60 days after enactment of the change.

Public Law 2009, chapter 617 was enacted as an emergency measure effective April 7, 2010.

# Joint Standing Committee on Utilities and Energy

LD 1828      **Resolve, Regarding Emergency Communications Services**

**RESOLVE 196  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

This resolve is reported by the Joint Standing Committee on Utilities and Energy pursuant to Public Law 2009, chapter 219. This resolve:

1. Establishes a legislative finding that the recommendations contained in the January 2010 Report for Optimum PSAP Reconfiguration Assessment, known as "the Kimball report," are reasonable and that a plan for implementing those recommendations should be developed;
2. Directs the Public Utilities Commission, Emergency Services Communication Bureau to establish a plan for achieving the 15 to 17 public safety answering point configuration proposed in the Kimball report and directs the bureau to examine the various issues raised in the Kimball report as it develops the plan; and
3. Directs the Public Utilities Commission, Emergency Service Communication Bureau to submit its plan, together with any recommendations relating to the plan, including draft legislation to implement any recommendations for changes to law, to the Joint Standing Committee on Utilities and Energy by November 1, 2010.

## **Enacted Law Summary**

Resolve 2009, chapter 196:

1. Establishes a legislative finding that the recommendations contained in the January 2010 Report for Optimum PSAP Reconfiguration Assessment, known as "the Kimball report," are reasonable and that a plan for implementing those recommendations should be developed;
2. Directs the Public Utilities Commission, Emergency Services Communication Bureau to establish a plan for achieving the 15 to 17 public safety answering point configuration proposed in the Kimball report and directs the bureau to examine the various issues raised in the Kimball report as it develops the plan; and
3. Directs the Public Utilities Commission, Emergency Service Communication Bureau to submit its plan, together with any recommendations relating to the plan, including draft legislation to implement any recommendations for changes to law, to the Joint Standing Committee on Utilities and Energy by November 1, 2010.

Resolve 2009, chapter 196 was finally passed as an emergency measure effective April 1, 2010.

# *Joint Standing Committee on Utilities and Energy*

## **SUBJECT INDEX**

### *E911*

#### Enacted

LD 1813      **An Act Relating to the Recommendations of the Office of  
Program Evaluation and Government Accountability Regarding  
Emergency Communications Services**      **PUBLIC 617  
EMERGENCY**

LD 1828      **Resolve, Regarding Emergency Communications Services**      **RESOLVE 196  
EMERGENCY**

### *Electricity*

#### Enacted

LD 543      **An Act Concerning the Allocation of Power Generated by GNE,  
LLC**      **P & S 40**

LD 1535      **An Act To Create a Smart Grid Policy in the State**      **PUBLIC 539  
EMERGENCY**

LD 1581      **Resolve, Regarding Commercial Electricity Customers Whose  
Bills Increased after a Decrease in Electricity Use**      **RESOLVE 179**

#### Not Enacted

LD 1350      **An Act To Establish the Maine Transmission Mitigation Trust  
Fund**      **ONTP**

LD 1430      **An Act To Ensure Electric Capacity To Serve Maine Consumers**      **ONTP**

### *Energy*

#### Enacted

LD 1647      **An Act To Enhance Maine's Clean Energy Opportunities**      **PUBLIC 518  
EMERGENCY**

LD 1786      **An Act Regarding Energy Infrastructure Development**      **PUBLIC 655**

#### Not Enacted

LD 1571      **An Act To Ensure That Maine's Energy Corridor Policy Does  
Not Harm Maine's Renewable Power Development**      **ONTP**

### *Energy Conservation*

#### Enacted

LD 1717	An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses	PUBLIC 591 EMERGENCY
LD 1762	Resolve, Regarding Energy Conservation through Voltage Regulation	RESOLVE 169

*Miscellaneous - Utilities and Energy*

Enacted

LD 1695	Resolve, Directing the Public Utilities Commission To Address Public Safety Issues Relating to Disconnection of Certain Utilities	RESOLVE 168 EMERGENCY
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Not Enacted

LD 1644	An Act To Require That a Utility Company Notify the Owner of Property prior to Disconnecting Services	ONTP
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*Public Utilities Commission/Office of Public Advocate*

Enacted

LD 1578	Resolve, To Direct the Public Utilities Commission and the Public Advocate To Account for Certain Resource Expenditures	RESOLVE 190
LD 1643	An Act To Facilitate the Involvement of the Office of the Public Advocate in the FairPoint Communications Bankruptcy Case	P & S 30 EMERGENCY

Not Enacted

LD 1652	An Act To Provide More Information to the Public Advocate	ONTP
LD 1660	An Act To Reallocate Funds for a Position at the Public Utilities Commission	ONTP
LD 1661	An Act To Create a Position at the Public Utilities Commission	ONTP

*Renewable Resources*

Enacted

LD 1222	Resolve, To Promote Geothermal Energy	RESOLVE 161
LD 1504	An Act To Provide Predictable Benefits to Maine Communities That Host Wind Energy Developments	PUBLIC 642
LD 1556	Resolve, To Review Certification Requirements for Installation of Solar Photovoltaic Systems	RESOLVE 152 EMERGENCY
LD 1680	An Act To Assist in Reviewing Wind Energy Applications	PUBLIC 492 EMERGENCY
LD 1682	An Act To Amend the Electric Utility Industry Laws as They Relate to Renewable Resources	PUBLIC 542
LD 1696	An Act Regarding Community-based Renewable Energy	PUBLIC 565 EMERGENCY

LD 1720      **Resolve, Regarding Waste-to-energy Power**      **RESOLVE 163**

LD 1810      **An Act To Implement the Recommendations of the Governor's  
Ocean Energy Task Force**      **PUBLIC 615  
EMERGENCY**

*Telecommunications*

Enacted

LD 1646      **An Act To Establish a Broadband Policy for Maine**      **PUBLIC 586  
EMERGENCY**

LD 1778      **An Act To Enable the Installation of Broadband Infrastructure**      **PUBLIC 612  
EMERGENCY**

Not Enacted

LD 1697      **An Act To Protect Universal Service**      **ONTP**

*Water/Sewer - Charters*

Enacted

LD 1515      **An Act To Amend the Charter of the Caribou Utilities District**      **P & S 29  
EMERGENCY**

LD 1516      **An Act To Amend the Charter of the Dexter Utility District**      **P & S 35**

LD 1525      **An Act To Create the Buckfield Water District**      **P & S 36**

LD 1557      **An Act To Raise the Indebtedness Limit of the Eagle Lake Water  
and Sewer District**      **P & S 28**

LD 1601      **An Act To Create the Lincolnville Sewer District**      **P & S 32**

LD 1756      **An Act To Amend the Charter of the Gardiner Water District**      **P & S 37**

LD 1783      **An Act To Amend the Charter of the Kennebec Water District**      **P & S 38**

*Water/Sewer - General*

Enacted

LD 1589      **An Act To Authorize Sanitary Districts, Water Utilities and  
Sewer Districts To Waive an Automatic Lien Foreclosure**      **PUBLIC 490**

LD 1645      **An Act To Streamline Collections for Consumer-owned  
Consolidated Water and Wastewater Utilities**      **PUBLIC 541  
EMERGENCY**

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