

Joint Standing Committee on Utilities and Energy

LD 26 **An Act To Authorize a General Fund Bond Issue for Stranded Costs of Transmission and Distribution Utilities** **ONTP**

<u>Sponsor(s)</u> FISCHER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 26 proposed a bond issue in the amount of \$1,088,750,000 to be used to pay transmission and distribution utility stranded costs. Stranded costs are the costs of investor-owned utilities that were made unrecoverable as a result of the restructuring of the electric industry. The costs include, among other things, long-term energy contracts, the prices of which exceed market prices. Currently, investor-owned transmission and distribution utilities are provided a reasonable opportunity over time to recover these costs through rates.

LD 46 **An Act To Require Permission of Customers before a Phone Company Can Bill Retroactively** **ONTP**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 46 proposed to prohibit a telephone utility from retroactively billing a customer without the customer's permission.

LD 94 **An Act To Allow Administrative Penalties Imposed by the Public Utilities Commission To Be Applied To Benefit Customers** **PUBLIC 432**

<u>Sponsor(s)</u> BARTLETT BLISS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-18
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LD 94 proposed to permit the Public Utilities Commission to use administrative penalties collected by the commission in excess of \$100,000, net of the commission's expenses, to credit the bills of customers affected by the violation. Currently, all administrative penalties imposed and collected by the Public Utilities Commission are deposited in the Public Utilities Commission Reimbursement Fund and used to defray unbudgeted and incidental commission expenses. Any excess is forwarded to the General Fund.

Committee Amendment "A" (S-18) proposed to replace the bill. The amendment proposed to authorize the Public Utilities Commission to apply administrative penalties imposed by the commission in a manner that benefits those customers affected or potentially affected by the violations. If the commission determined this application of the amount to be impractical or unreasonable, commission would be authorized to apply the amount in a manner that would benefit the class or group of customers affected or potentially affected by the violation. The commission would be authorized to apply the amounts in the form of a direct payment or credit to the customers or group or class of customers affected or potentially affected by the violation. The commission would also be authorized to apply the penalties to supplement programs or funds that the commission determines would benefit customers affected or potentially affected by the violation. The amendment proposed to require that any

Joint Standing Committee on Utilities and Energy

amounts applied to supplement an existing program or fund not result in a reduction in other funding provided for the program or fund unless the reduction were outside the commission's control, the commission found application of the penalty to the fund or program was the most appropriate use of the penalty, and the net effect would be an increase in total funding available to the program or fund.

Enacted law summary

Public Law 2005, chapter 432 authorizes the Public Utilities Commission to apply administrative penalties it collects in a manner that benefits those customers affected or potentially affected by the violations. If the commission determines this application of the amount to be impractical or unreasonable, it may apply the amount in a manner that benefits the class or group of customers affected or potentially affected by the violation. The commission may apply the amounts in the form of a direct payment or credit to the customers or group or class of customers affected or potentially affected by the violation or to supplement programs or funds that the commission determines would benefit customers affected or potentially affected by the violation. Any amounts applied to supplement an existing program or fund may not result in a reduction in other funding provided for the program or fund unless the reduction is outside the commission's control, the commission finds that application of the penalty amount to the fund or program is the most appropriate use of the penalty, and the net effect will be an increase in total funding available to the program or fund.

LD 125 **An Act To Allow Timothy Gousse To Purchase Water from the Gardiner Water District** **ONTP**

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

LD 125 proposed to authorize Timothy Gousse of the Town of Chelsea to petition for and receive water service from the Gardiner Water District.

LD 205 **An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission** **CARRIED OVER**

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

LD 205 proposed to subject basic tier service rates and services of cable systems to regulation by the Public Utilities Commission. The bill also proposed to establish hearing and complaint procedures for rate increases or product or service changes by a cable system operator and to direct the Public Utilities Commission, on petition of 25 or more customers, to petition the Federal Communications Commission to address any rate increases or changes the Public Utilities Commission found to be unreasonable.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

Joint Standing Committee on Utilities and Energy

LD 207 **An Act To Require Electric Utilities To Permit Customers To Pay Electric Utility Bills in Their Communities** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY BRYANT B		

LD 207 proposed to direct the Public Utilities Commission to ensure that residential customers have the option of paying their electric bills at local, easily accessible and convenient locations such as shopping centers.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 230 **An Act Establishing a Role for the Public Advocate in Promoting Railroad Service Quality** **PUBLIC 248**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOTHAM SAVAGE	OTP-AM	H-182 S-188 DAMON

LD 230 proposed to authorize the Public Advocate to initiate and intervene or appear in proceedings before state and federal agencies and courts on behalf of customers of a railroad.

Committee Amendment "A" (H-182) proposed to replace the bill. It proposed to direct the Public Advocate to seek to promote and enhance railroad freight service quality. The amendment proposed:

1. To direct the Public Advocate to collect data on the quality of railroad freight service in this State, to organize that data in accordance with a performance matrix developed in consultation with the Department of Transportation and shippers and to provide to the Department of Transportation regular reports on the quality of railroad freight service;
2. To authorize the Public Advocate:
 - A. To provide information to federal, regional or state agencies, groups or organizations;
 - B. To provide advice and assistance to shippers;
 - C. With the consent of the parties, to facilitate or mediate railroad freight service disputes; and
 - D. To take any other appropriate actions consistent with the purposes of this legislation;
3. To provide for confidential treatment of the identity of shippers who provide service quality information to the Public Advocate;
4. To provide \$20,000 each year from the railroad excise tax to fund these activities of the Public Advocate;

Joint Standing Committee on Utilities and Energy

5. To require the Public Advocate to report annually to the Joint Standing Committee on Utilities and Energy with regard to activities taken under this legislation and recommendations for any modifications to the legislation, including funding levels;
6. To repeal all these provisions 90 days after the adjournment of the Second Regular Session of the 123rd Legislature but to authorize the Joint Standing Committee on Utilities and Energy to report out legislation in that session regarding the subject matter of this legislation; and
7. To authorize the Joint Standing Committee on Utilities and Energy to report out legislation concerning railroad freight service to the Second Regular Session of the 122nd Legislature.

Senate Amendment "A" to Committee Amendment "A" (S-188) proposed to amend the committee amendment to require the Public Advocate to make the Advocate's annual report on the subject matter of the legislation to both the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on Transportation. The amendment proposed to remove the authority of the Joint Standing Committee on Utilities and Energy to report out legislation on railroad service quality and to replace it with authorization for the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on Transportation jointly to report out legislation concerning railroad freight service to the Second Regular Session of the 122nd Legislature and the Second Regular Session of the 123rd Legislature.

Enacted law summary

Public Law 2005, chapter 248 directs the Public Advocate to seek to promote and enhance railroad freight service quality. It accomplishes the following:

1. Directs the Public Advocate to collect data on the quality of railroad freight service in this State, to organize that data in accordance with a performance matrix developed in consultation with the Department of Transportation and shippers and to provide to the Department of Transportation regular reports on the quality of railroad freight service;
2. Authorizes the Public Advocate to provide information to federal, regional or state agencies, groups or organizations; to provide advice and assistance to shippers; with the consent of the parties, to facilitate or mediate railroad freight service disputes; and to take any other appropriate actions consistent with the purposes of this legislation;
3. Provides for confidential treatment of the identity of shippers who provide service quality information to the Public Advocate;
4. Provides \$20,000 each year from the railroad excise tax to fund these activities of the Public Advocate;
5. Requires the Public Advocate to report annually to the Utilities and Energy Committee and the Transportation Committee with regard to activities taken under this legislation and recommendations for any modifications to the legislation, including funding levels;
6. Repeals all the provisions 90 days after the adjournment of the Second Regular Session of the 123rd Legislature but authorizes the Utilities and Energy Committee and the Transportation Committee jointly to report out legislation in that session regarding the subject matter of this legislation; and

Joint Standing Committee on Utilities and Energy

7. Authorizes the Utilities and Energy Committee and the Transportation Committee jointly to report out legislation concerning railroad freight service to the Second Regular Session of the 122nd Legislature.

The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

LD 244

An Act To Standardize Water Lien Provisions

PUBLIC 7

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON E DAVIS P	OTP	

LD 244 proposed to expand current law with regard to the collection of unpaid water utility rates. Currently, water districts created by private and special law have a lien on property served by the district to secure payment of unpaid rates. This bill proposed to provide that all consumer-owned water utilities, which includes municipal water departments, have such liens.

The bill proposed to preserve current law that provides that when a landlord has applied for and is granted water utility service to a multiunit residential rental property, a water utility, which includes any private water company, public water district, or municipal water department, has a lien on the property and on any interest the landlord has in the multiunit residential rental property to secure payment for the water utility's service to that property.

Enacted law summary

Public Law 2005, chapter 7 expands current law with regard to the collection of unpaid water utility rates. Currently, water districts created by private and special law have a lien on property served by the district to secure payment of unpaid rates. Public Law 2005, chapter 7 provides that all consumer-owned water utilities, which includes municipal water departments, have such liens.

Public Law 2005, chapter 7 preserves current law that provides that when a landlord has applied for and is granted water utility service to a multiunit residential rental property, a water utility, which includes any private water company or public water district or municipal water department, has a lien on the property and on any interest the landlord has in the multiunit residential rental property to secure payment for the water utility's service to that property.

LD 276

An Act To Provide Fair and Equitable Local Calling Service for the People of the State

ONTP

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

LD 276 proposed to require the commission to amend its basic service calling area rule to provide a flat-rate-unlimited-calling area option that includes both contiguous exchanges and abutting municipalities. The current

Joint Standing Committee on Utilities and Energy

Public Utilities Commission rule regarding basic service calling areas requires eligible local exchange carriers to provide a flat-rate-unlimited-calling area option that includes contiguous exchanges.

LD 289 **An Act To Protect Consumers and To Modernize Heating Oil Rules and Reporting Requirements** **PUBLIC 91**

<u>Sponsor(s)</u> RINES BARTLETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-139
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LD 289 proposed to repeal a provision of law requiring the State Planning Office (SPO) annually to report to the Joint Standing Committee on Utilities and Energy on statewide storage inventories of petroleum products. The bill did not propose to affect the requirement that petroleum storage facility owners report inventories to the SPO. It also proposed to expand the SPO's duty to report on projected shortfalls of petroleum products to include projected shortfalls of kerosene. The bill also proposed to repeal a section of law establishing the State's petroleum set-aside system.

Committee Amendment "A" (H-139) proposed to require SPO to provide, on request, to the Joint Standing Committee on Utilities and Energy, a report on inventories, deliveries, curtailments, shortfalls or other matters relating to the availability of petroleum products in this State.

Enacted law summary

Public Law 2005, chapter 91 repeals the requirement that the State Planning Office report annually to the Legislature on statewide storage inventories of petroleum products. It requires the State Planning Office to provide, on request, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters a report on inventories, deliveries, curtailments, shortfalls or other matters relating to the availability of petroleum products in this State. It expands the State Planning Office's duty to report on projected shortfalls of certain fuels by requiring reports on projected shortfalls of kerosene. It repeals the section of law establishing the State's petroleum set-aside system.

LD 312 **An Act To Create a Manufacturing Energy Policy for Maine** **ONTP**

<u>Sponsor(s)</u> FLETCHER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 312 was a concept draft pursuant to Joint Rule 208. Conceptually the bill proposed the creation of a manufacturing energy policy to support and promote Maine's manufacturing industry. The bill proposed goals of reducing the cost of energy and of utility service, endorsing cogeneration as the State's primary energy efficiency strategy, promoting distributed generation, encouraging conservation and renewable energy where they can reduce the cost of energy or enhance economic development, pursuing elimination of electricity transmission constraints, protecting minimum interconnection standards for generating units, and supporting development of alternative freight transportation.

Related issues were presented in LD 812.

Joint Standing Committee on Utilities and Energy

The committee requested that Office of the Governor form a stakeholder group to examine the issues raised by this bill and LD 812.

LD 327 **An Act To Implement Energy Conservation Standards for Affordable Housing** **ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 327 proposed to require that the primary consideration by the Maine State Housing Authority in the determination of affordable housing be the sum of mortgage and energy costs. This bill proposed to require that affordable housing programs funded in whole or in part by the State give priority to buildings with the lowest sum of mortgage and energy expenses. This bill proposed to require affordable housing construction programs funded in whole or in part by the State to use the highest energy conservation construction standards for new housing.

The Maine State Housing Authority is currently developing rules related to this matter.

LD 330 **An Act To Protect Utility Customers from Imprudently Incurred Costs** **ONTP**

<u>Sponsor(s)</u> BLISS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 330 proposed to address a specific circumstance: a Federal Energy Regulatory Commission (FERC) wholesale rate determination “for a utility’s ownership interest under a joint ownership agreement.” The bill proposed to require that if FERC in this context found costs to be imprudent and excluded them from wholesale rates, this would settle the matter with respect to recovery of those costs in retail rates: the Public Utilities Commission would be directed to exclude recovery of those costs in the utility’s retail rates.

LD 331 **An Act To Improve the Operation of Underground Damage Prevention Procedures** **PUBLIC 334**

<u>Sponsor(s)</u> BLISS BARTLETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-558
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LD 331 proposed to revise the law governing underground damage prevention procedures (known as the “dig safe” law). It proposed:

1. To authorize the Public Utilities Commission to extend by routine technical rule excavation notification requirements that apply to drinking water well construction (which were established by major substantive

Joint Standing Committee on Utilities and Energy

rule) to other types of excavation. These rules currently allow well drillers to check the Public Utilities Commission's database 30 days before the excavation to determine if any facilities are located in the municipality; if none, the excavator is not required to contact the Dig Safe system;

2. To direct the commission to establish by routine technical rule procedures to reduce the incidence of damage to newly-installed underground facilities in active excavation areas;
3. To provide that the commission may fine operators for any failure to mark their facilities in accordance with the requirements in law. Under current law the commission can impose a fine for failure to mark within the required time limit; it can also fine for inaccurate marking, but only if the marking was done in a reckless or negligent manner; and
4. To clarify that the commission has general authority to adopt rules to implement the dig safe law (the commission has in fact adopted a variety of implementing rules).

Committee Amendment "A" (H-558), which was the unanimous report of the Joint Standing Committee on Utilities and Energy, proposed to make the following changes to the bill:

1. To make all Public Utilities Commission rules implementing the so-called dig safe law, including the new rules authorized by the bill, major substantive rules. It proposed to provide that existing rules of the commission remain in effect but that any amendments to those rules would be subject to legislative review as major substantive rules;
2. To provide that when an underground facility is discovered during an excavation and the location of that facility was, prior to the discovery, unknown or unclear to the underground facility operator, the commission may direct that operator to determine and map the location of the facility for a reasonable distance, as determined by the commission, from the point of discovery;
3. To remove the section of the bill that proposed to authorize the commission to fine operators for any failure to mark their facilities in accordance with the requirements in law; and
4. To require the commission to adopt rules establishing standards for when and at what level penalties must be assessed for violations of the dig safe law.

Enacted law summary

Public Law 2005, chapter 334 revises the law governing underground damage prevention procedures (known as the "dig-safe law"). It:

1. Authorizes the Public Utilities Commission to extend, through major substantive rule, excavation notification requirements that apply to drinking water well construction (established by major substantive rule) to other types of excavation. The rules currently allow well drillers to check the commission's database 30 days before the excavation to determine if any facilities are located in the municipality; if none, the excavator may go ahead with the excavation without contacting the dig safe system;
2. Directs the commission to establish through major substantive rule procedures to reduce the incidence of damage to newly-installed underground facilities in active excavation areas;

Joint Standing Committee on Utilities and Energy

3. Gives the commission general authority to adopt rules to implement the damage prevention laws;
4. Makes all Public Utilities Commission rules implementing the dig safe law major substantive rules. It provides that all existing rules of the commission remain in effect but that any amendments to those rules are subject to legislative review as major substantive rules;
5. Provides that when an underground facility is discovered during an excavation and the location of that facility was, prior to the discovery, unknown or unclear to the underground facility operator, the commission may direct that operator to determine and map the location of the facility for a reasonable distance, as determined by the commission, from the point of discovery; and
6. Requires the commission to adopt major substantive rules establishing standards for when and at what level penalties must be assessed for violations of the dig safe law. In developing the rules, the commission is directed to include consideration of evidence of the past record of successful excavations as well as the seriousness of the current violation.

LD 352

An Act To Assist Cellular Telephone Users

ONTP

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

LD 352 proposed to require cellular telephone providers to provide a service that allows a customer to learn, by calling a telephone number, the exact amount of calling minutes available to that customer in the current billing month. The provider would not be allowed to charge the customer for accessing or using this service.

LD 355

An Act To Amend the Mexico Water District Charter

P & S 7

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOTHAM	OTP-AM	H-140
BRYANT B		

LD 355 proposed to increase the compensation a trustee of the Mexico Water District receives from \$300 to \$600 per year and to increase the amount a trustee receives for each meeting attended from \$15 to \$25.

Committee Amendment "A" (H-140) proposed to replace the bill and make clear that trustees of the Mexico Water District receive compensation established in accordance with the general law (Title 35-A, section 6410, subsection 7) that governs water district trustee compensation.

Enacted law summary

Private and Special Law 2005, chapter 7 makes clear that trustees of the Mexico Water District receive compensation as established in accordance with the provision of the Maine Revised Statutes that governs water district trustee compensation.

Joint Standing Committee on Utilities and Energy

LD 389

An Act To Amend the Waldoboro Utility District

**P & S 11
EMERGENCY**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-180
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LD 389 proposed to clarify that a person may connect to a sewer of the Waldoboro Utility District upon obtaining a permit from the trustees of the district and upon payment of an entrance charge. The bill also proposed to provide that it is the place of residence of the voter who signs a nomination petition for a candidate for trustee, and not the candidate's place of residence, that is required on the petition. The bill also proposed to allow the district to collect rates for the purpose of establishing surplus reserve accounts.

Committee Amendment "A" (H-180) proposed to replace the section of the bill relating to the purposes for which the Waldoboro Utility District may collect rates. It proposed to conform those purposes in general to those that govern the rates of sanitary districts under the Maine Revised Statutes, Title 38, section 1202 but to include additional authority for the district to establish reserve accounts, as proposed in the bill. The amendment also proposed to make the expansion in rate-collection authority subject to referendum approval in the district. The amendment also proposed to provide a cross-reference to Title 38, Section 1251, which requires a notice and public hearing prior to the adoption of any new rate schedule by any sewer district.

Enacted law summary

Private and Special Law 2005, chapter 11 clarifies that a person may connect to a sewer of the Waldoboro Utility District upon obtaining a permit from the trustees of the district and upon payment of an entrance charge. It clarifies whose residence that must be written on a nomination petition for a candidate for district trustee. It updates the district's charter by cross-referencing the provisions of the Maine Revised Statutes governing trustee compensation and requirements for notice and public hearing prior to the adoption of new rate schedules. It also expands the purposes for which the Waldoboro Utility District may collect rates: It conforms those purposes in general to those that govern the rates of sanitary districts under the Maine Revised Statutes, Title 38, section 1202 but includes additional authority for the district to establish reserve accounts.

Private and Special Law 2005, chapter 11 was enacted as an emergency and took effect on May 13, 2005, except that portion of Private and Special Law 2005, chapter 11 that changes the purposes for which the district may collect rates took effect only for the purpose of permitting its submission to the voters of the district in a referendum.

LD 397

An Act To Promote the More Efficient Use of Natural Gas

PUBLIC 110

<u>Sponsor(s)</u> BLISS BARTLETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-185
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LD 397 proposed to require gas utilities that serve at least 5,000 residential consumers (Northern Utilities) to implement cost-effective conservation programs designed to promote efficient use of natural gas. The bill proposed to set minimum funding at 1% of the utility's total revenue; the funding would be recovered from the

Joint Standing Committee on Utilities and Energy

LD 413 proposed to change the procedure by which the York Sewer District may be dissolved.

Committee Amendment "A" (S-281), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. The amendment proposed to amend the charter of the York Sewer District to:

1. Cross-reference statutory law requiring municipal review and approval of sewer extensions;
2. Require the York Sewer District to include in its annual report audited financial statements and require the Town of York to include the district's report in the town's annual report;
3. Provide that decisions of the district relating to assessments for sewer construction may be appealed to the Town of York;
4. Establish a process for involuntary dissolution of the York Sewer District and for the transfer of its assets and obligations to the Town of York. The process would be initiated by citizen petition followed by a referendum vote within the town;
5. Add a referendum clause to the bill; and
6. Fix an incorrect reference in a prior private and special law.

Committee Amendment "B" (S-282), which was one of 2 minority reports of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. The amendment was the same as the majority report except that rather than establishing a process for the involuntary dissolution of the York Sewer District, it proposed to establish a process for the recall of the trustees of the York Sewer District.

Enacted law summary

Private and Special Law 2005, chapter 22 amends the charter of the York Sewer District to:

1. Cross-reference statutory law requiring municipal review and approval of sewer extensions;
2. Require the York Sewer District to include in its annual report audited financial statements and require the Town of York to include the district's report in the town's annual report;
3. Provide that decisions of the district relating to assessments for sewer construction may be appealed to the Town of York;
4. Establish a process for involuntary dissolution of the York Sewer District and for the transfer of its assets and obligations to the Town of York. The process is initiated by citizen petition followed by a referendum vote within the town; and
5. Fix an incorrect reference in the current charter.

Private and Special Law 2005, chapter 22 does not take effect unless approved by referendum vote within the district.

Joint Standing Committee on Utilities and Energy

LD 459

An Act To Amend the Mexico Sewer District Charter

P & S 8

<u>Sponsor(s)</u> HOTHAM BRYANT B		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-138
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LD 459 proposed to increase the compensation of each trustee of the Mexico Sewer District to \$20 for each regular or special meeting and increases the maximum annual compensation for each trustee from \$200 to \$300.

Committee Amendment "A" (H-138) proposed to replace the substance of the bill. It proposed to make clear that trustees of the Mexico Sewer District receive compensation as established in accordance with the provision of general law (Title 38, Section 1252) that governs sewer district trustee compensation.

Enacted law summary

Private and Special Law 2005, chapter 8 clarifies that trustees of the Mexico Sewer District receive compensation as established in accordance with the provision of the Maine Revised Statutes that governs sewer district trustee compensation.

LD 497

An Act To Amend the Charter of the Boothbay Region Water District

ONTP

<u>Sponsor(s)</u> BISHOP DOW		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 497 proposed to require that a trustee of the Boothbay Region Water District reside in a household to which the district's service is provided.

LD 499

An Act To Amend the Charter of the Boothbay Harbor Sewer District

ONTP

<u>Sponsor(s)</u> BISHOP DOW		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 499 proposed to extend the territory of the Boothbay Harbor Sewer District to include all of the territory of the Town of Boothbay. The bill also proposed to increase the debt limit of the Boothbay Harbor Sewer District from \$5,500,000 to \$8,500,000.

Joint Standing Committee on Utilities and Energy

LD 523

An Act Authorizing the Public Utilities Commission To Designate a Sole Provider of 2-1-1 Information and Referral Services in Maine

**PUBLIC 51
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAUTIGAM BROMLEY	OTP-AM	H-100

LD 523 proposed to designate 2-1-1 Maine, Incorporated as the sole entity entitled to use the 2-1-1 telephone number assigned by the Federal Communications Commission to be used for access to community information and referral services.

Committee Amendment "A" (H-100) proposed to replace the substance of the bill and to modify the title and emergency preamble to reflect the changes to the bill. The amendment proposed to authorize the Public Utilities Commission to designate an appropriate entity to be the sole entity entitled to use the 2-1-1 telephone number assigned by the Federal Communications Commission for access to information and referral services. The amendment proposed to allow a designation for no more than 3 years but to allow the designation to be renewed, after review, for successive terms. Before making a designation or renewing a designation, the commission would be required to determine that the designation or renewal was in the public interest. The commission would be authorized to suspend, terminate or modify a designation if it determined the public interest was no longer served by the designation or in response to actions by the Federal Communications Commission that affect the availability or assigned use of the 2-1-1 number.

The amendment proposed to direct the commission to make a designation within 60 days of the effective date of the Act or the receipt by the commission of a request from an entity for designation, whichever is later, provided the commission determines the designation is in the public interest.

Enacted law summary

Public Law 2005, chapter 51 authorizes the Public Utilities Commission to designate an appropriate entity to be the sole entity entitled to use the 2-1-1 telephone number assigned by the Federal Communications Commission for access to information and referral services. A designation may extend for no more than 3 years but may be renewed, after review, for successive terms. Before making a designation or renewing a designation, the commission shall determine that the designation or renewal is in the public interest. The commission is authorized to suspend, terminate or modify a designation if it determines the public interest is no longer served by the designation or in response to actions by the Federal Communications Commission that affect the availability or assigned use of the 2-1-1 number.

The commission must make a designation within 60 days of the effective date of this Act or the receipt by the commission of a request from an entity for designation, whichever is later, provided the commission determines the designation is in the public interest.

Public Law 2005, chapter 51 was enacted as an emergency measure effective April 20, 2005.

Joint Standing Committee on Utilities and Energy

LD 563

An Act To Assist Persons with Pulmonary Disabilities

PUBLIC 132

<u>Sponsor(s)</u> FAIRCLOTH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-181
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LD 563 proposed to require the Public Utilities Commission to establish an equitable-treatment program to ensure the electricity bill assistance provided to low-income residential customers who for health reasons must use electric oxygen pumps is substantially equivalent among the various transmission and distribution utility service territories. Pursuant to current law, the Public Utilities Commission has established different low-income assistance programs in different transmission and distribution utility territories. As a result, low-income customers of Central Maine Power Company are offered a percent-of-income program that generally provides greater benefits than those offered under other transmission and distribution utility programs. This bill proposed to address this inequity.

Committee Amendment "A" (H-181) proposed to modify the language governing the establishment of the equitable-treatment program. It proposed to remove the requirement that overall program benefits provided to low-income persons who use oxygen pumps be substantially equivalent throughout the State. Since the low-income programs of the various transmission and distribution utilities are dissimilar in many ways, that requirement might be difficult to achieve and conflict with the goal of establishing an administratively simple and inexpensive program. The amendment proposed to provide that the program ensure that low-income assistance benefits mitigate, to an extent that is reasonably equivalent throughout the State, the increased electric costs associated with the use of oxygen pumps. The amendment also proposed to ensure that only persons eligible for benefits under the current programs would be eligible for the adjustment provided under the equitable-treatment program.

Enacted law summary

Public Law 2005, chapter 132 requires the commission to establish an equitable-treatment program to ensure that electricity bill assistance benefits provided to low-income residential customers who for health reasons must use electric oxygen pumps mitigate, to an extent that is reasonably equivalent throughout the State, the increased electric costs associated with the use of oxygen pumps. Only persons eligible for benefits under the current utility programs are eligible for the adjustment provided under the equitable-treatment program.

Pursuant to current law, the Public Utilities Commission has established different low-income assistance programs in different transmission and distribution utility territories. As a result, low-income customers of Central Maine Power Company are offered a percent-of-income program that generally provides greater benefits than those offered under other transmission and distribution utility programs. The equitable-treatment program is designed to mitigate the difference in benefits provided to low-income residential customers who for health reasons must use electric oxygen pumps.

Joint Standing Committee on Utilities and Energy

LD 637

**An Act To Allow Qualified Health Centers To Obtain
Telecommunications Education Access Funding**

CARRIED OVER

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

LD 637 proposed to add "qualified health centers" to the entities eligible to receive funding from the telecommunications education access fund (MTEAF). "Qualified health centers" would be defined to include federally qualified health centers as well as any health center that provides free public access in medically underserved areas, if the Public Utilities Commission and Department of Health and Human Services determine that including the health center is in the public interest. MTEAF funds would be available for connectivity, ensuring the health centers are capable of using advanced technology equipment, electronic database content, and the provision of telecommunications equipment and increased bandwidth necessary to support electronic health records and telemedicine in medically underserved areas.

The committee by letter requested that the Public Utilities Commission examine the issues raised by the bill and the possible use of universal service funds for these purposes.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 642

**An Act To Limit Telephone Utility Expenses Related to the
Relocation of Call Centers**

ONTP

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

LD 642 proposed to provide that the costs of upgrading or installing a new or expanded telephone system or network to accommodate a call center that has relocated from one location within the State to another location within the State must be charged by the telephone utility to the owner or operator of that call center and may not be charged to any other customer.

LD 656

**An Act To Revise the Salary Range of Certain Public Utilities
Commission Employees**

PUBLIC 23

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

LD 656 proposed to amend a provision of law in order to raise the salary range of 6 positions at the Public Utilities Commission and to correct the omission of the director of energy programs from this provision of law.

Committee Amendment "A" (H-25) proposed to incorporate a fiscal note.

Joint Standing Committee on Utilities and Energy

Enacted law summary

Public Law 2005, chapter 23 amends a provision of law governing the salary range of division directors at the Public Utilities Commission: general counsel, director of finance, administrative director, director of technical analysis, and director of consumer assistance. It corrects the omission from this provision of the director of energy programs. It raises the salary range for all the positions.

LD 662 **An Act To Limit Increases in Telephone or Electric Service Rates** **CARRIED OVER** **to a Maximum of 3% Annually**

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

LD 662 proposed to provide that rates set by the Public Utilities Commission for a telephone utility may not increase for any customer by more than 3% in any 12-month period. It also proposed to require the commission to ensure that the total of the regulated rate for transmission and distribution service plus any stranded costs charge plus the charge for standard-offer service does not increase for any customer by more than 3% in any 12-month period.

LD 711 **An Act To Improve the Energy Efficiency of Buildings To Be** **ONTP** **Owned or Occupied by the State**

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

LD 711 proposed to require the Public Utilities Commission to adopt by routine technical rule an energy efficiency building code for use in the construction of all buildings built by or for the occupancy of the State, beginning with construction initiated on or after July 1, 2006.

LD 789 **An Act Pertaining to Internet Services** **ONTP**

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

LD 789 proposed to amend a Maine telecommunications policy relating to access to computer-based information services. It proposed to make it the policy of the State that affordable access to “high-speed Internet services and related information networks” be made available throughout the State. The issues raised by the bill relate to complex areas of telecommunications law that are currently in some flux; certain related issues are currently in litigation. A key matter of current interest relates to the Public Utilities Commission’s role in governing access by

Joint Standing Committee on Utilities and Energy

competitive local exchange carriers (CLECs) to elements of the established networks of local telephone companies (incumbent local exchange carriers or ILECs). The legal issues involve a complex interplay between the provisions of the federal Telecommunication Act of 1996, Federal Communication Commission implementation of that Act, the Public Utilities Commission's role in implementation of the Act, and the Public Utilities Commission's authority under State law to regulate ILECs, consistent with federal law and rules, to promote competition in the telecommunications industry and broadband deployment.

LD 824 **An Act To Allow the Public Utilities Commission To Consider the Health of Maine's Manufacturing Economy in the Design of Electric Rates and Energy Policy** **ONTP**

<u>Sponsor(s)</u> FLETCHER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 824 proposed to allow the Public Utilities Commission to consider the health of the State's manufacturing economy in proceedings affecting utility rate design or the allocation of stranded costs, in state energy policy proceedings, and in regional and federal energy policy proceedings. This bill relates to issues raised by LD 312.

LD 848 **An Act To Restore to Maine Citizens Responsible Access to Sebago Lake** **ONTP**

<u>Sponsor(s)</u> MOORE G DIAMOND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 848 proposed to allow a structure to be built on the shore of Sebago Lake without Portland Water District approval as long as the owner of the proposed structure received approval from municipal and state authorities.

LD 849 **An Act To Require That Certain Water Districts Install Sand Filtration Systems To Ensure the Safety and Purity of the Water Supply** **ONTP**

<u>Sponsor(s)</u> MOORE G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 849 proposed to require water districts that serve more than 45,000 customers to install a sand filtration system and to prohibit such water districts from raising rates to consumers in order to pay for the filtration system. This bill proposed to require that the water district sell land that is not essential to its provision of water district services to fund the filtration system. This bill also proposed to direct the Public Utilities Commission to review whether such water districts should be organized as separate entities performing separate functions such as water distribution and water treatment.

Joint Standing Committee on Utilities and Energy

LD 860

An Act To Efficiently Use Funds of the Public Utilities Commission

**P & S 6
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM	H-141

LD 860 proposed to allow the Public Utilities Commission to carry forward and use 100% of surplus funds from both FY 05 and 06. See LD 868, which relates to the same matter.

Committee Amendment "A" (H-141) proposed to incorporate a fiscal note.

Enacted law summary

Private and Special Law 2005, chapter 6 authorizes the Public Utilities Commission to carry forward to the next fiscal year 100% of unexpended funds in fiscal year 2005 and fiscal year 2006. Currently, under 35-A MRSA §116(5), the commission is authorized to carry forward up to 5% of the total annual assessment. Amounts in excess of this must either be presented to the Legislature for allocation to the commission or used to reduce the assessment in the following year. (Note: LD 868, which became Public Law 2005, chapter 135, makes this authorization permanent.)

Private and Special Law 2005, chapter 6 was enacted as an emergency and took effect on May 12, 2005.

LD 864

**An Act To Streamline Sewer District Borrowing and Amend Laws
Governing Water District Borrowing To Ensure Consistency**

**PUBLIC 192
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES BARTLETT	OTP-AM	H-184

LD 864 proposed to allow sanitary and sewer districts to increase their debt limit through a local referendum process instead of having to go through the legislative process to change their charter.

Committee Amendment "A" (H-184) proposed to make certain technical changes to the language of the bill. The amendment also proposed to remove section 1 of the bill, which proposed to provide a referendum option for increasing the debt limits of sanitary districts; since the sanitary district enabling law does not include a debt limit, there is no need for a process to change a sanitary district debt limit; the sanitary district law currently provides for a voter petition process to call for a referendum on certain debt issuances. The amendment also proposed to make explicit that a referendum to increase a sewer district debt limit can be held outside the territory of the district if the usual voting place is located outside the territory of the district; it proposed to make this same change to the laws authorizing water districts to raise their debt limits through referenda. This amendment also proposed to change the title and add an emergency preamble and emergency clause to the bill.

Enacted law summary

Joint Standing Committee on Utilities and Energy

Public Law 2005, chapter 192 allows sewer districts to increase their debt limits through a local referendum process instead of having to go through the legislative process to change their charters. This mirrors a current provision relating to use of referenda by water districts to increase their debt limits. Public Law 2005, chapter 192 makes it clear that a referendum held by a water or sewer district can be held outside the territory of the district if the usual voting place is located outside the territory of the district. This law does not affect the sanitary district enabling law, since that law does not establish a debt limit for sanitary districts; the sanitary district enabling law does currently provide for a voter petition process to call for a referendum on certain debt issuances.

Public Law 2005, chapter 192 was enacted as an emergency and took effect on May 20, 2005.

LD 868

An Act To Ensure Equity in Funding

**PUBLIC 135
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM	H-198

LD 868 proposed to change the apportionment of the assessment on public utilities to fund the Public Utilities Commission. It did not propose to change the total amount of the assessment. Currently the assessment is apportioned statutorily between transmission and distribution utilities (T&Ds) and all other public utilities (\$3,772,000 from T&Ds; \$1,733,000 from all other utilities) and among utilities within these categories based on each utility's in-state gross operating revenues. The bill proposed to apportion the assessment between each category of utility (T&Ds, gas utilities, telephone utilities, water utilities, and the Casco Bay Ferry Service) based on time spent by the commission on each; apportionment among utilities within each category would be based on each utility's in-state gross operating revenues.

The bill also proposed to require the Office of the Public Advocate to use the same method in apportioning its assessment.

The bill proposed to direct the Public Utilities Commission to account for time spent on energy supply issues and report the accounting by March 1, 2006 to the Joint Standing Committee on Utilities and Energy. The committee would be authorized to report out a bill based on the results of the study.

Committee Amendment "A" (H-198) proposed to strike and replace the bill. It proposed to

1. Apportion the assessment on public utilities to fund the Public Utilities Commission and the Office of the Public Advocate based on an accounting of resources devoted by each agency to matters related to the various categories of utilities. Within each utility category, the assessment would be based on gross intrastate operating revenues;
2. Provide that all unspent funds derived from the Public Advocate assessment and Public Utilities Commission assessment do not lapse but are carried forward to the next fiscal year (LD 860 relates to this same matter);
3. Clarify that the Public Advocate assessment does not produce revenues to fund the State Nuclear Safety Advisor, a position that is separately funded;

Joint Standing Committee on Utilities and Energy

4. Direct the Public Utilities Commission to account for resources devoted to matters relating to entities other than public utilities. It proposed to direct the commission to report the results to the Joint Standing Committee on Utilities and Energy no later than March 1, 2006 and to authorize the committee to report out a bill to the Second Regular Session of the 122nd Legislature relating to the Public Utilities Commission and Public Advocate assessments.

Enacted law summary

Public Law 2005, chapter 135 modifies laws relating to the assessments which provide funding for the Public Utilities Commission and the Office of the Public Advocate.

1. It apportions the assessments on public utilities to fund the Public Utilities Commission and the Office of the Public Advocate based on an accounting of resources devoted by each agency to matters related to the various categories of utilities. Within each utility category, the assessment is based on gross intrastate operating revenues;
2. It provides that all unspent funds derived from the Public Advocate assessment and Public Utilities Commission assessment do not lapse but are carried forward to the next fiscal year;
3. It clarifies that the Public Advocate assessment does not produce revenues to fund the State Nuclear Safety Advisor, a position that is separately funded; and
4. It directs the Public Utilities Commission to account for resources devoted to matters relating to entities other than public utilities. It directs the commission to report the results to the Joint Standing Committee on Utilities and Energy no later than March 1, 2006 and authorizes the committee to report out a bill to the Second Regular Session of the 122nd Legislature relating to assessments which provide funding for the Public Utilities Commission and the Office of the Public Advocate.

Public Law 2005, chapter 135 was enacted as an emergency measure effective May 18, 2005.

LD 913

An Act To Promote Green Power Use at State Buildings

ONTP

<u>Sponsor(s)</u> PIOTTI COWGER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 913 proposed that by January 1, 2008 all electricity consumed in state-owned or state-leased buildings be supplied by renewable resources. It proposed to require the chair of the Energy Resources Council to develop a plan to achieve this requirement and to submit that plan to the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on State and Local Government by April 1, 2006.

Joint Standing Committee on Utilities and Energy

LD 982

An Act To Revise the Charter of the Kennebunk Sewer District

P & S 13
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BABBIDGE SULLIVAN	OTP-AM	H-183

LD 982 proposed substantially to revise the Kennebunk Sewer District Charter, including adding a provision to the charter allowing for voter petition to hold recall elections for a trustee.

Committee Amendment "A" (H-183) proposed to make a number of clarifying and technical changes to the bill. It also proposed to make the following more substantive changes:

1. Modify the timing of a recall election to allow the election to be called up to 90 days after a recall petition has been certified;
2. Reduce the terms of the trustees from 5 years to 3 years;
3. Preserve a provision of the current charter, proposed to be removed by the bill, allowing district meetings to be called by voter petition;
4. Clarify that the district may contract to provide for the disposal of storm and surface water;
5. Replace a provision granting particular enforcement powers to the district with a provision that cross-references the enforcement power specified in statute for all sewer districts. It also proposed to authorize the district to pursue any other legal remedies that may be available to it under other applicable laws;
6. Clarify that the district is a quasi-municipal corporation pursuant to statutes and that its securities are legal investments; and
7. Add an emergency preamble and emergency clause and modify the referendum language to allow but not require a referendum to be held (to avoid a municipal mandate).

Enacted law summary

Private and Special Law 2005, chapter 13 revises the Kennebunk Sewer District Charter. It makes a variety of changes designed to incorporate into the charter provisions from the Sanitary District Enabling Law, including a provision providing a process for the recall of district trustees. It modifies some provisions that it incorporates. It also reduces the terms of the trustees from 5 years to 3 years; current trustees continue to serve until their terms expire.

Private and Special Law 2005, chapter 13 was enacted as an emergency and took effect on May 20, 2005 but only for the purposes of permitting its submission to the voters of the district in a referendum.

Joint Standing Committee on Utilities and Energy

LD 1008 **Resolve, To Establish a Study Commission To Analyze Regulations Applicable to Sewer Districts** **ONTP**

<u>Sponsor(s)</u> NASS R		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1008 proposed to establish a study commission to analyze rules and regulations applicable to sewer districts. Sewer districts are not subject to economic regulation by the Public Utilities Commission; the rules that govern the districts are environmental regulations administered by the Department of Environmental Protection.

LD 1028 **An Act To Prevent Fraudulent and Deceptive Sales Practices by Internet Service Providers** **ONTP**

<u>Sponsor(s)</u> VAUGHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1028 proposed to require Internet service providers (ISPs) who offer free trial service to give recipients, prior to the expiration of the free service, notice of the cost to continue service. It proposed to prohibit an ISP from charging until the person has accepted the terms of the new agreement. The bill also proposed to require an ISP to prorate charges for a cancelled account to reflect the number of days in the billing period for which service was actually provided.

LD 1047 **Resolve, To Study the Feasibility of Expanding the Market for American Fuels** **ONTP**

<u>Sponsor(s)</u> BARTLETT BLISS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1047 proposed to direct the Energy Resources Council (ERC) to study the feasibility of expanding the market for biodiesel fuel in Maine and of using biodiesel in place of petroleum-based diesel in a public facility, such as a university or college. It proposed to require the ERC to examine the capacity for producing biodiesel in the state as well as how to “strengthen the link between producing biodiesel fuel and increasing economic development.” It proposed to require a report to be submitted to Joint Standing Committee on Utilities and Energy by January 17, 2006 and to authorize the committee to submit legislation in response to the report during the Second Regular Session of the 122nd Legislature.

These issues are related to biofuel issues which the ERC was directed to study pursuant to Resolves 2003, Chapter 50; the committee requested that the ERC use that study to examine biodiesel issues.

Joint Standing Committee on Utilities and Energy

LD 1051 **Resolve, Establishing a Study Commission To Examine Water District Fees Assessed for Fire Suppression** **ONTP**

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

LD 1051 was a concept draft pursuant to Joint Rule 208. It proposed to establish a study commission to examine water district fees assessed for fire suppression. The membership of the study commission would include interested parties throughout the State. The study commission would be charged with examining whether water district fees assessed for fire suppression are equitable and the ramifications of altering those fees and whether the amounts charged to municipalities should be limited in some way. The commission would be given authority to report its findings to the Second Regular Session of the 122nd Legislature.

The committee by letter requested that the PUC, working with certain stakeholder groups, develop materials and educational seminars so that municipalities and water utilities better understand the methodology for the calculation public fire protection charges and the rationality behind that methodology.

LD 1052 **An Act To Require Municipalities To Institute Sewer Service Charges** **ONTP**

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

LD 1052 proposed to require municipalities after January 1, 2007 to pay for a municipal sewer or disposal system only through user fees and to prohibit a town from paying any such costs from other municipal funds. Currently municipalities that provide sewer service have the option whether or not to institute user fees to pay for some or all sewer system costs.

LD 1065 **An Act To Promote Economic Development and Sustainable Energy** **CARRIED OVER**

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

LD 1065 proposed to amend the law concerning the eligible resource portfolio requirement for competitive electricity providers. The bill proposed to:

1. Modify eligibility for the current 30% eligible resource portfolio requirement and rename it a Tier 1 portfolio requirement. It proposed to modify the definition of renewable resources that qualify for this requirement by eliminating reference to federally-qualified (PURPA) small power facilities; qualifying eligibility for wind facilities by requiring at least 50% of the wind power be generated on land of tribes federally recognized after January 1, 1979; and adding landfill gas to the list of eligible resources;

Joint Standing Committee on Utilities and Energy

2. Add a Tier 2 requirement for which only a subset of Tier 1 renewable resources would qualify: hydroelectric, biomass and municipal solid waste facilities would be excluded from Tier 2 resources. It proposed to establish as an initial requirement that 1% of a competitive electricity provider's portfolio be met with Tier 2 resources; the percentage would increase 1/2 % each year to 5% in 2014;
3. Establish an alternative compliance payment of \$35/megawatt-hour for unmet Tier 2 requirements and provide that funds collected be used by the Public Utilities Commission to provide "per-megawatt-hour support payments" to resources eligible for Tier 2; and
4. Require the Public Utilities Commission to allow Tier 2 requirements to be met using renewable credits if it finds a reliable system of credit trading exists.

The committee, by letter, requested that a stakeholder group be formed to examine mechanisms to achieve the goals of this legislation.

This bill relates to the same matter as LD 1434.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1081 **Resolve, Directing the Department of Public Safety and the Public Utilities Commission To Review the E-9-1-1 System** **ONTP**

<u>Sponsor(s)</u> SEAVEY HOBBINS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1081 proposed to direct the Department of Public Safety and the Public Utilities Commission to develop a proposal to improve the efficiency of the E-9-1-1 system and to submit their proposal and any implementing legislation to the Second Regular Session of the 122nd Legislature.

LD 1098 **Resolve, To Establish Energy Standards for Residential Rental Properties** **RESOLVE 109**

<u>Sponsor(s)</u> EDER STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-487
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LD 1098 proposed to require the Public Utilities Commission to study energy standards for existing and new construction of residential rental properties and report to Joint Standing Committee on Utilities and Energy by January 1, 2006. The bill also proposed to require the Public Utilities Commission to propose energy efficiency standards for residential rental properties that are occupied year-round: the standards would be required to include certain elements specified in the bill; the standards would require existing residential rental properties that do not meet the standards to meet them by January 1, 2010 or within 90 days of sale, whichever occurred first; and the

Joint Standing Committee on Utilities and Energy

standards would be required to include a penalty of 1% market value or twice monthly rent for each year a building is out of compliance.

Committee Amendment "A" (H-487) proposed to replace the resolve. The amendment proposed to direct the Public Utilities Commission and the Maine State Housing Authority to coordinate discussions among interested stakeholders concerning the energy efficiency of and appropriate efficiency standards for rental properties. It also proposed to direct the Public Utilities Commission and the Maine State Housing Authority to develop a disclosure form by which landlords inform prospective renters whether the rental units meet mandatory or model state energy efficiency codes or standards and of the renters' ability under the Maine Revised Statutes, Title 14, chapter 710-C to discover the units' previous energy consumption and utility costs. The Public Utilities Commission and the Maine State Housing Authority would be required to submit a report on these activities no later than January 31, 2006. The Joint Standing Committee on Utilities and Energy would be authorized to report out legislation relating to the subject matter of the resolve to the Second Regular Session of the 122nd Legislature.

Enacted law summary

Resolve 2005, chapter 109 directs the Public Utilities Commission and the Maine State Housing Authority to coordinate discussions among interested stakeholders concerning the energy efficiency of and appropriate efficiency standards for rental properties. It also directs the Public Utilities Commission and the Maine State Housing Authority to develop a disclosure form by which landlords inform prospective renters whether the rental units meet mandatory or model state energy efficiency codes or standards and of the renters' ability under the Maine Revised Statutes, Title 14, chapter 710-C to discover the units' previous energy consumption and utility costs. The Public Utilities Commission and the Maine State Housing Authority are required to submit a report on these activities no later than January 31, 2006. The Joint Standing Committee on Utilities and Energy is authorized to report out legislation relating to the subject matter of the resolve to the Second Regular Session of the 122nd Legislature.

LD 1101

An Act To Designate Pay Phone Locations in the Public Interest

PUBLIC 131

Sponsor(s)
ADAMS
DAMON

Committee Report
OTP-AM

Amendments Adopted
H-199

LD 1101 proposed to direct the Public Utilities Commission to adopt routine technical rules to identify locations in the state for public-interest payphones. It proposed to establish certain locations where public-interest pay phones could be designated by the commission, such as where other forms of communication are not available, certain security settings (e.g., jails), or locations for which citizens petition for designation. It proposed to require, prior to removal of a public-interest pay phone, 30-day notice to the commission by the owner of the phone. It proposed that costs of public-interest pay phones be paid through an assessment on owners of pay phones in the State.

Committee Amendment "A" (H-199) proposed to replace the bill. It proposed to direct the Public Utilities Commission to establish by rule a process for providing for public-interest pay phones. The commission would be directed to establish procedures for citizens to petition for public-interest pay phones and standards for reviewing such petitions. A proposed public-interest pay phone would be required to fulfill a public health, safety or welfare policy objective, and the commission would be required to find that a pay phone would not otherwise remain or be placed at a proposed public-interest pay phone location by the operation of the competitive

Joint Standing Committee on Utilities and Energy

marketplace. Funding for these pay phones would be limited to \$50,000 per year and would come from the state universal service fund.

The amendment proposed to require the Public Utilities Commission to provide annual reports to the Joint Standing Committee on Utilities and Energy on public-interest pay phones, and to authorize the committee to report out legislation on the subject to the First Regular Session of the 123rd Legislature.

Enacted law summary

Public Law 2005, chapter 131 directs the Public Utilities Commission to establish by rule a process for providing for public-interest pay phones. The commission is directed to establish procedures for citizens to petition for public-interest pay phones and standards for reviewing such petitions. A proposed public-interest pay phone must fulfill a public health, safety or welfare policy objective, and the commission must find that a pay phone would not otherwise remain or be placed at a proposed public-interest pay phone location by the operation of the competitive marketplace. Funding for these pay phones is limited to \$50,000 per year and is provided from the state universal service fund.

The Public Utilities Commission is required to provide annual reports to the Joint Standing Committee on Utilities and Energy on public-interest pay phones. The committee is authorized to report out legislation on the subject to the First Regular Session of the 123rd Legislature (2007).

LD 1113

An Act To Create the Fryeburg Water District

**P & S 14
EMERGENCY**

<u>Sponsor(s)</u> MUSE HASTINGS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-251
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LD 1113 proposed to create the Fryeburg Water District.

Committee Amendment "A" (H-251) proposed to change the bill to:

1. Modify the description of the territory of the proposed Fryeburg Water District to ensure that no portion extends beyond the borders of this State;
2. Clarify the authority of the district to arrange for continued service to customers of the Fryeburg Water Company located outside the territory of the district;
3. Clarify the authority of the district to sell water to bulk water exporters;
4. Provide that the district may take by eminent domain the property and franchise of the Fryeburg Water Company located within the territory of the district and remove an unneeded eminent domain provision that appeared in the bill;
5. Clarify the referendum provision of the bill and provide for one unified referendum question rather than 2 separate referendum questions; and

Joint Standing Committee on Utilities and Energy

6. Add an emergency preamble and an emergency clause to the bill.

Enacted law summary

Private and Special Law 2005, chapter 14 creates the Fryeburg Water District. The territory of the district runs to but does not extend beyond the borders of this State. The district is authorized to arrange for continued service to customers of the Fryeburg Water Company located outside the territory of the district, including those located in New Hampshire, provided appropriate arrangements can be made. It provides that the district may sell water to bulk water exporters in accordance with applicable laws. It provides that the district may take by eminent domain the property and franchise of the Fryeburg Water Company located within the territory of the district.

Private and Special Law 2005, chapter 14 was enacted as an emergency and took effect on May 20, 2005 but only for the purpose of permitting its submission to the voters of the district in a referendum.

LD 1128

An Act Directing the State Planning Office To Study Municipal Capabilities To Become Providers of Internet Services

P & S 19

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ ONTP MIN	S-162

LD 1128 proposed to provide that the authority of a municipality to amend its charter under home rule authority does not restrict a municipality's authority to become a provider of wireless Internet services.

The bill also proposed to require the State Planning Office, in conjunction with the Public Utilities Commission and the Department of Economic and Community Development, to study the economic, technological and funding issues associated with municipalities providing wireless Internet services to their communities. The bill proposed to require the State Planning Office to submit a report of its findings to the Joint Standing Committee on Utilities and Energy and authorize the committee to report out a bill after reviewing the report.

Committee Amendment "A" (S-162), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to remove section 1 of the bill concerning municipal authority to become a provider of wireless Internet service. Municipalities appear currently to have this authority under their home rule authority. The amendment also proposed to change the reporting deadline for the study required by the bill from September 12, 2005 to September 12, 2006.

Related bills: LD 789 and LD 1440.

Enacted law summary

Private and Special Law 2005, chapter 19 requires the Executive Department, State Planning Office, in conjunction with the Public Utilities Commission and the Department of Economic and Community Development, to study the economic, technological and funding issues associated with municipalities providing wireless Internet services to their communities. The bill requires the State Planning Office to submit a report on its findings to the Utilities and Energy Committee by September 12, 2006 and authorizes the committee to report out a bill to the 1st Regular Session of the 123rd Legislature.

Joint Standing Committee on Utilities and Energy

LD 1162

An Act To Permit the Establishment of Regional Water Councils

PUBLIC 209
EMERGENCY

Sponsor(s)
BARSTOW
BARTLETT

Committee Report
OTP-AM

Amendments Adopted
H-308

LD 1162 proposed to allow water utilities to form regional water councils. Such councils would be formed as and have the powers of nonprofit corporations; they would also have the power to undertake studies, promote cooperative arrangements, and make recommendations to members and other public agencies that perform functions within the region. In addition they would exercise on behalf of members any power, privilege or authority capable of exercise by a member “except essential legislative powers or eminent domain authority.” The PUC would serve as coordinator between councils and would be authorized to distribute state and federal funds to the councils. The PUC would be authorized to adopt rules to establish procedures and audit requirements related to the commission’s role as coordinator and distributor of funds. The councils would not be water utilities and so not subject to PUC regulation.

Committee Amendment "A" (H-308) proposed to make the following changes to the bill:

1. Clarify that a water utility is not required to become a member of a regional water council;
2. Limit a regional water council's powers to those of a nonprofit corporation (it would retain the bill’s prohibition on a regional water council becoming a water utility);
3. Specify that a regional water council may provide purchasing, billing, accounting and customer services to its members;
4. Specify that State funds otherwise available to water utilities may not be made conditional on a water utility's membership in a regional water council;
5. Clarify that a regional water council is a nonprofit corporation and not a governmental organization;
6. Remove the requirement that the Public Utilities Commission serve as a coordinator between regional water councils and the State and clarify that available grant and other funds would not be required to pass through the commission to regional water councils;
7. Clarify that water utilities that are members of a regional water council remain fully subject to Public Utilities Commission jurisdiction and authority; and
8. Add an emergency preamble and emergency clause.

Enacted law summary

Public Law 2005, chapter 209 allows water utilities to form regional water councils. A council is formed as and has the powers of a nonprofit corporation. It is not a governmental organization. In addition to its powers as a nonprofit corporation, a council may also undertake studies, promote cooperative arrangements, make recommendations to members and other public agencies that perform functions within the region, and provide

Joint Standing Committee on Utilities and Energy

purchasing, billing, accounting and customer services to its members. A regional water council may not exercise any power that would cause it to become a water utility and no water utility is required to become a member of a regional water council. The PUC is authorized to provide assistance to the councils; grant and other funds available to regional water councils are not required to pass through the commission. No fund or service of the State or instrumentalities otherwise available to water utilities may be made conditional on a water utility's membership in a regional water council. Water utilities that are members of a regional water council remain fully subject to Public Utilities Commission jurisdiction and authority.

Public Law 2005, chapter 209 was passed as an emergency and took effect May 24, 2005.

LD 1198 **An Act To Promote Responsible Advertising by Public Utilities** **PUBLIC 204**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BARTLETT	ONTP MAJ OTP-AM MIN	H-296

LD 1198 relates to “commercial messages” sent by a public utility to its customers. The bill proposed to define “commercial messages” to mean those sent to customers “for the sole purpose of promoting consumption of a regulated service or product.” The bill proposed to prohibit a public utility from charging customers for the costs of such messages. The bill also proposed to prohibit a public utility from sending such messages unless the customer has given written consent to receiving them.

Committee Amendment "A" (H-296), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. The amendment proposed to provide that rules adopted by the Public Utilities Commission concerning the following activities by public utilities are major substantive rules: promotional advertising; promotional allowances, including, but not limited to, the granting of promotional rebates or credits; advertising to promote corporate image or goodwill; or political activities. The Public Utilities Commission currently has rules on these matters (Chapter 83). This amendment would require any amendments to those rules to be subject to approval by the Legislature.

Enacted law summary

Public Law 2005, chapter 204 makes the rules of the Public Utilities Commission concerning the following public utility matters major substantive rules: promotional advertising; promotional allowances, including, but not limited to, the granting of promotional rebates or credits; advertising to promote corporate image or goodwill; and political activities. The Public Utilities Commission's current rules on these matters are in Chapter 83 of its rules.

LD 1259 **An Act To Sustain Maine Schools and Libraries** **PUBLIC 251**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R BLISS	OTP-AM	S-116 S-201 BARTLETT

LD 1259 proposed to increase the amount the Public Utilities Commission may collect from carriers for contributions to the Maine telecommunications education access fund (MTEAF). The current law limits the

Joint Standing Committee on Utilities and Energy

collection from carriers to 0.5% of retail charges for telecommunications services. This bill proposed to increase the collection limit to 0.8% for fiscal years 2005-06 and 2006-07 and to 0.6% in fiscal year 2008 and beyond. The increases would allow the Public Utilities Commission to cover costs associated with delays in federal E-rate discounts and to fund up to \$500,000 per year to pay for the digital library at the University of Maine (MARVEL).

Committee Amendment "A" (S-116) proposed to do the following:

1. Replace the provision of the bill that would increase the cap on the amount collected for the MTEAF by different amounts in different years. The amendment proposed simply to increase it to 0.7% of intrastate retail charges;
2. Add a provision requiring the Public Utilities Commission to provide a report to the Joint Standing Committee on Utilities and Energy detailing the status of available revenues and expenditures, including federal funds, for the schools and libraries program supported by the MTEAF;
3. Authorize the Joint Standing Committee on Utilities and Energy to report out legislation to the Second Regular Session of the 122nd Legislature concerning the subject of the Public Utilities Commission report; and
4. Add an emergency preamble and an emergency clause to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-201) proposed to remove the emergency preamble and the emergency clause.

Enacted law summary

Public Law 2005, chapter 251 increases the amount the Public Utilities Commission may collect from carriers for contributions to the telecommunications education access fund. The current law limits the collection from carriers to 0.5% of retail charges for telecommunications services. Public Law 2005, chapter 251 increases the amount collected to 0.7% of intrastate retail charges, allowing the commission to cover costs while recipients await E-rate discounts and to fund up to \$500,000 per year to pay for electronic databases. The Public Utilities Commission is required to provide a report to the Utilities and Energy Committee detailing the status of available revenues and expenditures, including federal funds, for the schools and libraries program supported by the telecommunications education access fund.

LD 1282

An Act To Clarify the Process To Enforce Dig Safe Requirements

ONTP

Sponsor(s)
BLISS
BARTLETT

Committee Report
ONTP

Amendments Adopted

LD 1282 proposed to prohibit the Public Utilities Commission from imposing fines or requiring participation in a dig safe educational requirements for violations of the "dig safe" law if 3 standards are met: fewer than 2% of the violator's excavations in the last year resulted in violations; the cost to repair the facility damaged by the current violation is less than \$5,000; and there were no injuries as a result of the violation.

Joint Standing Committee on Utilities and Energy

Related issues were presented in LD 331.

LD 1290 **An Act To Improve Funding for Telecommunications Relay Services** **PUBLIC 305**

<u>Sponsor(s)</u> BLISS BARTLETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-559
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LD 1290 proposed to move funding for telecommunications relay services from its current embedded subsidy in local exchange carrier bills into the state universal service fund, which is funded by assessments on all intrastate telecommunications providers. The bill proposed to provide that the Telecommunications Relay Services Advisory Council recommend funding level requirements; the Public Utilities Commission would ultimately authorize funding levels based on a determination of what is reasonable. The bill proposed certain guidelines for determining a reasonable level of funding.

Committee Amendment "A" (H-559) proposed to remove a provision in law currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund to cover amounts authorized to be transferred from that fund to the Communications Equipment Fund. The Communications Equipment Fund provides funding for telecommunications equipment for deaf and hard-of-hearing persons. The amendment also proposed to make a technical correction to avoid a conflict.

Enacted law summary

Public Law 2005, chapter 305 moves the funding source for telecommunications relay services from its current embedded subsidy in local exchange carrier bills into the state universal service fund, which is funded by assessments on all intrastate telecommunications providers. It provides that the Telecommunications Relay Services Advisory Council must develop recommended funding level requirements; the Public Utilities Commission then makes the final decision on funding levels.

Public Law 2005, chapter 305 removes a provision in law currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund in order to cover amounts authorized to be transferred from that fund to the Communications Equipment Fund. The Communications Equipment Fund provides funding for telecommunications equipment for deaf and hard-of-hearing persons.

LD 1342 **An Act Reducing Oversight Expense for Decommissioning Nuclear Power Plants To Benefit Electric Ratepayers** **PUBLIC 254**

<u>Sponsor(s)</u> BARTLETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-227
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LD 1342 bill proposed to implement portions of a recent Federal Energy Regulatory Commission settlement, approved in August 2004, related to decommissioning Maine Yankee. The bill proposed to establish fixed annual fees to cover all State fees, costs and assessments with respect to Maine Yankee, other than compliance costs

Joint Standing Committee on Utilities and Energy

associated with the federal Resource Conservation and Recovery Act. It would also repeal certain state monitoring and oversight activities.

Part A of the bill proposed to establish a single assessment to be paid by Maine Yankee for all state activities related to the site, including safety, radiation and environmental monitoring and security. The payment to the State would be \$90,000 for the end of '05; \$360,000 for calendar years 2006 and 2007; \$296,667 in '08; and \$170,000 every year thereafter until the spent fuel is removed from the site and the interim spent fuel storage installation is finally decommissioned. Part A would also eliminate the requirement in the Maine Revised Statutes, Title 35-A for monitoring and reporting of routine radioactive releases from a nuclear power plant.

Part B of the bill proposed to eliminate the State Nuclear Safety Inspector position. It also proposed to eliminate the fees associated that position, the Health and Environmental Testing Lab, and the Nuclear Safety Advisor. It proposed to remove a requirement that assessments on low-level radioactive waste generators to fund the Radioactive Waste Fund result in a specific total amount; Maine Yankee would remain subject to assessments for actual shipments of low-level radioactive waste.

Part C proposed to eliminate, after the payment made in July 2005, the requirement that Maine Yankee reimburse the Department of Environmental Protection for costs incurred by the department in conducting activities related to the decommissioning. It proposed to amend the sunset on the fee to fund the Advisory Commission on Radioactive Waste and to allow any remaining funds to be kept by the DEP rather than returned to Maine Yankee.

Committee Amendment "A" (S-227) proposed to preserve the position of the State Nuclear Safety Inspector through September 30, 2006. This amendment would establish a fund within the Office of the Public Advocate to receive the unified state assessment on the licensee operating the interim spent fuel storage facility in this State (Maine Yankee). The Public Advocate would be directed to disburse amounts in the fund to agencies or to other appropriate state funds in order to pay or contribute to the payment of costs incurred by agencies with respect to federal or state proceedings; safety, radiation and environmental monitoring; and security or other oversight-related activities related to the decommissioning of Maine Yankee or the development or operation of an interim spent fuel storage facility in this State. The Public Advocate would be required to keep an annual accounting of all funds received by the fund and all disbursements from the fund and to make a report of this accounting to the Joint Standing Committee on Utilities and Energy by the first Monday in February of each year.

The committee by letter requested that the Public Advocate examine possible funding sources for preserving the State Nuclear Safety Inspector position beyond September 30, 2006.

Enacted law summary

Public Law 2005, chapter 254 establishes fixed annual fees to cover all State fees, costs and assessments with respect to Maine Yankee, other than compliance costs associated with the federal Resource Conservation and Recovery Act. It repeals certain state monitoring and oversight activities. It implements portions of a recent Federal Energy Regulatory Commission settlement related to decommissioning the facility that was approved in August 2004.

Public Law 2005, chapter 254 establishes a single assessment, to be paid by the licensee operating an interim spent fuel storage facility in this State, for all state activities related to the site, including safety, radiation and environmental monitoring and security. The payment to the State is \$90,000 for the end of 2005; \$360,000 for calendar years 2006 and 2007; \$296,667 in 2008; and \$170,000 every year thereafter until the spent fuel is removed from the site and the interim spent fuel storage installation is finally decommissioned. It establishes a fund within the Office of the Public Advocate to receive the unified state assessment on the licensee. The Public

Joint Standing Committee on Utilities and Energy

LD 1373

An Act To Implement Emergency Medical Dispatch Services for E-9-1-1 Calls

PUBLIC 303

<u>Sponsor(s)</u> ADAMS BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-560
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LD 1373 proposed to require the Emergency Services Communication Bureau within the Public Utilities Commission, in consultation with the Emergency Medical Services Board, to adopt rules governing certification of (qualifications for and standards to be observed by) providers of emergency medical dispatch services who respond to E-9-1-1 calls. Beginning in 2007, the rules would regulate the provision of emergency medical dispatch services in response to E-9-1-1 calls and require all persons handling E-9-1-1 calls to meet certain qualifications.

COMMITTEE AMENDMENT "A" (H-560) proposed to amend the bill as follows:

1. Move the certification of emergency medical dispatch services from the Public Utilities Commission, Emergency Services Communication Bureau to the Department of Public Safety, Emergency Medical Services' Board;
2. Limit the application of the certification requirements to public safety answering points and their employees;
3. Provide funding from the E-9-1-1 fund to cover the Emergency Medical Services' Board's costs of implementing the certification requirements;
4. Provide that the Emergency Services Communication Bureau use the E-9-1-1 fund to pay the costs of training incurred by public safety answering points in meeting the certification requirements; and
5. Remove the penalty provision in the bill for violations of the certification requirements. Under current law, these violations would be grounds for licensing actions by the Emergency Medical Services' Board.

Enacted law summary

Public Law 2005, chapter 303 requires the Emergency Medical Services Board, in consultation with the Emergency Services Communication Bureau within the Public Utilities Commission, to adopt rules governing qualifications for and standards to be observed by public service answering points (PSAPs) in responding to E-9-1-1 calls. Beginning in 2007, the rules regulate the provision of emergency medical dispatch services in response to E-9-1-1 calls and require all PASPs and their employees handling E-9-1-1 calls to meet certain standards and qualifications. Under current law, violations of these requirements will be grounds for licensing actions by the Emergency Medical Services' Board. Public Law 2005, chapter 303 provides funding from the E-9-1-1 fund to cover the costs of the Emergency Medical Services' Board in implementing the certification requirements. It also provides that the Emergency Services Communication Bureau use the E-9-1-1 fund to pay the costs of training incurred by PSAPs in meeting the certification requirements.

Joint Standing Committee on Utilities and Energy

LD 1375

**An Act To Improve Cooperative Energy Purchasing for Schools,
Towns and Nonprofits**

PUBLIC 190

<u>Sponsor(s)</u> STRIMLING		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1375 proposed to expand the authority of the Maine Municipal Bond Bank (MMBB) to aggregate government units (counties, municipalities, SADs, community school districts, and quasi-municipal entities such as water and sewer districts) and nonprofits to purchase in bulk petroleum products, fuel oil and natural gas. Under current law, the MMBB can provide this aggregation service with respect to the purchase of electricity only. Under other law, the Maine Health and Higher Educational Facilities Authority (MHHEFA) has authority to make similar bulk purchases on behalf of non-profit healthcare and higher education facilities and the University of Maine System.

Enacted law summary

Public Law 2005, chapter 190 expands the authority of the Maine Municipal Bond Bank (MMBB) to aggregate government units (counties, municipalities, SADs and community school districts, and quasi-municipal entities such as water and sewer districts) and nonprofits to purchase in bulk petroleum products, fuel oil and natural gas.

LD 1377

An Act Regarding Municipally Owned Street Lighting

CARRIED OVER

<u>Sponsor(s)</u> WOODCOCK		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1377 proposed to:

1. Allow a municipality to acquire existing transmission and distribution utility-owned streetlights and compensate the utility for the acquisition;
2. Provide that a municipality may purchase energy for street lighting owned or leased by the municipality;
3. Allow a municipality to use the space on poles previously used by the transmission and distribution utility for its lighting equipment; and
4. Set limits on standards a transmission and distribution utility may apply to municipal lighting equipment.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1379

An Act To Amend the Maine Wind Energy Act

CARRIED OVER

<u>Sponsor(s)</u> STRIMLING FLETCHER		<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN		<u>Amendments Adopted</u> S-365 BARTLETT
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Joint Standing Committee on Utilities and Energy

LD 1379 proposed to establish various policies and incentives to promote the construction of wind generation facilities as well as wind energy equipment manufacturing facilities. It also proposed a legislative finding regarding transmission upgrades connecting northern and eastern Maine and southern Maine. Specifically, the bill proposed to

1. Authorize the transfer of up to \$2 million/year for up to 10 years from the conservation program fund to the Finance Authority of Maine (FAME) to provide capitalization for FAME financing of wind energy projects and to direct FAME and the Public Utilities Commission to determine the most cost effective ways to use FAME authority to assist in financing wind development;
2. Allow a business to be designated to receive Pine Tree Development Zone benefits if it would support the construction by that business of a wind-powered generator;
3. Allow a competitive electricity provider to meet the resource portfolio requirements of Title 35-A, section 3210 through renewable credits, if a reliable credit-trading system exists;
4. Create legislative findings that it is in the public interest to encourage the construction of 300 megawatts of wind generation by 2010 and that it is in the public interest to encourage the development of wind energy research and generation equipment manufacturing facilities;
5. Create a legislative finding that enhancement of transmission from northern and eastern Maine to southern Maine is essential to wind development and to the efficient connection of northern and eastern Maine with the rest of the U.S.;
6. Establish as the policy of the State that political subdivisions, agencies and public officials “take every reasonable action to encourage and expedite” permitting and financing of wind projects and siting, permitting, financing and construction of wind energy research and manufacturing facilities; and
7. Direct the Board of Environmental Protection to adopt by January 15, 2006 major substantive rules to streamline the process for review and permitting of wind-power generation up to 100 megawatts, deal on a general basis with wind permitting issues in order to “narrow the regulatory focus”, and determine, in consultation with LURC, “preferred” wind project siting areas (areas 50,000 acres or more in size).

Committee Amendment "A" (S-283), (not adopted) was the majority report of the Joint Standing Committee on Utilities and Energy; it proposed to replace the bill. The amendment proposed to establish as the policy of the State that its political subdivisions, agencies and public officials take every reasonable action to encourage the attraction of appropriately sited wind-energy-related development consistent with high environmental standards; the permitting and financing of wind energy projects; and the siting, permitting, financing and construction of wind energy research and manufacturing facilities where appropriate.

This amendment also proposed to direct the Energy Resources Council to study and report on the type of electricity generation referred to as "community wind." The council would be directed to provide a report of its findings and recommendations by January 13, 2006. The Joint Standing Committee on Utilities and Energy would be authorized to report out legislation regarding community wind to the Second Regular Session of the 122nd Legislature.

Committee Amendment "B" (S-284), (not adopted), was the minority report of the Joint Standing Committee on Utilities and Energy; it proposed to replace the bill. The amendment proposed to:

Joint Standing Committee on Utilities and Energy

1. Authorize the granting of Pine Tree Development Zone benefits to an entity if granting such benefits would support construction in the State by that entity of a community wind power generator with a capacity of no more than 10 megawatts;
2. Direct the Public Utilities Commission to adopt rules allowing the use of renewable energy credits to satisfy the resource portfolio requirements of Title 35-A, section 3210;
3. Require the Public Utilities Commission, in consultation with the Department of Environmental Protection and the Finance Authority of Maine, to develop recommendations on ways of promoting community wind power generator projects of up to 10 megawatts;
4. Establish a legislative finding that it is in the public interest to encourage the construction in the State by 2010 of up to 300 megawatts of wind energy capacity, including but not limited to community wind power generator capacity;
5. Establish as the policy of the State that its political subdivisions, agencies and public officials take every reasonable action to encourage the attraction of appropriately sited wind-energy-related development consistent with high environmental standards; the permitting and financing of wind energy projects; and the siting, permitting, financing and construction of wind energy research and manufacturing facilities;
6. Require the Board of Environmental Protection to adopt by January 15, 2006 rules that deal on a general basis with issues that arise in the permitting of wind energy facilities of any size;
7. Direct the Public Utilities Commission to determine the most effective ways for the commission to assist in the financing of wind energy projects; and
8. Direct the Department of Environmental Protection and the Maine Land Use Regulation Commission to provide a report to the Joint Standing Committee on Utilities and Energy on the agencies' siting guidelines and authorize the committee to report out legislation on wind energy to the Second Regular Session of the 122nd Legislature.

House Amendment "A" to Committee Amendment "B" (H-667) (not adopted), proposed to make a variety of changes to Committee Amendment "B." It proposed to limit the Commissioner of Economic and Community Development's discretion in designating a wind power developer as a qualified Pine Tree Development Zone business to "the property, equipment and employees used primarily as part of a community wind power generator." It proposed to expand the legislative finding regarding the public's interest in the construction of wind energy capacity in the state: instead of the construction of up to 300 megawatts by 2010, the amendment proposed that it was in the public's interest that there be at least that amount by that date. It proposed to provide that wind-energy related development be consistent with state and federal environmental standards (rather than "high environmental standards"). It proposed to extend the date by which the Board of Environmental Protection would be required to adopt rules that deal on a general basis with issues that arise in the permitting of wind energy facilities as well as the reporting deadline for Department of Environmental Protection and the Maine Land Use Regulation Commission report to the Joint Standing Committee on Utilities and Energy on the agencies' siting guidelines.

Senate Amendment "A" to Committee Amendment "B" (S-322) (not adopted), proposed to add provisions to Committee Amendment "B" that would direct the Public Utilities Commission to study and report on the type of electricity generation referred to as "community wind" and to submit legislation to provide a strategy to rapidly implement feasible community wind sites. The amendment also proposed to require the Public Utilities

Joint Standing Committee on Utilities and Energy

Commission to explore combining cell phone towers and similar structures with wind power generating equipment and structures.

Senate Amendment "B" to Committee Amendment "B" (S-341) (not adopted), proposed to make the same changes to Committee Amendment "B" as proposed in House Amendment "A" with one further addition: to require the Public Utilities Commission to seek effective ways to assist in developing long-term contracts for the generation of electricity by community wind power and to adopt major substantive rules to implement and govern such long-term contracts.

Senate Amendment "A" (S-365) (adopted in both houses), proposed to replace the bill. The amendment proposed to incorporate the provisions of Committee Amendment "B" as amended by House Amendment "A" and Senate Amendment "A" (S-322) with the following changes.

1. It proposed to remove the authority of the Commissioner of Economic and Community Development to include community wind power generators as Pine Tree Development Zone businesses but to give any qualified legal entity that owns a community wind power generator sales tax and income tax benefits similar to those given to Pine Tree Development Zone entities. An entity could be certified for these benefits if it qualified prior to January 1, 2010. It proposed to provide for the availability of the sales tax exemption through December 31, 2010 and to limit availability of the income tax credit to 10 consecutive years after a certified generator begins operation.
2. It proposed to specify that general wind power permitting guidelines required to be adopted by the Board of Environmental Protection do not affect the municipal permitting process.
3. It proposed to remove the finding that it is in the public interest to encourage the construction and operation of 300 megawatts of community wind power generators in the state; instead, the amendment proposed to provide that it is in the public interest to encourage the construction and operation of community wind power generators in the state. (The summary of the amendment, however, indicates a different intent which is not reflected in the amendment: to establish a "requirement...that the installed capacity of the community wind power generator project be 300 megawatts.")

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 1392	Resolve, Regarding Legislative Review of Portions of Chapter 301: Standard Offer Service, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 65 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-420
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LD 1392 proposed legislative authorization of the portions of Chapter 301: Standard Offer Service, that constitute a major substantive rule of the Public Utilities Commission. Those portions provided for the incorporation of new renewable resources into a portion of the standard offer supply when it would reduce price volatility, provide a hedging strategy, and provide a competitively priced supply option. The rule proposed to limit application to standard offer service for residential and small non-residential classes; to provide for periodic (at least once every 5 years) solicitation of bids, generally for a minimum term length of 6 years, and the evaluation of the bids in

Joint Standing Committee on Utilities and Energy

accordance with the rule's standards; and to allow the commission to waive the solicitation requirement if it found a substantial likelihood that the standards would not be met. In accordance with the enabling law, the rule proposed to provide that the commission or the standard offer provider enter into the contracts with the suppliers.

Committee Amendment "A" (H-420) proposed to change the resolve and not to authorize final adoption of the provisionally adopted major substantive rule. The amendment proposed to authorize the commission to submit revised or new rules on the same subject matter for review in the Second Regular Session of the 122nd Legislature.

Enacted law summary

Resolve 2005, chapter 65 does not authorize final adoption of those portions of Chapter 301: Standard Offer Service that constitute a provisionally adopted major substantive rule of the Public Utilities Commission. It authorizes the commission to submit revised or new rules on the same subject matter for review in the Second Regular Session of the 122nd Legislature.

Resolve 2005, chapter 65 was enacted as an emergency and took effect on May 31, 2005.

LD 1418	Resolve, To Direct the Public Utilities Commission to Examine Issues Related to the Collection of Certain Fees on Prepaid Wireless Telephone Services	RESOLVE 62
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<u>Sponsor(s)</u> BLISS BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-419
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LD 1418 proposed to amend the law concerning the E-9-1-1 surcharge to include prepaid wireless telephone service. The bill proposed to require the service provider to collect from the customer a surcharge for the period of the prepaid service at a rate of 50 cents per month. The provider would be given the option of collecting the surcharge at the time the customer purchases the service or at the beginning of each month for which time is left on the service.

Committee Amendment "A" (H-419) proposed to replace the bill and turn the bill into a resolve. The amendment would direct the Public Utilities Commission to examine methods of ensuring equity in funding the E-9-1-1 system, the Telecommunications Education Access Fund, and the universal service fund through the collection of fees on prepaid wireless telephone service. The commission would be directed to submit its report with its recommendations to the Joint Standing Committee on Utilities and Energy by February 2006. The Joint Standing Committee on Utilities and Energy would be authorized to report out a bill on this subject matter to the Second Regular Session of the 122nd Legislature.

Enacted law summary

Resolve 2005, chapter 62 directs the Public Utilities Commission to examine methods of ensuring equity in funding the E-9-1-1 system, the Telecommunications Education Access Fund and the universal service fund through the collection of fees on prepaid wireless telephone service. The commission is directed to submit its report with its recommendations to the Joint Standing Committee on Utilities and Energy by February 2006. The Joint Standing Committee on Utilities and Energy is authorized to report out a bill on the subject matter of the report to the Second Regular Session of the 122nd Legislature.

Joint Standing Committee on Utilities and Energy

LD 1434

An Act To Reform the Renewable Electricity Portfolio Standard

ONTP

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

LD 1434 proposed to amend the eligible resource portfolio requirement for competitive electricity providers. The bill proposed to:

1. Modify the current portfolio requirement by disqualifying a generator that sells its electrical output to a transmission and distribution utility;
2. Establish a "Tier 2 Requirement," which would require that a certain percentage of a competitive electricity provider's portfolio be supplied by one of the following: generators built after January 1, 2005 that use certain renewable resources; hydroelectric generators that install adequate fish passage systems after January 1, 2005; or biomass generators that burn biomass harvested using sustainable forest management practices and that meet certain emission standards. The requirement would initially be 2% and increase by 0.5% each year until it reached 7%. A generator that sold its electrical output to a transmission and distribution utility would not qualify to meet this requirement;
3. Require that any resource used to satisfy the portfolio requirements be scheduled for delivery and delivered to the New England Power Pool region or to the Maritimes Control Area;
4. Authorize the Public Utilities Commission to allow the portfolio requirements to be met through the use of renewable credits;
5. Allow the portfolio requirements to be satisfied through alternative compliance payments; and
6. Establish a fund into which all alternative compliance payments would be paid and from which disbursements would be made by the Public Utilities Commission to resources that qualify to meet the Tier 2 Requirement.

This bill relates to the same matter as LD 1065.

LD 1435

**An Act Establishing Minimum Energy Efficiency Standards for
Certain Products Sold or Installed in the State**

CARRIED OVER

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

LD 1435 proposed to direct the Public Utilities Commission to adopt by rule certain minimum efficiency standards for 20 products; the commission would be authorized to set higher standards or add new standards for other products if it found the standards to be cost-effective for consumers.

Joint Standing Committee on Utilities and Energy

The bill proposed to establish a compliance schedule with 4 different timeframes: for 13 products, the standards would apply to those sold on or after January 1, 2007 or installed for compensation after January 1, 2008; for 3 products the compliance dates would be January 1, 2008 and January 1, 2009, respectively; for 2 products the compliance dates would be January 1, 2010 and January 1, 2011, respectively; for 2 products no compliance dates would be established. For these last 2 products (residential boilers/furnaces and furnace air handlers) the commission would be directed to consult with the Attorney General to determine whether state standards are preempted and to submit legislation for compliance dates based on whether a waiver of the federal standards is required or received.

The bill proposed to require the commission to determine, by January 1, 2006, whether standards “as stringent as” those established in the bill have been adopted in at least 3 other states. If the commission found this not to be the case for one or more of the products, it would be required to submit legislation to delay the compliance dates for those products by one year.

The bill proposed to direct the commission to adopt procedures for testing compliance; provide for certification by manufacturers to the commission of compliance (with exceptions for certain products); require manufactures to mark or label products as in compliance (with exceptions for certain products); authorize the commission to undertake tests of products and conduct inspections of distributors and retailers of products; and authorize the Attorney General to enforce compliance.

Committee Amendment "A" (H-307), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to remove digital television adapters from the list of products required to meet energy efficiency standards.

House Amendment "A" (H-364), House Amendment "B" (H-365), House Amendment "C" (H-366), House Amendment "D" (H-397), Senate Amendment "A" (S-233) and House Amendment "B" to Committee Amendment "A" (H-377) each proposed to eliminate various products from the list of products required to meet energy efficiency standards. **House Amendment "B" to Committee Amendment "A" (H-377)** also proposed further to narrow the scope of the bill, remove the commission’s authority to undertake inspections and investigations for purposes of enforcing standards, change compliance dates for certain products, require the commission, in testing product compliance, to use test methods approved by the United States Department of Energy and to change all rule-makings to major substantive rule-makings.

House Amendment "F" (H-619) proposed to change the requirement in the bill that the commission review at least 3 other states' laws for similar energy efficiency requirements by specifying that the 3 other states be New England states and that one of them be New Hampshire.

House Amendment "A" to Committee Amendment "A" (H-370), House Amendment "C" to Committee Amendment "A" (H-411), House Amendment "E" (H-548), Senate Amendment "B" (S-310) and House Amendment "D" to Committee Amendment "A" (H-549) proposed to establish a rebate program for purchases of products that meet energy efficiency standards. Some of these amendments proposed to replace the mandatory standards with the rebate program while other amendments proposed to supplement the mandatory standards with the rebate program. The amendments also proposed to narrow in various ways the list of products.

Joint Standing Committee on Utilities and Energy

LD 1440 **An Act To Encourage the Implementation of High-speed Internet Access in Rural and Isolated Areas** **CARRIED OVER**

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

LD 1440 was a concept draft pursuant to Joint Rule 208. It proposed to encourage high-speed Internet access in areas of the State underserved or currently not served because of technical and market barriers by:

1. Creating the Maine Internet Access Authority in the Public Utilities Commission to encourage collaboration between Internet service providers, traditional communications providers, state and local governmental entities and economic and community development groups;
2. Requiring towns to better accommodate wireless Internet access from Internet service providers by providing access to water towers or other similarly accessible towers and public buildings for no cost or a greatly reduced fee;
3. Encouraging Internet access in rural communities and competition among Internet service providers in larger communities by creating a state matching fund for implementation of new creative Internet access technologies or for laying messenger wire in communities on current pole structures for Internet access; and
4. Requiring all Internet, Voice-over-Internet Protocol and broadband service providers to include all fees in the advertised prices of their products.

LDs 1128 and 789 also relate to the expansion of broadband services.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1442 **An Act To Facilitate Energy Self-sufficiency for Maine's Offshore Islands** **P & S 21**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE DAMON	OTP-AM	H-486

LD 1442 proposed to permit a consumer-owned utility to sell wholesale generation service, beyond sales that are merely incidental, when necessary to reduce the cost of providing retail service. Under current law, a consumer-owned transmission and distribution utility may not sell wholesale generation service except incidental sales necessary to reduce the cost of providing retail service.

Committee Amendment "A" (H-320), which was the original majority report of the committee, proposed to narrow the focus of the bill. Under the amendment, consumer-owned transmission and distribution utilities located on and serving the residents of an offshore island would be permitted to sell wholesale generation service in order to reduce the cost of providing retail service.

Joint Standing Committee on Utilities and Energy

Committee Amendment "B" (H-486) was developed after the bill was recommitted to the committee. It proposed to replace the bill. This amendment proposed to narrow the focus of the bill to Fox Islands Electric Cooperative, Inc. The amendment proposed to allow the Fox Islands Electric Cooperative, Inc. to sell wholesale generation service in order to reduce its cost of providing retail service.

Enacted law summary

Private and Special Law 2005, chapter 21 provides that the Fox Islands Electric Cooperative, Inc. may sell wholesale generation service in order to reduce its cost of providing retail service. Under current law, a consumer-owned transmission and distribution utility may not sell wholesale generation service except incidental sales necessary to reduce the cost of providing retail service. Private and Special Law 2005, chapter 21 provides somewhat broader authority to the Fox Islands Electric Cooperative, Inc.

LD 1586

An Act To Encourage the Use of Solar Energy

PUBLIC 459

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAUTIGAM	OTP-AM MAJ	H-615
COURTNEY	OTP-AM MIN	S-403 ROTUNDO

LD 1586 proposed to provide for rebates, sales tax exemptions and income tax credits for installations of solar thermal systems and photovoltaic systems in residential or commercial properties. Specifically the bill proposed to:

1. Establish a rebate program for qualified installations of solar energy systems. The rebate would be available to owners or tenants of residential or commercial buildings; in the case of newly built residences, to the original owner or occupant. The amount of \$500,000/year from the Public Utilities Commission's Conservation Program Fund would be made available for the following rebates for the following installations. A rebate of \$3/watt for first 2 kilowatts of capacity and \$1/watt for next kilowatt of capacity for qualified photovoltaic systems (peak capacity no more than 100kW, installed in residential or commercial building by master electrician certified by the North American Board of Certified Energy Practitioners or "NAPCEP", and connected to the grid). A rebate equal to the lesser of 25% of system cost (including installation) or \$500 for a qualified solar thermal system designed to heat water (installed by licensed plumber certified by PUC in residential or commercial building and connected to the grid) or a qualified solar thermal system designed to heat air (installed in a residential or commercial building and connected to the grid);
2. Establish a sales tax exemption for sales of solar energy equipment related to the installation of the following in an individual's principal residence or a commercial building: photovoltaic systems with peak capacity no more than 100kW or solar thermal systems designed to heat water or air (no installation or connection-to-the-grid requirements); and
3. Establish an income tax credit equal to lesser of 25% of the cost of the system, including installation, or \$500 (may not reduce tax due to less than zero; credit exceeding tax due can be carried forward for use in next 3 years) for solar thermal systems designed to heat water or air (no installation or connection-to-the-grid requirements).

Joint Standing Committee on Utilities and Energy

Committee Amendment "A" (H-615), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. This amendment proposed to preserve the basic provisions of the bill but to make the following changes.

1. Rather than using funds from the conservation program fund for the solar energy rebate program, the amendment proposed to establish a new fund. Funds for the new fund would be collected in the same manner as for the conservation program fund. The assessment for the new fund would be capped at 0.005 cents per kilowatt hour. The cap on the assessment for the conservation program fund would be reduced by the same amount so that there would be no net increase in total assessment as a result of the combined assessments.
2. It proposed to provide that qualified solar installations made after July 1, 2005 would qualify for the rebate program.
3. It proposed to modify the installation requirements for the rebate program.
 - A. Between July 1, 2005 and January 1, 2007, a solar photovoltaic system would need to be installed by a master electrician who has completed a training course to prepare for certification by NABCEP or by a master electrician working in conjunction either with a person who has been certified by NABCEP or a person who has completed a training course to prepare for such certification. On or after January 1, 2007, the system would need to be installed by a master electrician who has been certified by NABCEP or by a master electrician working in conjunction with a person who has been so certified.
 - B. A solar thermal system designed to heat water would need to be installed by a licensed plumber who has been certified by the commission to install such systems or by a licensed plumber working in conjunction with a person who has been certified by the commission to install such systems.
4. It proposed to provide for the Public Utilities Commission to establish standards and procedures for demonstrating qualification for the rebate program and to provide that the commission allow a person to demonstrate the date a system was installed by the date of a net metering arrangement with a transmission and distribution utility or a dated bill of sale for the system.
5. It proposed to modify the sales tax exemption for installations of qualified solar energy equipment to provide for a tax reimbursement rather than an exemption, to allow systems installed on or after July 1, 2005 to qualify, and to provide administrative procedures to implement the reimbursement program.
6. It proposed to modify the income tax credit to provide administrative procedures to implement the credit and to clarify that the credit is allowed in tax years beginning on or after January 1, 2005.

Committee Amendment "B" (H-616), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. The amendment proposed to preserve the basic provisions of the bill and to make the same changes to the bill as proposed in the majority report, except that it proposed to provide that all funding for the solar energy rebate program be provided from the General Fund. The amendment proposed to provide \$500,000 each year for this purpose.

Senate Amendment "A" to Committee Amendment "A" (S-403) proposed to amend Committee Amendment "A" by removing the income tax credit and sales tax reimbursement provisions. It proposed to increase the maximum rebate for the purchase and installation of a solar thermal system (air or water) from \$500 to \$1,250. It proposed to provide that 25% of the solar energy rebate program fund would be allotted to rebates

Joint Standing Committee on Utilities and Energy

for solar photovoltaic systems; 75% of the fund would be allotted to the installation of solar thermal systems (air or water).

This amendment proposed to limit the participation in the solar energy rebate program to residents of the State and to repeal the program on December 31, 2008.

Enacted law summary

Public Law 2005, chapter 459 provides rebates for the purchase and installation of solar water heating and solar air heating systems and solar electric, or "photovoltaic," systems for residential or commercial buildings. Qualified solar installations made by qualified installers after July 1, 2005 qualify for the rebate program. Funding for the program is provided through an assessment on transmission and distribution utilities; the assessment is capped at 0.005 cents per kilowatt hour and is deposited in the solar energy rebate program fund. The cap on the assessment for the conservation program fund is reduced by the same amount so that there is no net increase in total assessment as a result of the combined assessments. Rebates for solar photovoltaic systems are limited to 25% of the solar energy rebate program fund and rebates for solar thermal systems are limited to 75% of the fund per fiscal year.

Installations of qualified photovoltaic systems (peak capacity no more than 100kW, installed in residential or commercial building by certain qualified persons, and connected to the grid) are eligible for a rebate of \$3/watt for first 2 kilowatts of capacity and \$1/watt for next kilowatt of capacity. Installations of qualified solar thermal systems designed to heat water (installed by certain qualified persons in a residential or commercial building and connected to the grid) or qualified solar thermal systems designed to heat air (installed in a residential or commercial building and connected to the grid) are eligible for a rebate equal to the lesser of 25% of system cost (including installation) or \$1,250. Participation in the solar energy rebate program is limited to residents of the State.

Between July 1, 2005 and January 1, 2007, a solar photovoltaic system must be installed by a master electrician who has completed a training course to prepare for certification by the North American Board of Certified Energy Practitioners (NABCEP) or by a master electrician working in conjunction either with a person who has been certified by NABCEP or a person who has completed a training course to prepare for certification by a NABCEP; on or after January 1, 2007, the system must be installed by a master electrician who has been certified by a NABCEP or by a master electrician working in conjunction with a person who has been certified by NABCEP. A solar thermal system designed to heat water may be installed by a licensed plumber who has been certified by the commission to install such systems or by a licensed plumber working in conjunction with a person who has been certified by the commission to install such systems.

The Public Utilities Commission administers the rebate program.

The program is repealed on December 31, 2008.

Joint Standing Committee on Utilities and Energy

LD 1591

Resolve, Regarding Legislative Review of Chapter 920: Maine Model Building Energy Code, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 88
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-510
	OTP-AM MIN	

LD 1591 proposed to provide legislative authorization for Chapter 920: Maine Model Building Energy Code, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-510), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to authorize final adoption of the rule, provided certain changes to the rule were made. The required changes include

1. Technical changes to clarify the model code standards;
2. The addition of exemptions for modular housing, owner-built homes, and log homes; and
3. Changes to ensure the application of the model code and its relation to existing mandatory standards are consistent with statute.

The amendment also proposed to require the Public Utilities Commission to absorb any costs associated with the implementation of the rule.

Committee Amendment "B" (H-511), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed not to authorize final adoption of the rule.

This bill relates to the energy code issues in LD 1685.

Enacted law summary

Resolve 2005, chapter 88 authorizes adoption of Chapter 920: Maine Model Building Energy Code, a major substantive rule of the Public Utilities Commission provided certain changes to rule are made. The required changes include technical changes to clarify the model code standards; the addition of exemptions for modular housing, owner-built homes, and log homes; and changes to ensure the application of the model code and its relation to existing mandatory standards are consistent with statute. It also requires the Public Utilities Commission to absorb any costs associated with the implementation of the rule.

Resolve 2005, chapter 88 was enacted as an emergency and took effect on June 3, 2005.

Joint Standing Committee on Utilities and Energy

LD 1610 **Resolve, Regarding Legislative Review of Portions of Chapter 306: Uniform Information Disclosure and Informational Filing Requirements, a Major Substantive Rule of the Public Utilities Commission** **RESOLVE 57
EMERGENCY**

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

LD 1610 proposed to authorize the portions of Chapter 306: Uniform Information Disclosure and Informational Filing Requirements that constitute a major substantive rule of the Public Utilities Commission.

Enacted law summary

Resolve 2005, chapter 57 authorizes final adoption of that portion of Chapter 306: Uniform Information Disclosure and Informational Filing Requirements, that constitutes a major substantive rule of the Public Utilities Commission.

Resolve 2005, chapter 57 was passed as an emergency measure effective May 26, 2005.

LD 1612 **Resolve, To Ensure Proper Handling by the E-9-1-1 System of Calls Made by Persons Who Are Deaf, Hard-of-hearing or Speech-impaired** **RESOLVE 63**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
EDMONDS		OTP-AM		S-228

LD 1612 proposed to require that the Emergency Services Communication Bureau:

1. Ensure that all public safety answering points accept calls generated from automated emergency response telephones;
2. Ensure that all dispatchers at public safety answering points are trained on telecommunications devices for the deaf and voice carry-over, hearing carry-over and captioned telephone equipment as well as any newly developed related equipment;
3. Conduct monthly, unannounced call tests for every public safety answering point to test call and equipment capability and to report the test results to the E-9-1-1 Council and the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness; and
4. Ensure that any change to the E-9-1-1 system that requires new equipment is compatible with telecommunications devices for the deaf and voice carry-over, hearing carry-over and captioned telephone equipment.

Committee Amendment "A" (S-228) proposed to change the bill into a resolve. The amendment proposed to direct the Public Utilities Commission, Emergency Services Communication Bureau to convene a stakeholders group, including representatives of dispatch centers that handle E-9-1-1 calls and the Maine Center on Deafness,

Joint Standing Committee on Utilities and Energy

to examine how to ensure that the E-9-1-1 system adequately handles calls made by persons who are deaf, hard-of-hearing or speech-impaired. The Emergency Services Communication Bureau would be required, no later than January 15, 2006, to report to the Joint Standing Committee on Utilities and Energy the results of the stakeholder process and the committee would be authorized to report out legislation on this subject matter to the Second Regular Session of the 122nd Legislature.

Enacted law summary

Resolve 2005, chapter 63 directs the Emergency Services Communication Bureau in the Public Utilities Commission to convene a stakeholders group, including representatives of dispatch centers that handle E-9-1-1 calls and the Maine Center on Deafness, to examine how to ensure that the E-9-1-1 system adequately handles calls made by persons who are deaf, hard-of-hearing or speech-impaired. The Emergency Services Communication Bureau is required, no later than January 15, 2006, to report to the Joint Standing Committee on Utilities and Energy the results of the stakeholder process. The Joint Standing Committee on Utilities and Energy is authorized to report out legislation relating to the subject matter of this resolve to the Second Regular Session of the 122nd Legislature.

LD 1613	An Act To Promote the Use of Public Safety Telecommunications Equipment by the Deaf and Hard-of-hearing Community	PUBLIC 336
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM MAJ OTP-AM MIN	S-285

LD 1613 proposed to establish a discount program for deaf or hard-of-hearing persons for wireless or 2-way pager service used to receive emergency alerts issued by any state or federal agency.

Under current law, \$85,000/year is transferred from the Public Utilities Commission's universal service fund (USF) to the Communications Equipment Fund administered by the Department of Labor, Bureau or Rehabilitation Services for use in providing telecommunications equipment for the deaf and hard-of-hearing, including for emergency alert equipment and training needs. The commission is authorized to require telecommunications carriers to contribute to the USF to cover this transfer. The commission is also authorized to transfer from the USF up to an additional \$37,500/year to the Communications Equipment Fund if sufficient federal funding for Communications Equipment Fund purposes is not received; this amount must be absorbed by the USF; the PUC is currently not authorized to assess carriers to collect this amount.

The bill would continue to require the commission to transfer \$85,000/year from the USF to Communications Equipment Fund; the funds would be available generally for telecommunications equipment for the deaf and hard of hearing. The bill would also continue to allow the commission to transfer an additional \$37,500/year from the USF to Communications Equipment Fund but would allow the PUC to assess carriers to recover this amount; these funds also would be available generally for telecommunications equipment for the deaf and hard of hearing. The bill would establish a new discount program for deaf or hard-of-hearing persons who have income less than 225% of the federal poverty level: \$10/month discount (or the total service charge, whichever is less) for wireless or 2-way pager service used to receive emergency alerts issued by any state or federal agency (the person would receive the discount and

Joint Standing Committee on Utilities and Energy

carrier would be reimbursed from the fund). To fund this new program, the bill would provide up to \$300,000/year from the E-911 fund and up to \$300,000/year from the USF.

Committee Amendment "A" (S-285), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill but to preserve much of its substance. The amendment proposed to:

1. Establish a program for deaf and hard-of-hearing individuals with incomes less than 135% of the federal poverty level to provide a discount to help offset the costs of owning a wireless communications device or 2-way pager that is used to receive state or federal emergency notifications;
2. Provide funding for the program by allowing transfers of funds from the state universal service fund to the Communications Equipment Fund for use exclusively for the program: up to \$60,000 in fiscal year 2005-06, up to \$90,000 in fiscal year 2006-07, and up to \$120,000 in each subsequent fiscal year;
3. Repeal the law currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund in order to cover the \$37,500/year currently authorized to be transferred from that fund to the Communications Equipment Fund;
4. Direct the Public Utilities Commission, in consultation with the Department of Labor, Bureau of Rehabilitation Services, to make recommendations prior to January 31, 2008 on whether the amount of funding authorized to be transferred from the universal service fund to the proposed new discount program is appropriate and sufficient and whether adjustments should be made to the authorized amount; and
5. Add an allocation section.

Committee Amendment "B" (S-286), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. This amendment proposed to:

1. Provide to a deaf or hard-of-hearing person who has an income of less than 135% of the federal poverty level a discount of up to \$10 per month in the service charge for any wireless communications device or 2-way pager that is used to receive emergency alerts issued by any state or federal agency;
2. Provide funding for this program from the General Fund;
3. Authorize and direct the Department of Labor, Bureau of Rehabilitation Services and the State Purchasing Agent to attempt, to the extent practicable, to reduce the service charges for wireless communications devices or 2-way pagers incurred by deaf or hard-of-hearing persons eligible for the discounts established under the amendment through an appropriate bidding or other procedure to achieve bulk discounts on such charges;
4. Direct the Department of Labor, Bureau of Rehabilitation Services to report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Utilities and Energy by January 5, 2007 recommendations for appropriate funding levels to continue the discount program proposed to be established under the amendment;
5. Repeal the law currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund in order to cover the \$37,500/year currently authorized to be transferred from that fund to the Communications Equipment Fund; and

Joint Standing Committee on Utilities and Energy

6. Add an appropriations and allocations section.

Enacted law summary

Public Law 2005, chapter 336:

1. Establishes a program for deaf and hard-of-hearing individuals with incomes less than 135% of the federal poverty level to provide a discount to help offset the costs of owning a wireless communications device or 2-way pager that is used to receive state or federal emergency notifications;
2. Provides funding for the program by allowing transfers of funds from the state universal service fund to the Communications Equipment Fund for exclusive use of the program;
3. Removes a provision currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund in order to cover amounts currently authorized to be transferred from that fund to the Communications Equipment Fund; and
4. Directs the Public Utilities Commission, in consultation with the Department of Labor, Bureau of Rehabilitation Services, to make recommendations prior to January 31, 2008 on whether the amount of funding authorized to be transferred from the universal service fund to the discount program is appropriate and sufficient and whether adjustments should be made to the authorized amount.

LD 1658

An Act To Expand the Powers of the Stonington Sanitary District

P & S 24

Sponsor(s)
PINGREE
DAMON

Committee Report
OTP-AM

Amendments Adopted
H-561

LD 1658 proposed to alter the powers, territory and trustee qualifications of the Stonington Sanitary District. The district was created pursuant to the sanitary district enabling law. The bill proposed to expand the district's territory to include the entire Town of Stonington; require that all trustees reside within the district and that 4 of the trustees reside in households that use the district's services; and authorize the district to provide septic services to entities not connected to the district's facilities. The bill proposed to make these changes subject to local referendum approval.

Committee Amendment "A" (H-561) proposed to strike the emergency preamble and emergency clause and to provide that all trustees reside within the district and that 4 of the trustees reside in households connected to the district's facilities.

Enacted law summary

Private and Special Law 2005, chapter 24 expands the territory and powers and adds new residency requirements for the trustees of the Stonington Sanitary District. The new powers granted to the district, which was established pursuant to the Sanitary District Enabling law and not by private and special law charter, are the authority to implement seasonal rates and to provide septic services to entities not connected to the district's facilities.

Private and Special Law 2005, chapter 24 is subject to approval by district referendum.

Joint Standing Committee on Utilities and Energy

LD 1665 **Resolve, Regarding Legislative Review of Chapter 11:
PBX/Multiline Telephone System (MLTS) Requirements, a Major
Substantive Rule of the Public Utilities Commission** **RESOLVE 89
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-509

LD 1665 proposed to authorize final adoption of Chapter 11: PBX/Multiline Telephone System (MLTS) Requirements, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-509) proposed to authorize final adoption of the provisionally adopted rule provided that the rule is amended to add an application section specifying that nothing in the rule requires any local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues.

Enacted law summary

Resolve 2005, chapter 89 authorizes final adoption of Chapter 11: PBX/Multiline Telephone System (MLTS) Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission provided that the rule is amended to add an application section specifying that nothing in the rule requires any local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues.

Resolve 2005, chapter 89 was enacted as an emergency and took effect on June 3, 2005.

LD 1675 **An Act To Make a Standard Alternative Form of Regulation
Available to Rural Telephone Companies** **CARRIED OVER**

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

LD 1675 proposed to create an exception for rural telephone companies from the law governing the establishment of alternative forms of regulation (AFOR). It proposed to require the Public Utilities Commission to adopt any AFOR proposed by a rural telephone company if

1. The term of the AFOR is 5 or more years;
2. The AFOR allows the telephone company to establish rates without PUC review, provided the company's local basic rates do not exceed comparable Verizon's rates (if the company has lower basic rates before the AFOR, it would be permitted to increase its rates to the level of Verizon's; the AFOR would also be required to allow the company to increase local rates above Verizon's rates as necessary to offset exogenous events);
3. The AFOR allows the telephone company to choose to continue to receive universal service funds to meet its revenue requirement in the same amount as it received before the AFOR, subject to adjustment equal to the

Joint Standing Committee on Utilities and Energy

change in Verizon’s basic service rates (receipt of such universal service funds currently are tied to the level of Verizon’s basic rates);

4. The AFOR requires the telephone company to meet the requirements of the access rate law; and
5. The AFOR subjects the telephone company to service quality standards similar to those that apply to Verizon.

The Public Utilities Commission would not be permitted to adopt provisions inconsistent with these provisions without the telephone company’s approval.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1685

An Act Regarding Energy Codes

PUBLIC 350

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 1685, was reported out by the Joint Standing Committee on Utilities and Energy pursuant to the Maine Revised Statutes, Title 5, section 3327, subsection 4, with a unanimous “ought-to-pass” report. The bill proposed several changes to the residential and commercial building energy codes.

Enacted Law Summary:

Public Law 2005, chapter 350:

1. Provides for the Public Utilities Commission rather than the Department of Economic and Community Development to administer statutory energy efficiency building performance standards;
2. Changes certain definitions in the energy efficiency building performance standards laws to make them consistent with the model building energy code adopted by major substantive rule of the Public Utilities Commission;
3. Updates the mandatory building energy standards for multifamily residential buildings less than 4 stories in height to the standards adopted in the model building energy code;
4. Directs the Public Utilities Commission to provide information about the mandatory commercial building standards to entities involved in permitting building construction so that the information can be distributed to persons applying for such permits. It authorizes the commission to distribute the forms or other educational materials to entities involved in the design or construction of commercial buildings; and
5. Provides that municipalities may adopt an amended version of the model building energy code that does not include certain parts or portions of that code or that creates new exemptions from its requirements; it does not permit a municipality to adopt a version that includes modifications to any standard established in the model code.