

STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

**JOINT STANDING COMMITTEE ON UTILITIES AND
ENERGY**

May 2008

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Joint Standing Committee on Utilities and Energy

**LD 398 An Act To Require Transmission Lines To Be Placed Underground near
Certain Facilities**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	ONTP MAJ RE-REF MIN	

This bill requires that high-voltage transmission lines capable of operating at 115 kilovolts or more that are constructed, rebuilt or relocated on or after October 1, 2007 near areas that are frequently used by children, including residential areas, public playgrounds, schools, child care facilities and children's camps, be placed underground. The bill directs the Public Utilities Commission to adopt rules regarding this requirement, and it provides an exemption from the requirement if a transmission and distribution utility can demonstrate to the Public Utilities Commission that it is technologically infeasible to place the transmission line underground.

**LD 435 An Act To Require Utilities and Competitive Service Providers To Pay
Interest on Overestimates of Electric**

**ACCEPTED ONTP
REPORT**

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

This bill directs the Public Utilities Commission to adopt routine technical rules that require transmission and distribution utilities and competitive service providers to pay customers accrued interest of 5% on any amount billed for overestimated usage resulting from an estimated electric power bill.

LD 1098 An Act To Promote Electricity Transmission Independence

ONTP

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

This bill allows the Public Utilities Commission to order the transfer or divestiture of a transmission and distribution utility's transmission or transmission-related assets if the commission finds it will lower costs of electricity to consumers in the State, will not have a negative impact on the operation of the transmission system and is in the public interest, or if the commission finds that the utility constructed a transmission line without approval from the commission, that is, without obtaining a certificate of public convenience and necessity.

The bill provides that if the commission orders such a transfer or divestiture, it may order that the transmission assets be sold or transferred to an independent transmission company. The terms of the transfer or divestiture must be approved by the commission and provide fair compensation, and the transfer or divestiture must occur within 12 months of the order.

LD 1099 An Act To Encourage Wind Energy Development

ONTP

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

Joint Standing Committee on Utilities and Energy

This bill does the following to encourage wind energy development:

1. It allows the Finance Authority of Maine and the Public Utilities Commission to establish a program to increase the financial capacity of the Finance Authority of Maine programs to assist in financing wind energy development and allows the use of funds from the conservation program fund;
2. It allows the State to provide the benefits of Pine Tree Development Zone eligibility to wind energy projects;
3. It declares that enhancement of electricity transmission from northern and eastern to southern areas of the State is essential to wind energy development;
4. It makes permanent the community wind power generator tax credit by removing the scheduled repeal under current law of that tax credit on December 31, 2007; and
5. It provides for the Department of Environmental Protection, Board of Environmental Protection to adopt major substantive rules for streamlined permitting of wind energy projects and the designation by the State of preferred areas for viable wind energy project development.

Committee Amendment "A" (S-313)

This amendment replaces the bill. The amendment makes one change to current law related to wind energy. Specifically, the amendment extends the community wind power generator tax credit in current law by changing the repeal date for this tax credit from December 31, 2007 to December 31, 2009.

In the First Regular Session, this bill, as amended by Committee Amendment "A" (S-313), was placed on the Special Appropriations Table pending enactment. The bill was subsequently taken from the table, committed to the Joint Standing Committee on Utilities and Energy and carried over by H.P. 1369 from the First Regular Session to any special or regular session of the 123rd Legislature.

LD 1216 Resolve, To Establish a Study Commission To Stimulate Telecommunications Investment, Economic Development and Job Creation

ONTP

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

This resolve is a concept draft pursuant to Joint Rule 208. The resolve proposes to establish a study commission to study the current regulations in the telecommunications industry and develop recommendations to promote investment, economic development and job creation.

LD 1221 An Act To Amend the Charter of the Kennebunk Light and Power District

P & S 35

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM MAJ ONTP MIN	H-713 FLETCHER H-714 PERRY A S-412

This bill amends the Kennebunk Light and Power District charter to allow Kennebunk Light and Power District to provide retail electric service throughout the entire Town of Kennebunk subject to referendum but without the need

Joint Standing Committee on Utilities and Energy

to obtain prior approval of the Public Utilities Commission. The bill also authorizes Kennebunk Light and Power District to acquire by purchase the properties and rights of any public utility currently serving in those areas where the charter amendment would allow Kennebunk Light and Power District to extend its services. The bill also authorizes the Public Utilities Commission to resolve disputes or disagreements between Kennebunk Light and Power District and any public utility as to the valuation of facilities to be purchased by Kennebec Light and Power District and as to the severance and realignment of facilities rated 50 kilovolts or below as a result of the purchase.

Committee Amendment "A" (S-412)

This amendment is the majority report of the committee. The amendment makes the following changes to the bill:

1. It clarifies that extension of service by Kennebunk Light and Power District (KLPD) within the Town of Kennebunk but beyond its current service territory may not occur unless the district has acquired by purchase the facilities of the public utility now furnishing electricity service to that area of Kennebunk outside the district's current service territory.
2. It amends the bill to restore the language in the KLPD charter regarding the district's authority to convey its property to another public utility now furnishing service within the Town of Kennebunk.
3. It adds a provision to the bill to require KLPD, in the event of a purchase of another public utility's facilities, to pay the utility for stranded costs and require the Public Utilities Commission to calculate the value of stranded costs and allocate the appropriate costs to the district.
4. It adds a provision to the bill to authorize the Public Utilities Commission to resolve any disputes regarding payment to compensate the public utility's remaining customers for costs incurred as a result of the migration of customers to KLPD, in the event that a sale occurs, as well as any disputes regarding the use of poles and related issues during the transfer of property.
5. It adds a provision to require, in the event of a dispute or disagreement over the value of the public utility facilities that KLPD seeks to purchase, that the Public Utilities Commission obtain an independent appraisal of the value of the utility facilities.

House Amendment "A" (H-713)

This amendment requires that in the event of a disagreement between the Kennebunk Light and Power District and a public utility as to the valuation of facilities that the district seeks to acquire, the party seeking to purchase the facilities of the other party pay the cost of the required independent appraisal of those facilities.

House Amendment "B" (H-714)

This amendment adds a provision to clarify that, due to the unique circumstances of a geographic line drawn by the Legislature in 1903 for purposes of electricity transmission and distribution for the Town of Kennebunk, the Legislature intends that this legislation not be cited as precedent in legislation affecting the service areas of other public utilities.

Enacted Law Summary

Private and Special Law 2007, chapter 35 amends the Kennebunk Light and Power District (KLPD) charter to allow KLPD to provide retail electric service throughout the entire Town of Kennebunk subject to approval by the legal voters of the Town of Kennebunk in a referendum. The extension of service by KLPD within the Town of Kennebunk but beyond its current service territory may not occur unless the district has acquired by purchase the facilities of the public utility now furnishing electricity service to that area of Kennebunk outside the district's current service territory. The extension of service does not require prior approval of the Public Utilities Commission under the Maine Revised Statutes, Title 35-A, sections 2102, 2105 and 2110.

This law authorizes KLPD to purchase the properties and rights of any public utility currently serving in those areas

Joint Standing Committee on Utilities and Energy

where the charter amendment would allow KLPD to extend its services and requires, in the event of a purchase, the district to pay the utility for stranded costs as calculated by the Public Utilities Commission.

The law authorizes the Public Utilities Commission to resolve disputes or disagreements between KLPD and a public utility regarding the valuation of facilities to be purchased by KLPD, payment to compensate the public utility's remaining customers for costs incurred as a result of the migration of customers to the district, the severance and realignment of facilities and the use of poles and related issues during the transfer of property. In the event of a dispute or disagreement over the value of the facilities the district seeks to purchase, the law requires the Public Utilities Commission to obtain an independent appraisal of the value of the facilities to be paid for by the district.

The law includes a provision to clarify that, due to the unique circumstances of a geographic line drawn by the Legislature in 1903 for purposes of electricity transmission and distribution for the Town of Kennebunk, the Legislature intends that this legislation not be cited as precedent in legislation affecting the service areas of other public utilities.

LD 1248 An Act To Authorize Load Aggregation for Consumer-owned Electric Utilities

PUBLIC 481

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM	S-405

This bill establishes the Northern Maine Power Agency in order to obtain electricity supply for standard offer service to construct or lease and operate transmission facilities to the 4 utilities participating in the northern Maine independent system administrator. The bill provides an exception to the right to purchase generation from competitive electricity providers for electricity consumers in northern Maine.

Committee Amendment "A" (S-405)

This amendment replaces the bill. The amendment establishes an exception to the right to purchase generation from competitive electricity providers for electricity customers in northern Maine, as was established in the bill, while also extending the provision to cover customers of consumer-owned transmission and distribution utilities statewide. Under the amendment, the exception is subject to approval from the Public Utilities Commission for the consumer-owned transmission and distribution utility to aggregate its load for the purpose of purchasing generation services on behalf of its customers.

Enacted Law Summary

Public Law 2007, chapter 481 establishes an exception to the right to purchase generation from competitive electricity providers for electricity customers of consumer-owned transmission and distribution utilities. This exception is subject to approval from the Public Utilities Commission for the consumer-owned transmission and distribution utility to aggregate its load for the purpose of purchasing generation services on behalf of its customers.

LD 1918 An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine

DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY	OTP-AM	H-671

Current law establishes an assessment on a licensee operating an interim spent nuclear fuel storage facility in this State. This assessment is scheduled to decrease from \$360,000 per year in calendar year 2007 to \$296,667 in calendar year 2008 and to \$170,000 beginning in 2009 and continuing at that amount until all spent nuclear

Joint Standing Committee on Utilities and Energy

fuel is removed from the State. This bill eliminates the reductions in the assessment that exist in current law and establishes the annual assessment amount in years 2008 and beyond at a level of \$360,000 indexed to the rate of inflation using the Consumer Price Index. This bill also imposes an additional assessment of \$500,000 due August 15, 2007 and every 5 years thereafter, with future assessments equal to \$500,000 indexed to the rate of inflation, to pay for costs associated with the replacement of depreciated or obsolete capital equipment. Once the spent nuclear fuel is removed from the facility, these additional assessments are no longer required.

Committee Amendment "A" (H-671)

This amendment replaces the bill. The amendment requires representatives of the Office of the Public Advocate, the Department of Public Safety, the radiation control program of the Department of Health and Human Services and the Department of Environmental Protection as well as an independent expert in radiological and nuclear engineering and the operator of an interim spent fuel storage facility in the State (the Maine Yankee Atomic Power Company) to meet periodically for the following purposes:

1. To review oversight activities being undertaken with regard to the spent nuclear fuel storage facility;
2. To identify necessary activities and funding requirements for the next calendar year; and
3. To prepare and submit an annual report with specific recommendations regarding funding requirements for the next calendar year to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. The amendment authorizes the committee to submit legislation to amend the level of the annual fee that the licensee is required to pay to the State to cover oversight activities after reviewing the report.

The amendment requires the licensee to pay for reasonable and necessary expenses of the Office of the Public Advocate in coordinating the review and preparing the annual report, up to a maximum of \$15,000 in the first year and \$10,000 in subsequent years, and it provides for the allocation of those funds.

The Legislature addressed issues related to funding for oversight of spent nuclear fuel storage in Public Law 2007, chapter 539, Part KK.

LD 1935 An Act To Promote Competition in Maine's Electric Industry

ONTP

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

This bill allows a person other than a transmission and distribution utility to compete with any transmission and distribution utility that is affiliated with a person who owns or operates a source of electrical generation in the State.

LD 1936 An Act To Include the Town of Nobleboro within the Great Salt Bay Sanitary District

P & S 38

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW	OTP-AM	S-444

This bill amends the charter of the Great Salt Bay Sanitary District by allowing the district to supply wastewater services to the Town of Nobleboro. The bill also requires that the legal voters of the Town of Nobleboro approve letting the Great Salt Bay Sanitary District supply them with water and wastewater services at a referendum before the charter amendment can take effect.

Joint Standing Committee on Utilities and Energy

Committee Amendment "A" (S-444)

This amendment replaces the bill. The territory of the Great Salt Bay Sanitary District currently includes the towns of Newcastle and Damariscotta and a part of the Town of Nobleboro. This amendment expands the territory of the Great Salt Bay Sanitary District to include the entire Town of Nobleboro, subject to referendum approval in an election held in the entire expanded territory including the towns of Damariscotta, Newcastle and Nobleboro.

Enacted Law Summary

Private and Special Law 2007, chapter 38 expands the territory of the Great Salt Bay Sanitary District to include the entire Town of Nobleboro. Currently, the territory of the Great Salt Bay Sanitary District includes the towns of Newcastle and Damariscotta and a part of the Town of Nobleboro. The expansion of the territory under this law is subject to referendum approval in an election held in the entire expanded territory including the towns of Damariscotta, Newcastle and Nobleboro.

LD 1942 Resolve, Regarding Loans for Geothermal Heating Systems

RESOLVE 156

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARTER	OTP-AM MAJ ONTP MIN	H-706

This bill establishes a program to provide rebates for the installation of geothermal heating systems for residential or commercial property owners or tenants.

Committee Amendment "A" (H-706)

This amendment is the majority report of the committee. The amendment replaces the bill with a resolve that authorizes the Public Utilities Commission to provide loans for geothermal heating systems under its Energy Conservation Small Business Revolving Loan Program and authorizes the Maine State Housing Authority to provide loans for geothermal heating systems under its Home Energy Loan Program. The amendment also directs these agencies to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding loans made for geothermal heating systems by January 15, 2009.

Enacted Law Summary

Resolve 2007, chapter 156 authorizes the Public Utilities Commission and the Maine State Housing Authority to provide loans for geothermal heating systems under the commission's Energy Conservation Small Business Revolving Loan Program and the authority's Home Energy Loan Program, respectively, and directs these agencies to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding loans made for geothermal heating systems by January 15, 2009.

LD 1955 An Act Regarding Certain Positions at the Public Utilities Commission

PUBLIC 482

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-407

This bill makes changes to certain positions at the Public Utilities Commission. It changes the pay range for the Assistant Administrative Director position. It also adds statutory references to the Director of Energy Programs position that was created in 2004 to manage the Efficiency Maine program and deletes references to position titles that are no longer used and replaces them with the current titles in use at the commission.

Joint Standing Committee on Utilities and Energy

Committee Amendment "A" (S-407)

This amendment adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2007, chapter 482 makes changes to certain positions at the Public Utilities Commission. It changes the pay range for the Assistant Administrative Director position. It also adds statutory references to the Director of Energy Programs position that was created in 2004 to manage the Efficiency Maine program and deletes references to position titles that are no longer used and replaces them with the current titles in use at the commission.

LD 1989 An Act To Clarify Maine's "Do Not Call" Laws

**PUBLIC 489
EMERGENCY**

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

This bill provides an exemption from the application of the telephone solicitation law (also known as the do-not-call law) for telephone sales calls made to any person with whom the telephone solicitor has an established business relationship. The bill also provides that it is an affirmative defense if the telephone solicitor has established and implemented reasonable practices and procedures to prevent violations of the telephone solicitation law.

Committee Amendment "A" (S-413)

This amendment clarifies the definition of "established business relationship" to bring the definition into conformity with the Federal Communications Commission regulations with respect to how such a relationship is terminated. The amendment also revises the provision in the bill regarding telephone solicitation violations to conform to the language in the federal do-not-call regulations administered by the Federal Trade Commission regarding liability exceptions. The amendment also adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 489, provides an exemption from the application of the State's telephone solicitation laws, or do-not-call laws, for telephone sales calls made to any person with whom the telephone solicitor has an established business relationship and provides a definition of an established business relationship that is consistent with federal regulations. The bill also provides that it is an affirmative defense if the telephone solicitor has established and implemented reasonable practices and procedures to prevent violations of the telephone solicitation law.

Public Law 2007, chapter 489 was enacted as an emergency measure effective March 7, 2008.

LD 2002 An Act To Protect Electricity Consumers of Maine

PUBLIC 575

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-521

This bill expands the requirement to obtain a certificate of public convenience and necessity (CPCN) for a transmission line to include any line operating at 69 kilovolts or more. It also prohibits the Public Utilities Commission from issuing a CPCN if it finds that electricity rates will increase as a foreseeable direct consequence of the operation of the transmission line. The bill removes a transmission and distribution utility's right of eminent domain for lands or easements associated with siting, permitting, construction or operation of a transmission line

Joint Standing Committee on Utilities and Energy

that would adversely affect the utility's ratepayers. It specifies that a transmission and distribution utility is not authorized to distribute electricity in a way that adversely affects the utility's ratepayers. It amends private and special laws of the State to prohibit Central Maine Power, Maine Public Service and Bangor Hydro-Electric from affiliating with an owner or operator of any transmission infrastructure that adversely affects the interest of the utility's ratepayers; from participating in planning, construction, operation of transmission infrastructure that adversely affects the interest of the utility's ratepayers; and from participating in being a member of an organization whose practices or procedures adversely affect the interests of the utility's ratepayers. Finally, the bill directs the Public Utilities Commission to solicit proposals for the Northern Maine Long-term Standard Offer, which is defined as the Maine Public Service Company's standard offer for the 10-year period 2009 to 2019, and specifies certain requirements that the proposal must address.

Committee Amendment "A" (S-521)

This amendment retains the provision in the bill that lowers the threshold for requiring a certificate of public convenience and necessity for the construction of a transmission line to any line operating at 69 kilovolts or more and removes a confusing reference in the bill to a higher-rated transmission line. The amendment strikes all other provisions in the bill. The amendment also adds a provision to allow the Public Utilities Commission to direct all investor-owned transmission and distribution utilities to enter into long-term contracts for capacity resources and associated energy. Current law limits the commission to directing investor-owned transmission and distribution utilities serving more than 50,000 customers to enter into such contracts.

Enacted Law Summary

Public Law 2007, chapter 575 lowers the threshold for requiring a certificate of public convenience and necessity for the construction of a transmission line to 69 kilovolts. The law also authorizes the Public Utilities Commission to direct all investor-owned transmission and distribution utilities to enter into long-term contracts for capacity resources and associated energy. Current law limits the commission to directing investor-owned transmission and distribution utilities serving more than 50,000 customers to enter into such contracts.

LD 2041 An Act To Decrease Energy Costs on Swans Island and Frenchboro

P & S 36

Sponsor(s)

PINGREE

Committee Report

OTP-AM MAJ
ONTP MIN

Amendments Adopted

H-708

This bill allows the Swan's Island Electric Cooperative, Inc. to sell wholesale generation service to reduce its cost of providing retail electric service.

Committee Amendment "A" (H-708)

This amendment is the majority report of the committee. The amendment limits the authority of the Swans Island Electric Cooperative, Inc. to sell electricity in the wholesale market by placing a 3-megawatt limit on the production capacity of any generation resource operated by the cooperative. The amendment also requires that the cooperative obtain the approval of its membership by a majority vote in a referendum prior to constructing or acquiring any generation resource to be used in the sale of wholesale generation service.

Enacted Law Summary

Private and Special Law 2007, chapter 36 allows the Swan's Island Electric Cooperative, Inc. to sell wholesale generation service to reduce its cost of providing retail electric service. The law limits the cooperative's authority to sell electricity in the wholesale market by placing a 3-megawatt limit on the production capacity of any generation resource operated by the cooperative and requires that the cooperative obtain the approval of its membership by a majority vote in a referendum prior to constructing or acquiring any generation resource to be used in the sale of wholesale generation service.

Joint Standing Committee on Utilities and Energy

**LD 2050 Resolve, Directing the Public Utilities Commission and the Public Advocate
To Advocate for the Adoption and Implementation of Demand-side
Management Programs**

**RESOLVE 177
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM	H-767

This bill defines "compliant transmission and distribution utility" and "noncompliant transmission and distribution utility" and places certain limitations and restrictions on noncompliant transmission and distribution utilities. The bill also amends the standards for the approval of transmission projects by the Public Utilities Commission; requires the Public Utilities Commission to advocate for and, if possible, require the development and implementation of a demand-side management program; and requires the commission to develop a proposal for a program that would require all new commercial and residential construction to have time-of-use electric meters installed. Finally, the bill directs the Governor's Office of Energy Independence and Security to convene a working group to examine barriers to and incentives for installation of systems to conserve energy through the reuse of waste heat.

Committee Amendment "A" (H-767)

This amendment replaces the bill with a resolve that directs the Public Utilities Commission and the Public Advocate to participate in regional and federal activities to advocate for and facilitate and support the development, adoption and implementation of demand-side management programs.

Enacted Law Summary

Resolve 2007, chapter 177 directs the Public Utilities Commission and the Public Advocate to participate in regional and federal activities to advocate for and facilitate and support the development, adoption and implementation of demand-side management programs.

Resolve 2007, chapter 177 was enacted as an emergency measure effective March 31, 2008.

**LD 2060 An Act To Create Consistency in the Authority of the Public Utilities
Commission To Provide Tariff Exemptions**

PUBLIC 478

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

The Maine Revised Statutes, Title 35-A, section 307-A allows the Public Utilities Commission to exempt certain telephone utilities from filing tariffs if the commission finds that certain conditions are met. This bill revises two sections in the public utilities laws to make them consistent with the authority of the Public Utilities Commission to provide tariff exemptions under Title 35-A, section 307-A.

Enacted Law Summary

Public Law 2007, chapter 478 revises two sections in the public utilities laws to make them consistent with the authority of the Public Utilities Commission under Title 35-A, section 307-A to exempt certain telephone utilities from filing tariffs if the commission finds that certain conditions are met.

Joint Standing Committee on Utilities and Energy

LD 2061 An Act To Clarify the Qualifications of Installers under the Solar Energy Rebate Program

**PUBLIC 493
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM	H-691

This bill makes changes to the solar energy rebate program in relation to the installation of solar thermal systems that heat water. The bill amends the statutory definition of "solar thermal system" and requires the Public Utilities Commission to make corresponding changes to the definition in rules. The bill also requires the commission to make additional changes to the rules governing the solar energy rebate program to:

1. Amend the definition of "qualified solar thermal water system installer" in order to allow certain licensed technicians other than licensed plumbers to be qualified installers;
2. Require a licensed plumber to install or sign off on a solar thermal water system installed by a qualified installer if it is designed to heat potable water; and
3. Require that an application for a solar thermal system rebate be accompanied by a copy of a certificate of competency issued by the commission to the qualified installer and, if the system incorporates the heating of potable water, also include a copy of the master plumber's license or license number.

Committee Amendment "A" (H-691)

This amendment replaces the bill. The amendment makes necessary changes to the laws governing the solar energy rebate program to change the qualifications of solar thermal system installers to be consistent with the intent of the bill. The amendment also directs the Public Utilities Commission to make several corresponding changes to its rules governing the solar energy rebate program.

Enacted Law Summary

Public Law 2007, chapter 493 changes the qualification requirements for installers of solar thermal water systems under the solar energy rebate program in order to allow certain licensed technicians in addition to master plumbers to be qualified installers of these systems. The law also amends the rebate requirements for a solar thermal system designed to heat water to require that it be installed by a qualified installer and, if designed to heat potable water, that it be installed by a qualified installer who is a master plumber or who is working in conjunction with a master plumber. The law directs the Public Utilities Commission to make corresponding changes to its rules governing the solar energy rebate program.

Public Law 2007, chapter 493 was enacted as an emergency measure effective March 12, 2008.

LD 2076 An Act To Amend the Charter of the Norway Water District

**P & S 32
EMERGENCY**

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

This bill amends the charter of the Norway Water District in several ways. It clarifies the territorial limits of the Norway Water District. It changes the amount a trustee is entitled to receive for serving as trustee from \$50 to \$400 a year to reflect the current rate of compensation. The bill also amends the charter by changing the way the district sets its rates and authorizes the district to enter into contracts with the Oxford Water District and to provide water service to the residents on Alpine Street in South Paris who are customers of the Norway Water District.

Joint Standing Committee on Utilities and Energy

Enacted Law Summary

Private and Special Law 2007, chapter 32 amends the charter of the Norway Water District in several ways. It clarifies the territorial limits of the Norway Water District. The law also amends the amount a trustee is entitled to receive for serving as trustee from \$50 to \$400 a year to reflect the current rate of compensation. It amends the charter by changing the way the district sets its rates and authorizes the district to enter into contracts with the Oxford Water District and to provide water service to the residents on Alpine Street in South Paris who are customers of the Norway Water District.

Private and Special Law 2007, chapter 32 was enacted as an emergency measure effective February 14, 2008.

LD 2103 Resolve, Directing the Public Utilities Commission To Study Existing Barriers to Digital Telephone Service Access in Rural Areas of the State **ONTP**

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

This resolve directs the Public Utilities Commission to examine the issues associated with access in rural communities to digital telephone services, to identify existing barriers to such access and to develop a proposal to facilitate the provision of access to digital telephone service in rural areas of the State. The resolve directs the commission to submit a report, together with its recommendations and any necessary implementing legislation, no later than January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over utilities matters.

LD 2104 An Act To Provide for Fairness and Accuracy in Utility Rate Setting **PUBLIC 550**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY	OTP-AM MAJ ONTP MIN	H-732

This bill includes three provisions related to utility rate setting as follows:

1. It requires the Public Utilities Commission to apply a penalty against a regulated utility upon a finding that the utility made a material misrepresentation or omission or engaged in any other misconduct in the course of a previous rate proceeding. It requires that the penalty be calculated to recover, at a minimum, the excess revenues collected by the utility resulting from the misrepresentation, omission or misconduct and that the penalty be refunded to ratepayers in the form of a credit on customer bills;
2. It requires the commission to conduct a rate of return revenue requirement and earnings review before adopting, replacing or renewing an alternative form of regulation (AFOR) for a telephone utility; and
3. It requires the commission to determine whether rates charged for local telephone service provided by Verizon since 2000 have been excessive and, if the commission determines that rates have been excessive, to order a refund to customers.

Committee Amendment "A" (H-732)

This amendment is the majority report of the committee. The amendment removes the provision in the bill regarding penalties for utility misconduct and removes the provision in the bill regarding potential refunds to local telephone customers of Verizon if past rates are found to be excessive. The amendment adds a provision to the bill to repeal language in current law governing an alternative form of regulation (AFOR) that requires the Public Utilities

Joint Standing Committee on Utilities and Energy

Commission to ensure that, for the period of the AFOR, ratepayers may not be required to pay more for local phone service under the AFOR than they would have under traditional regulation. The amendment preserves the provision in the bill that requires the Public Utilities Commission to conduct a revenue requirement and earnings review of a telephone utility prior to the adoption or renewal of an AFOR and clarifies that this requirement applies when the AFOR includes a provision prohibiting a rate case for a set period of time. Finally, the amendment provides an application section to specify that the requirements established in this legislation do not apply to any AFOR proceeding that is pending on the effective date of this Act.

Enacted Law Summary

Public Law 2007, chapter 550 requires the Public Utilities Commission to conduct a revenue requirement and earnings review of a telephone utility prior to the adoption or renewal of an alternative form of regulation (AFOR) and clarifies that this requirement applies when the AFOR includes a provision prohibiting a rate case for a set period of time. These requirements do not apply to any AFOR proceeding that is pending on the effective date of this law.

LD 2117 An Act To Create the Starboard Water District

P & S 34
EMERGENCY

Sponsor(s)

RAYE

Committee Report

OTP

Amendments Adopted

This bill creates the Starboard Water District, subject to approval of the voters within the territory of the district in a referendum to be held by July 1, 2010.

Enacted Law Summary

Private and Special Law 2007, chapter 34 creates the Starboard Water District, subject to approval of the voters within the territory of the district in a referendum to be held by July 1, 2010.

Private and Special Law 2007, chapter 34 was enacted as an emergency measure effective February 20, 2008.

LD 2133 An Act To Amend the Cable Television Laws and Establish a Model Cable Franchise Agreement

PUBLIC 548

Sponsor(s)

BLISS
BROMLEY

Committee Report

OTP-AM

Amendments Adopted

H-777

This bill directs the Public Utilities Commission to adopt through rulemaking a model franchise agreement for cable television and video services for use by any municipality that chooses to adopt its provisions. It also directs the Public Utilities Commission to adopt by rule statewide consumer protection standards for cable television and video services customers, and it makes several changes to the laws regarding consumer rights and protection with respect to cable television and video services. It specifies that the Attorney General and the municipalities have jurisdiction to enforce the consumer protection standards. It also provides that a municipality is entitled to reasonable attorney's fees if successful in any enforcement action against a cable television provider. The bill adds "video service" throughout the laws governing cable television ordinances and consumer rights and protections related to cable television service.

Committee Amendment "A" (H-777)

The amendment makes the following changes to the bill:

Joint Standing Committee on Utilities and Energy

1. It adds definitions of "cable television service," "cable television system," and "cable system operator" based on definitions in federal law and adopts these terms consistently throughout the bill;
2. It changes the provision in the bill regarding the model cable franchise agreement to direct the Department of Administrative and Financial Services, Office of Information Technology, rather than the Public Utilities Commission, to develop the model agreement and to require that specific issues be considered by the Office of Information Technology in the development of the model franchise agreement. The amendment also establishes a deadline of December 15, 2008 for the Office of Information Technology to complete the model franchise agreement and submit a report regarding the model franchise agreement and its development to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters;
3. It eliminates the provision in the bill that directs the Public Utilities Commission to adopt by rule uniform consumer protection standards for cable television customers. It also eliminates all other references to the Public Utilities Commission related to consumer protection for cable television customers that had been added in the bill;
4. It eliminates the provision in the bill that entitles municipalities to collect reasonable attorney's fees if successful in any enforcement action against a cable system operator;
5. It eliminates the provision in the bill that establishes minimum requirements for facilities to make use of local public, educational and governmental access channels; and
6. It changes the provision in the bill regarding the filing of franchise agreements to have cable system operators post these agreements on their websites rather than file a copy of each agreement with the Secretary of State.

Enacted Law Summary

Public Law 2007, chapter 548, directs the Department of Administrative and Financial Services, Office of Information Technology to develop a model cable franchise agreement and requires that specific issues be considered by the Office of Information Technology in the development of the model franchise agreement. The law establishes a deadline of December 15, 2008 for the Office of Information Technology to complete the model franchise agreement and submit a report regarding the model franchise agreement and its development to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters.

The law adds definitions of "cable television service," "cable television system," and "cable system operator" to be based on definitions in federal law and implements these terms consistently throughout the laws governing cable television. These definitions provide that traditional cable companies and other providers of video services that fall within the federal definitions are subject to the Maine law.

LD 2135 Resolve, Regarding Public Safety and Protection Related to Gas and Electric Utilities

RESOLVE 168

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ ONTP MIN	S-454

This bill requires an electric utility to make reasonable efforts to advise customers of that utility to disconnect systems, equipment and devices that use electricity that may be vulnerable to damage during testing, repair or replacement of utility equipment before that utility performs that testing, repair or replacement of utility equipment. It directs the Public Utilities Commission to study the statutes and rules governing the rights and responsibilities of electric utilities and consumers when electric utilities are testing, repairing or replacing utility equipment and report to the joint standing committee of the Legislature having jurisdiction over utilities matters no later than November 5, 2008. It also directs the Public Utilities Commission to amend its rules governing electric utilities to require electric utilities to undertake a program to increase public awareness of the rights and responsibilities of electric utilities and

Joint Standing Committee on Utilities and Energy

consumers when electric utilities are testing, repairing or replacing utility equipment.

With respect to gas utilities, this bill directs the Public Utilities Commission to amend its rules governing gas utilities to require a gas utility to provide notice to all owners and tenants of property within 500 feet of an excavation performed by a gas utility or an agent of that utility at least 2 business days before the excavation. It directs the Public Utilities Commission to study the statutes and rules governing the protection of public safety as it relates to gas utilities and report to the joint standing committee of the Legislature having jurisdiction over utilities matters no later than November 5, 2008. It also directs the Public Utilities Commission to amend its rules governing gas utilities to require gas utilities to undertake a program to increase public awareness of the responsibilities of gas utilities with respect to excavation activity.

Committee Amendment "A" (S-454)

This amendment replaces the bill with a resolve. The amendment directs the Public Utilities Commission to study and make recommendations for improvements in the laws and rules governing the responsibilities of electric utilities and their customers with respect to the testing, repair and replacement of electric utility equipment and the protection of customer equipment and the responsibilities of gas utilities with respect to public safety, with particular attention to excavation activity. The amendment requires the commission to submit a report by November 5, 2008 to the joint standing committee of the Legislature having jurisdiction over utilities matters and authorizes the committee to submit legislation on this subject to the First Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2007, chapter 168 directs the Public Utilities Commission to study and make recommendations for improvements in the laws and rules governing the responsibilities of electric utilities and their customers with respect to the testing, repair and replacement of electric utility equipment and the protection of customer equipment and the responsibilities of gas utilities with respect to public safety, with particular attention to excavation activity. The resolve requires the commission to submit a report by November 5, 2008 to the joint standing committee of the Legislature having jurisdiction over utilities matters and authorizes the committee to submit legislation on this subject to the First Regular Session of the 124th Legislature.

**LD 2141 Resolve, Regarding Legislative Review of Chapter 3: Provision of
Enhanced E-9-1-1 Access-only Service, a Major Substantive Rule of the
Public Utilities Commission**

RESOLVE 157

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-693

This resolve provides for legislative review of portions of Chapter 3: Provisions of Enhanced E-9-1-1 Access-only Service, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-693)

This amendment authorizes the final adoption of Chapter 3, Provision of Enhanced E-9-1-1 Access-only Service, a provisionally adopted major substantive rule of the Public Utilities Commission, provided that the rule is amended to reduce the duration of the soft dialtone requirement from one year to 90 days. The amendment also establishes an October 1, 2008 effective date for the rule. Finally, the amendment directs the Public Utilities Commission to examine and report on the first year of experience under the rule, with particular attention to the duration of the soft dialtone requirement. The amendment authorizes the joint standing committee of the Legislature having jurisdiction over utilities matters to submit legislation to the Second Regular Session of the 124th Legislature regarding enhanced E-9-1-1 access-only service following a review of the commission's report.

Enacted Law Summary

Joint Standing Committee on Utilities and Energy

Resolve 2007, chapter 157 authorizes the final adoption of Chapter 3, Provision of Enhanced E-9-1-1 Access-only Service, a provisionally adopted major substantive rule of the Public Utilities Commission, provided that the rule is amended to change the duration of the soft dialtone requirement from one year to 90 days. The resolve establishes an October 1, 2008 effective date for the rule and directs the Public Utilities Commission to examine and report on the first year of experience under the rule, with particular attention to the duration of the soft dialtone requirement. The resolve authorizes the joint standing committee of the Legislature having jurisdiction over utilities matters to submit legislation to the Second Regular Session of the 124th Legislature regarding enhanced E-9-1-1 access-only service following review of the commission's report.

LD 2149 Resolve, To Encourage Renewable Energy and Energy Conservation in Maine

RESOLVE 183

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE BARTLETT	OTP-AM	H-790

Part A of this bill incorporates into the Maine Revised Statutes rules adopted by the Public Utilities Commission regarding standards for net energy billing, except that it credits the customer for the excess kilowatt-hours and increases the maximum allowed energy to be produced by private renewable energy facilities from 100 kilowatts to 2 megawatts. Part A also requires the Public Utilities Commission to develop statewide standards for the interconnection of new homes' and businesses' renewable energy facilities with the energy grid and requires the Public Utilities Commission to adopt rules to allow communities to develop shared renewable energy facilities and to permit net energy billing to users connected to such facilities, regardless of the users' physical distance from the facility.

Part B of this bill requires that, beginning January 1, 2009, any new construction of a commercial or residential building must include the installation of a time-of-use meter designed to monitor and record the amount of electricity used and the time of such use. Part B also requires the Public Utilities Commission to develop a proposal to implement the statewide distribution of time-of-use meters to all consumers of electric energy in the State by October 1, 2010 and to develop a proposal to authorize transmission and distribution utilities to charge time-of-use rates that vary depending on whether the energy consumption occurs during peak load times or off-peak load times.

Part C of this bill authorizes the Maine State Housing Authority to establish a home energy audit program that provides low-interest loans to homeowners to make home heating and energy efficiency upgrades, and it directs MSHA to issue bonds in an amount not to exceed \$5,000,000 to establish the home energy audit program.

Committee Amendment "A" (H-790)

This amendment replaces the bill with a resolve. The amendment:

1. Replaces the provisions of the bill regarding net energy billing with a directive to the Public Utilities Commission to review and make recommendations for changes to the statutes and rules governing net energy billing and submit a report of its findings by January 15, 2009;
2. Requires the Public Utilities Commission to conduct a review to determine whether the State should establish statewide standards for interconnection of renewable generation facilities and then, if determined to be appropriate, proceed to establish those standards;
3. Specifies the rules for shared ownership of renewable energy projects as major substantive rules. The bill had specified these as routine technical rules;
4. Eliminates the requirement in the bill that any new construction include the installation of a time-of-use meter, maintains the provision requiring the Public Utilities Commission to develop a proposal for time-of-use rates and,

Joint Standing Committee on Utilities and Energy

instead of requiring the commission to develop a plan for statewide distribution for time-of-use meters, requires the commission to develop a proposal for advanced metering infrastructure;

5. Removes the provision in the bill that authorizes the Maine State Housing Authority to issue up to \$5,000,000 in bonds to establish a home energy audit program; and

6. Adds a provision that requires the director of the Governor's Office of Energy Independence and Security and the Energy Resources Council to undertake a joint project to examine opportunities for energy conservation through the reuse of waste heat and to develop a plan to reduce peak-load energy consumption in existing and new state government buildings.

Enacted Law Summary

Resolve 2007, chapter 183 directs the Public Utilities Commission to review and make recommendations for changes to the statutes and rules governing net energy billing; to review and make a determination regarding the establishment of statewide standards for interconnection of small renewable generation facilities to the energy grid and, if determined to be appropriate, to proceed to establish those standards; to adopt major substantive rules for shared ownership of renewable energy projects; and to develop proposals for time-of-use rates and for an advanced metering infrastructure program. The resolve requires the Public Utilities Commission to report its findings and recommendations on these issues and submit the required rules for review by the joint standing committee having jurisdiction over utilities and energy matters during the First Regular Session of the 124th Legislature.

The resolve also requires the director of the Governor's Office of Energy Independence and Security and the Energy Resources Council to undertake a joint project to examine opportunities for energy conservation through the reuse of waste heat and to develop a plan to reduce peak-load energy consumption in existing and new state government buildings and submit a report by December 1, 2009.

LD 2180 An Act To Ensure the Integrity of Prepaid Calling Accounts

PUBLIC 511

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS	OTP-AM	H-744

This bill provides that the value of a prepaid calling service may not be reduced after that service is purchased. The bill also requires a provider of a prepaid calling service to notify a consumer of the prepaid calling service of an increase in the rate charged for that service before that consumer purchases additional service from that provider by telephone or on the Internet and to notify a consumer of the prepaid calling service if that provider charges different rates for in-state and interstate service.

Committee Amendment "A" (H-744)

This amendment clarifies the provision in the bill that prohibits the reduction in the value of a prepaid calling service after the time of purchase. The amendment specifies that the quantity of prepaid calling service must be determined by the rates, terms and conditions in effect at the time of purchase and that the provider of such service is prohibited from increasing the rate charged for the service purchased until the service is consumed or the service expires in accordance with an expiration date known at the time of purchase.

Enacted Law Summary

Public Law 2007, chapter 411 prohibits a provider of prepaid calling services from increasing the rate charged for the quantity of service that the consumer purchased until the balance of the purchased service is consumed or expires in accordance with an expiration date of which the consumer had notice at the time of purchase. The law specifies that the quantity of prepaid calling service must be determined by the rates, terms and conditions in effect at the time of the purchase. The law also requires a provider of a prepaid calling service to notify a consumer of the prepaid

Joint Standing Committee on Utilities and Energy

calling service of an increase in the rate charged for that service before that consumer purchases additional service from that provider by telephone or on the Internet and to notify a consumer of the prepaid calling service if that provider charges different rates for in-state and interstate service.

LD 2182 An Act To Allow Civil Penalties for Damaging Utility Property or for Theft of Utility Services

PUBLIC 553
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM MAJ ONTP MIN	H-778

This bill establishes a civil penalty of \$2,500 per offense for theft of utility services or for damaging or tampering with utility property. The penalty may be assessed only following a successful civil action by the utility in a court of competent jurisdiction.

Committee Amendment "A" (H-778)

This amendment is the majority report of the committee. The amendment makes the following changes to the bill:

1. It redrafts the statutes governing civil liability for theft of utility services and damages to utility property to remove references to the Maine Revised Statutes, Title 17-A, the Maine Criminal Code, and replaces those references with language describing the actions that give rise to the civil liability. This clarifies that liability for damages and the civil penalty in a civil action are not dependent on criminal prosecution;
2. It adds civil liability for wrongfully obtaining utility property;
3. It adds liability for interest on the cost of utility services wrongfully obtained at an annual interest rate of 5%; and
4. It changes the civil penalty amount from a fixed \$2,500 per offense to an amount not to exceed \$2,500, to allow the judge to set the penalty based on the circumstances.

Enacted Law Summary

Public Law 2007, chapter 553 amends the statutes governing civil liability for theft of utility services and damages to utility property to remove references to the Maine Revised Statutes, Title 17-A, the Maine Criminal Code, and replaces those references with language describing the actions that give rise to the civil liability. This clarifies that liability for damages and the civil penalty in a civil action are not dependent on criminal prosecution. This law adds civil liability for wrongfully obtaining utility property. It also adds liability for interest on the cost of utility services wrongfully obtained at an annual interest rate of 5%. The law also changes the civil penalty amount from a fixed \$2,500 per offense to an amount not to exceed \$2,500, to allow the judge to set the penalty based on the circumstances.

Public Law 2007, chapter 553 was enacted as an emergency measure effective April 3, 2008.

LD 2238 An Act Regarding Tort Liability in the Provision of E-9-1-1 Access-only Service

PUBLIC 504

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill clarifies that the provision of E-9-1-1 access-only service, also known as "soft dial tone" service, is covered by the law governing the liability of telecommunications providers in the implementation and operation of the

Joint Standing Committee on Utilities and Energy

statewide E-9-1-1 system.

This bill was reported out by the Joint Standing Committee on Utilities and Energy pursuant to Public Law 2007, chapter 226, section 3.

Enacted Law Summary

Public Law 2007, chapter 504 clarifies that the provision of E-9-1-1 access-only service, also known as "soft dial tone" service, is covered by the law governing the liability of telecommunications providers in the implementation and operation of the statewide E-9-1-1 system.

LD 2246 An Act To Extend the ConnectME Authority

PUBLIC 698

Sponsor(s)

Committee Report

Amendments Adopted

S-663 ROTUNDO

Under current law, the Advanced Technology Infrastructure Act that establishes and governs the ConnectME Authority and the state tax reimbursement for advanced communications technology infrastructure investment are both repealed January 31, 2009. This bill extends the ConnectME Authority and the tax reimbursement by repealing the statutory January 31, 2009 repeal of these 2 provisions of law.

This bill was reported out by the Joint Standing Committee on Utilities and Energy pursuant to Public Law 2005, chapter 665, section 7.

Senate Amendment "A" (S-663)

This amendment eliminates the repeal of the January 31, 2009 repeal of the reimbursement of certain taxes relating to advanced communications technology infrastructure.

Enacted Law Summary

Public Law 2007, chapter 698 continues the ConnectME Authority by repealing the January 31, 2009 repeal of the Advanced Technology Infrastructure Act that establishes and governs the ConnectME Authority.

LD 2254 Resolve, Regarding ISO New England

**RESOLVE 193
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

BARTLETT

OTP-AM MAJ
ONTP MIN

S-545

This resolve provides that if the Public Utilities Commission finds under a specific proceeding that nonrenewal of any membership in Independent System Operating New England is in the interests of Maine consumers, then the Public Utilities Commission shall order Maine's 3 investor-owned transmission and distribution utilities to file a plan to form an alternative transmission organization structure. The resolve requires that that the plan encourage development of indigenous renewable power resources, include requests to directly interconnect and expand transmission systems and include commercial agreements and necessary petitions for regulatory approvals.

Committee Amendment "A" (S-545)

This amendment, like the bill, directs the Public Utilities Commission to order Maine's 3 investor-owned transmission and distribution utilities to file with the commission a plan to form an alternative structure to hold, manage, dispatch and expand the transmission assets of the investor-owned transmission and distribution utilities if

Joint Standing Committee on Utilities and Energy

the commission determines that it is in the interests of Maine consumers for Maine's transmission and distribution utilities to provide timely notice of nonrenewal of membership in Independent System Operator New England. The amendment adds some clarifying language regarding the elements of the plan. The amendment prohibits the Public Utilities Commission from issuing the order prior to March 31, 2009 that directs the development of the plan. The amendment requires the commission to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2009 on its findings and determinations on the subject of nonrenewal of membership in Independent System Operator New England and authorizes the committee, after holding a public hearing on that report, to submit legislation on the subject.

Enacted Law Summary

Resolve 2007, chapter 193 directs the Public Utilities Commission to order Maine's 3 investor-owned transmission and distribution utilities to file with the commission a plan to form an alternative structure to hold, manage, dispatch and expand the transmission assets of the investor-owned transmission and distribution utilities if the commission determines that it is in the interests of Maine consumers for Maine's transmission and distribution utilities to provide timely notice of nonrenewal of any membership in Independent System Operator New England. The resolve prohibits the Public Utilities Commission from issuing the order directing the development of a plan for an alternative transmission organization structure prior to March 31, 2009. The resolve also requires the commission to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2009 on its findings and determinations on the subject of nonrenewal of membership in Independent System Operator New England and authorizes the committee, after holding a public hearing on that report, to submit legislation on the subject.

Resolve 2007, chapter 193 was enacted as an emergency measure effective April 10, 2008.

LD 2255 An Act To Protect Maine's Energy Sovereignty through the Designation of Energy Infrastructure Corridors and Energy Plan Development

PUBLIC 656

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM MAJ OTP-AM MIN	H-970 BLISS H-999 ADAMS S-561

Part A of this bill authorizes the Public Utilities Commission to designate energy infrastructure corridors within the state for the purpose of siting energy infrastructure and establishes procedures for the commission to designate such corridors. It requires a person to obtain a certificate of public convenience and necessity from the commission prior to developing or constructing energy infrastructure within a designated corridor and establishes environmental review requirements for energy infrastructure projects within a corridor. It allows the commission to grant exemptions from municipal zoning and land use ordinances for projects within a designated corridor. It also grants eminent domain authority to the commission and to a person that receives a certificate from the commission for development within a corridor.

Part B authorizes the Public Utilities Commission to direct all investor-owned transmission and distribution utilities, not just those that serve more than 50,000 retail customers, to enter into long-term contracts and expands the situations in which the commission may direct these utilities to enter into long-term contracts. Part B expands the definition of long-term contracts under this section to include contracts for differences or other financial instruments. It also authorizes the commission itself to enter into contracts for differences or other financial instruments.

Part C of this bill establishes in statute the Governor's Office of Energy Independence and Security and sets forth the policy and purpose of that office. Part C also specifies the duties and responsibilities of the director of the office, and it amends the membership of the Energy Resources Council to add the director of Governor's Office of Energy

Joint Standing Committee on Utilities and Energy

Independence and Security and make the director the chair of the council.

Committee Amendment "A" (S-561)

This amendment is the majority report of the committee. The amendment makes the following changes to Part A of the bill regarding the designation of energy infrastructure corridors and development of energy infrastructure within such corridors:

1. It limits the Public Utilities Commission's authority to designate energy infrastructure corridors in several ways. It eliminates the provision of the bill that allows the commission to commence a proceeding to designate a corridor on its own action and instead allows the commission to commence such a proceeding only upon the petition of the Executive Department, Governor's Office of Energy Independence and Security, the Office of the Public Advocate or a developer who can demonstrate to the commission the technical and financial capability to develop energy infrastructure. It also specifies that the commission may designate a corridor only through major substantive rulemaking. It requires that the commission limit the geographic area of the corridor and prohibits the commission from designating a corridor that is located on certain lands, including tribal lands, state park lands and federally owned lands. It expands the list of entities with whom the commission must consult prior to designating a corridor.
2. It clarifies and adds greater specification to the provisions of the bill regarding the requirements for development and construction of energy infrastructure within a corridor in several ways. It requires potential developers to obtain either a certificate of public convenience and necessity or a corridor use certificate from the Public Utilities Commission and obtain a consolidated environmental permit from the Department of Environmental Protection. The corridor use certificate is required for projects that are not covered by existing law related to certificates of public convenience and necessity for transmission lines, and an application for a corridor use certificate must be processed in an adjudicatory proceeding. The amendment clarifies the environmental review process that is required for proposed energy infrastructure projects and provides for the issuance of a consolidated environmental permit by the Department of Environmental Protection to take the place of any other permits or licenses the department would otherwise require for the proposed project.
3. It largely replaces the language in the bill regarding eminent domain authority to clarify and limit the eminent domain authority of transmission and distribution utilities, of holders of corridor use certificates who are not transmission and distribution utilities and of the Public Utilities Commission within an energy infrastructure corridor. The commission's eminent domain authority is specifically limited as follows: the authority may only be exercised in an adjudicatory proceeding upon petition of the Office of the Public Advocate or the Governor's Office of Energy Independence and Security demonstrating that such action is urgently needed to avoid substantial harm to electricity consumers regarding anticipated activity associated with an energy infrastructure corridor; the amount of land or easement taken is limited to that required to prevent the identified harm to consumers; and the authority does not apply to personal property, fixtures and improvements that constitute transmission and distribution plant. The amendment authorizes the commission, in an adjudicatory proceeding and upon petition of the Office of the Public Advocate or the Governor's Office of Energy Independence and Security, to transfer lands or easements acquired by eminent domain provided that a transmission and distribution utility is given the right of first refusal. The amendment also requires the commission to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on the circumstances of any taking by eminent domain.
4. It adds language to clarify that the provisions regarding energy infrastructure corridor designation and development do not modify existing restrictions on providing service within a utility's service territory.
5. It requires the Public Utilities Commission to adopt by rule standards and procedures to implement the energy infrastructure corridor laws. The bill permits but does not require such rulemaking.

The amendment makes the following changes to Part B of the bill regarding long-term contracting authority:

1. It replaces the provision of the bill that authorizes the commission to direct investor-owned transmission and

Joint Standing Committee on Utilities and Energy

distribution utilities to enter into contracts for differences and other financial instruments with a provision that authorizes the commission to permit, but not require, such utilities to enter into contracts for differences, but not other financial instruments.

2. It eliminates the provision of the bill that authorizes the commission to enter into contracts for differences and other financial instruments.
3. It adds provisions to direct the commission to allow transmission and distribution utilities to submit bids for interruptible, demand response or energy efficiency resources and to ensure that long-term contracts are consistent with the State's goals for greenhouse gas reduction.
4. It adds language to allow an investor owned-transmission and distribution utility to recover in rates any gains or losses derived from contracts for differences.

The amendment makes the following changes to Part C of the bill regarding the Governor's Office of Energy Independence and Security:

1. It adds several duties of the Director of the Governor's Office of Energy Independence and Security beyond the duties specified in the bill. The additional duties include working in collaboration with utilities and state agencies to negotiate agreements with developers of renewable generation in order to create value for Maine consumers and monitoring policy, planning and regulatory approval processes relating to energy transmission capacity and energy infrastructure development.
2. It adds a provision to repeal language in existing law that requires the Executive Department, State Planning Office to formulate a biennial state energy resources plan. Instead the Governor's Office of Energy Independence and Security is required to prepare and submit a comprehensive state energy plan every 2 years.
3. It amends the provision in the bill relating to the membership of the Energy Resources Council to provide that, for each state agency represented on the council, the member is the executive head of that agency or that person's designee.
4. It clarifies the contents of the Energy Resources Council's work plan and its inclusion in the council's annual report to the Legislature.

House Amendment "A" (H-970)

This amendment requires that rules adopted to designate an energy infrastructure corridor must include a public hearing to allow members of the public to submit oral or written testimony or comments. It also requires the Public Utilities Commission to address all written comments and state its rationale for adopting or rejecting any proposal contained in the comments. The amendment also requires the commission to dismiss a petition if the petition was filed by a person other than the Office of the Public Advocate, Executive Department, Governor's Office of Energy Independence and Security or an interested person as defined in the Maine Revised Statutes, Title 35-A, section 122. The amendment also requires the commission to consult, notify and accept comments from certain people prior to designating an energy infrastructure corridor.

House Amendment "B" (H-999)

This amendment repeals the provisions of the bill relating to the designation and use of energy infrastructure corridors on July 30, 2011.

Enacted Law Summary

Public Law 2007, chapter 656 has three parts. Part A of this law provides for the designation of energy infrastructure corridors and development of energy infrastructure within such corridors. The Public Utilities Commission is authorized to commence a proceeding to designate an energy infrastructure corridor only upon the

Joint Standing Committee on Utilities and Energy

petition of the Executive Department, Governor's Office of Energy Independence and Security, the Office of the Public Advocate or a developer who can demonstrate to the commission the technical and financial capability to develop energy infrastructure, and the commission may designate a corridor only through major substantive rulemaking. The law requires that designation of an energy infrastructure corridor by done through major substantive rule and must include a public hearing to allow members of the public to submit oral or written testimony or comments. Part A requires potential developers of energy infrastructure within a corridor to obtain either a certificate of public convenience and necessity or a corridor use certificate from the Public Utilities Commission and obtain a consolidated environmental permit from the Department of Environmental Protection. It provides eminent domain authority within an energy infrastructure corridor under certain limited conditions. It requires the Public Utilities Commission to adopt by rule standards and procedures to implement the energy infrastructure corridor laws. The provisions of this law regarding energy infrastructure corridors are repealed on July 30, 2011.

Part B of this law authorizes the Public Utilities Commission to direct all investor-owned transmission and distribution utilities, not just those that serve more than 50,000 retail customers, to enter into long-term contracts. It also allows the commission to direct these utilities to enter into long-term contracts for purposes of lowering the cost of electricity for electric ratepayers. It authorizes the commission to permit, but not require, these utilities to enter into contracts for differences that are designed to buffer ratepayers from negative impacts from transmission development. It directs the commission to allow transmission and distribution utilities to submit bids for interruptible, demand response or energy efficiency resources and to ensure that long-term contracts are consistent with the State's goals for greenhouse gas reduction. It also allows an investor owned-transmission and distribution utility to recover in rates any gains or losses derived from contracts for differences.

Part C of this law establishes in statute the Governor's Office of Energy Independence and Security and sets forth the policy and purpose of that office. Part C also specifies the duties and responsibilities of the director of the office, and it amends the membership of the Energy Resources Council to add the director of Governor's Office of Energy Independence and Security and make the director the chair of the council. It repeals language in existing law that requires the Executive Department, State Planning Office to formulate a biennial state energy resources plan and instead requires the Governor's Office of Energy Independence and Security to prepare and submit a comprehensive state energy plan every 2 years.

The Joint Standing Committee on Utilities and Energy, by letter dated April 23, 2008, requested that the Department of Environmental Protection and the Public Utilities Commission examine the adoption of specific standards in support of the State's goals for greenhouse gas reduction and participation in the regional greenhouse gas initiative.

LD 2265 An Act To Reduce the Amount Collected for the Purpose of the E-9-1-1 System

PUBLIC 637
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES	OTP-AM	H-929

This bill reduces the statewide E-9-1-1 surcharge from 50¢ per month to 45¢ per month.

Committee Amendment "A" (H-929)

This amendment reduces the statewide E-9-1-1 surcharge to 30¢ per line per month, rather than to 45¢ per line per month as proposed in the bill. The amendment adds a provision to the bill to require the Public Utilities Commission, Emergency Services Communication Bureau to conduct a thorough review of the E-9-1-1 fund, including but not limited to surcharge revenue history and projections, expenditure history and projections and unexpended amounts in the fund, and to make a recommendation regarding the E-9-1-1 surcharge amount going forward. The Emergency Services Communication Bureau is required to report the results of its review and recommendation regarding the surcharge to the joint standing committee of the Legislature having jurisdiction over

Joint Standing Committee on Utilities and Energy

utilities matters by February 1, 2009. The amendment also adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2007, chapter 637 reduces the statewide E-9-1-1 surcharge from 50¢ per line per month to 30¢ per line per month. The law also requires the Public Utilities Commission, Emergency Services Communication Bureau to conduct a thorough review of the E-9-1-1 fund, including but not limited to surcharge revenue history and projections, expenditure history and projections and unexpended amounts in the fund, and to make a recommendation regarding the E-9-1-1 surcharge amount going forward. The Emergency Services Communication Bureau is required to report the results of its review and recommendation regarding the surcharge to the joint standing committee of the Legislature having jurisdiction over utilities matters by February 1, 2009.

Public Law 2007, chapter 637 was enacted as an emergency measure effective April 16, 2008.

LD 2266 An Act To Promote Municipal Wind Generation Development

PUBLIC 671

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-579 S-698 ROTUNDO

This bill expands the duties of the Energy Resources Council under the Maine Revised Statutes, Title 5, section 3327 to coordinate the activities of member agencies to assist the State's political subdivisions, state agencies and rural electrification cooperatives in developing wind and other projects, including using available federal loan subsidies. The bill also expands the scope of the life-cycle cost analysis that is required under the Energy Conservation in Buildings Act to include a review of the potential incorporation of wind and solar electricity generating equipment into public facilities, and it amends the laws governing revenue-producing municipal facilities to include any qualified project under the United States Internal Revenue Code, Section 54 within the definition of revenue-producing municipal facility.

The bill also amends provisions of the Maine Wind Energy Act to establish a state policy favoring development of cost-effective wind energy resources by municipalities and by the State for the benefit of Maine's citizens. It further directs the Public Utilities Commission to monitor legal and technological developments that may affect the potential for development of wind power and to regularly advise the Energy Resources Council of its findings.

It expands the authority of municipal electric districts and rural electrification cooperatives to allow them to sell energy to wholesale customers and to buy and sell electricity products in addition to electricity and to allow municipal electric districts to sell electricity and electricity products outside the district.

Committee Amendment "A" (S-579)

This amendment amends the provisions of the bill regarding the responsibilities of the Energy Resources Council to provide wind and other energy planning assistance to clarify that this assistance is intended to cover municipal or quasi-municipal entities and municipally owned corporations that provide electric service in addition to the State's political subdivisions and rural electrification cooperatives. It amends the provision of the bill regarding monitoring of legal and technological developments that may affect the potential for development of wind power resources to direct the chair of the Energy Resources Council, rather than the Public Utilities Commission, to do this work.

This amendment removes the provisions of the bill that expand the authority of municipal electric districts and rural electrification cooperatives to allow them to sell energy to wholesale customers and to buy and sell electricity products in addition to electricity and to allow municipal electric districts to sell electricity and electricity products outside the district. It also removes the provision that establishes a state policy favoring the development and ownership of wind energy projects by state agencies and political subdivisions. The amendment also adds an

Joint Standing Committee on Utilities and Energy

appropriations and allocations section.

Senate Amendment "A" (S-698)

This amendment redirects the responsibility for providing assistance in wind and other energy planning and monitoring of legal and technological developments from the chair of the Energy Resources Council to the Executive Department, Governor's Office of Energy Independence and Security and strikes the provision that requires the Executive Department, Governor's Office of Energy Independence and Security to assist the Department of Administrative and Financial Services, Bureau of General Services in identifying and planning for the construction of wind and other renewable electricity generation projects. It also strikes the appropriations and allocations section.

Enacted Law Summary

Public Law 2007, chapter 671 expands the scope of the life-cycle cost analysis under the Energy Conservation in Buildings Act to include a review of the potential incorporation of wind and solar electricity generating equipment into public facilities and amends the laws governing revenue-producing municipal facilities to include any qualified project under the United States Internal Revenue Code, Section 54 within the definition of revenue-producing municipal facility.

This law also directs the Executive Department, Governor's Office of Energy Independence and Security to provide assistance in wind and other energy planning and to monitor legal and technological developments related to wind energy development. The law requires the office to report by January 15, 2009 on its wind energy monitoring and assistance activities to the joint standing committee having jurisdiction over utilities and energy matters and authorizes the committee to submit legislation to the First Regular Session of the 124th Legislature.

LD 2269 An Act To Strengthen Maine's Consumer Protections against "Slamming"

PUBLIC 638

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES	OTP-AM	H-893 S-569 BARTLETT

This bill prohibits a local or intrastate interexchange carrier of telecommunications services from initiating a change of a customer's carrier without the customer's express authorization. This bill also prohibits such a carrier from misrepresenting its identity or services when conversing with potential customers and requires that the carrier make and retain audio recordings of telephone conversations with customers who authorize a change of carriers. The bill requires the Public Utilities Commission to inform telephone customers about the consumer protections and rights regarding an unauthorized change of carrier.

Committee Amendment "A" (H-893)

This amendment clarifies the provision of the bill that prohibits a local or intrastate interexchange carrier of telecommunications services from initiating a change of a customer's carrier without the customer's express authorization. The amendment removes the provision of the bill that prohibits such a carrier from misrepresenting its identity or services when conversing with potential customers and removes the provision of the bill that requires that the carrier to make and retain audio recordings of telephone conversations with customers who authorize a change of carriers. The amendment changes the customer education portion of the bill to require the Public Advocate rather than the Public Utilities Commission to provide the customer education.

Senate Amendment "A" (S-569)

Under current law, a telephone utility may not furnish service in any municipality in which another telephone utility is furnishing services without the approval of the Public Utilities Commission. This amendment adds a provision to the bill to provide that the commission may not grant such approval to a telephone utility not currently authorized to

Joint Standing Committee on Utilities and Energy

provide service in this State unless the telephone utility provides satisfactory evidence that the telephone utility has at least \$250,000 in fixed assets in this State or the telephone utility purchases and maintains a surety bond in the amount of \$250,000 to ensure it has the financial ability to meet its obligations under the utility laws.

Enacted Law Summary

Public Law 2007, chapter 638 prohibits a local or intrastate interexchange carrier of telecommunications services from initiating a change of a customer's carrier without the customer's express authorization. The law also requires the Public Advocate to inform telephone customers about consumer rights and protections related to an unauthorized change of carrier.

This law also prohibits the Public Utilities Commission from granting approval for a telephone utility not currently authorized to provide service in this State to furnish service in any municipality in which another telephone utility is furnishing service unless the telephone utility seeking approval: (1) provides satisfactory evidence that it has at least \$250,000 in fixed assets in this State or (2) purchases and maintains a surety bond in the amount of \$250,000 to ensure it has the financial ability to meet its obligations under the utility laws.

LD 2279 An Act To Ensure Equitable Payment for E-9-1-1 Services

**PUBLIC 622
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	S-580

This bill requires a municipality that does not have a public safety answering point to contract with another entity, which may be the Department of Public Safety, for receiving 9-1-1 calls and dispatching emergency services. The bill provides that if a municipality fails to contract for these services, the Department of Public Safety is required to act as the public safety answering point and the municipality is required to pay the department for those services. This bill also requires the Maine Communications System Policy Board within the Department of Public Safety to set by rule the fees the department charges municipalities for acting as a public safety answering point.

Committee Amendment "A" (S-580)

This amendment removes that portion of the bill that directs the Maine Communications System Policy Board within the Department of Public Safety to set by rule the fees the department charges municipalities for public safety answering point services provided by the department. Instead, the amendment directs the Public Utilities Commission to establish these fees in an adjudicatory proceeding. The amendment also adds a mandate preamble to the bill.

Enacted Law Summary

Public Law 2007, chapter 622 requires a municipality that does not have a public safety answering point to contract with another entity, which may be the Department of Public Safety, for receiving 9-1-1 calls and dispatching emergency services. The law provides that if a municipality fails to contract for these services, the Department of Public Safety is required to act as the public safety answering point and the municipality is required to pay the department for those services. The law also directs the Public Utilities Commission to establish, in an adjudicatory proceeding, the fees that municipalities that contract with the Department of Public Safety must pay for public safety answering point services and dispatch services provided by the department.

Public Law 2007, chapter 622 was enacted as an emergency measure effective April 15, 2008.

Joint Standing Committee on Utilities and Energy

LD 2283 An Act To Implement Recommendations of the Governor's Task Force on Wind Power Development

PUBLIC 661
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-581

This bill implements recommendations of the Governor's Task Force on Wind Power Development in Maine.

Part A of this bill sets as a goal for the State the development of at least 2,000 megawatts of installed wind power capacity by 2015 and at least 3,000 megawatts of installed wind power capacity by 2020. Part A provides for expedited permitting of grid-scale wind energy development and establishes an expedited permitted area consisting of all organized areas of the state excluding waters subject to tidal influence and specific places within unorganized and deorganized areas of the state. It establishes the Department of Environmental Protection (DEP) as the primary siting authority for wind energy development in the organized areas and the Maine Land Use Regulation Commission (LURC) as the primary siting authority in the unorganized and deorganized areas of the state. It specifies how the primary siting authority must look at the effects of a wind energy development on scenic resources. It specifically requires that the primary siting authority determine whether the development has an unreasonable adverse effect on scenic values and existing uses related to the scenic character of a scenic resource of state or national significance but does not require that a development "fits harmoniously" into the existing natural environment. It outlines the siting considerations for smaller-scale wind energy developments in organized areas of the State and establishes DEP certification requirements for the construction and operation of such developments. A development with a generating capacity of less than 100 kilowatts is exempted from these certification requirements. Part A of the bill also requires the Governor's Office of Energy Independence and Security on an annual basis to monitor and make an assessment of progress toward meeting the state's wind energy development goals.

Part B of this bill specifies the process and criteria for the DEP review of wind energy development applications, including review of expedited wind energy development proposals under the Natural Resources Protection Act and the Site Location of Development Law. It also prohibits the Board of Environmental Protection from assuming jurisdiction over an application for an expedited wind energy development of certification of a smaller-scale wind energy development. Part B of the bill also specifies that a decision regarding an expedited wind energy development application may be appealed directly to the Supreme Judicial Court sitting as the Law Court. Part B requires the DEP and LURC, no later than September 1, 2008, to jointly specify submission requirements for wind energy development applications.

Part C of this bill authorizes the Maine Land Use Regulation Commission to add areas to the expedited permitting areas for wind energy development. It requires LURC to adopt rules no later than September 1, 2008 listing specified places that comprise the expedited permitting area. It also specifies the process and criteria for LURC review of proposed wind energy developments of greater than 100 kilowatts. Part C also directs LURC to amend its comprehensive land use plan to conform with the provisions of this bill.

Part D of this bill adds wind energy systems to the Public Utilities Commission's existing solar energy rebate program. To qualify for a rebate, a wind energy system must be installed by a master electrician or a factory-trained and approved dealer working under the supervision of a master electrician. Part D divides the funding for rebates equally between solar energy systems and wind energy systems.

Part E of this bill specifies that the Act applies to a proposed development for which the DEP or LURC has not accepted an application as complete for processing as of the effective date of the Act and specifies any rules adopted pursuant to this Act by DEP or LURC as routine technical rules.

Committee Amendment "A" (S-581)

Joint Standing Committee on Utilities and Energy

This amendment makes the following changes to the bill.

1. It clarifies the definition of "scenic resource of state or national significance" to specify that it is limited to areas that are owned by the public or to which the public has legal right of access and to clarify that it includes scenic viewpoints on pedestrian trails that the Department of Conservation designates by rule as having state or national significance, as well as scenic viewpoints on state public reserved land as provided in the bill.
2. It clarifies that the rulemaking of the Executive Department, State Planning Office with respect to the methodology for conducting a scenic inventory of scenic resources is limited to those resources located in the coastal area.
3. It clarifies the application of the scenic standard regarding the effect of an expedited wind energy development to require the primary siting authority to determine whether the development significantly compromises views from a scenic resource of state or national significance such that the development has an unreasonable adverse effect on the scenic character or existing uses related to scenic character of the scenic resource.
4. It clarifies that municipalities are permitted but not required to enforce the standards for a wind energy development certification issued by the Department of Environmental Protection for a smaller-scale wind energy development and that the department is not responsible for enforcement of such standards.
5. It adds language to require the Executive Department, Governor's Office of Energy Independence and Security to submit its findings and recommendations from its annual assessment of progress toward reaching the State's wind energy goals to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and to require the office in its the first report, due January 15, 2009, to include an assessment of whether additional funding is needed to analyze the tangible benefits realized by wind energy developments.
6. It clarifies, with respect to appeals to the Board of Environmental Protection of license or permit decisions of the Commissioner of Environmental Protection regarding wind energy developments, that the administrative record of the department includes the record of any adjudicatory hearing of the department.
7. It amends the provision in the bill regarding the special fee that may be required by the DEP to provide a maximum fee of \$250,000 until September 1, 2009 and \$75,000 beginning September 1, 2009, rather than an unlimited fee for wind energy development as proposed in the bill. It also adds language to clarify that the Commissioner of Environmental Protection has the authority to enter into an agreement with an applicant for a payment of costs in excess of the maximum special fee.
8. It adds to the provision in the bill regarding submission requirements to be specified by the DEP and LURC for applications for wind energy developments to include as additional submission requirements postconstruction reporting of tangible benefits from wind energy development and decommissioning plans, including demonstration of ability to fully fund any necessary future decommissioning costs.
9. It clarifies that LURC's authority to amend the list of places included in the expedited permitting area is limited to adding additional areas to the list, and it clarifies the reference to the portion of Skinner Township included in the expedited permitting area.
10. It amends the provision in the bill regarding the establishment of a wind energy rebate to limit qualified wind energy systems to those with a peak generating capacity of 100 kilowatts or less and to specify that a qualified system is one that is located in an area with demonstrated wind energy potential rather than an area with a specific wind energy classification based on United States Department of Energy maps as provided in the bill. It revises the installation requirements for wind energy systems to narrow the requirement to the installation of the electrical components of the system. It also amends the allotment of the solar and wind energy rebate program funds between the different rebates to require the Public Utilities Commission to determine for each fiscal year the allotment of

Joint Standing Committee on Utilities and Energy

funds between solar photovoltaic system rebates, solar thermal system rebates and qualified wind energy system rebates, with a minimum of 20% of the fund provided to each of the 3 types of rebates.

11. It adds language to specify that this Act does not apply to a smaller-scale wind energy development in the organized areas subject to certification by the DEP if a municipality has accepted an application for that proposed development as complete for processing as of the effective date of the Act. It also adds language to clarify that the Act is not intended to limit municipal authority to regulate wind energy development.

Enacted Law Summary

Public Law 2007, chapter 661 implements recommendations of the Governor's Task Force on Wind Power Development in Maine.

Part A of this law sets as a goal for the State the development of at least 2,000 megawatts of installed wind power capacity by 2015 and at least 3,000 megawatts of installed wind power capacity by 2020. Part A provides for expedited permitting of grid-scale wind energy development and establishes an expedited permitted area consisting of all organized areas of the state excluding waters subject to tidal influence and specific places within unorganized and deorganized areas defined in rule. It establishes the Department of Environmental Protection (DEP) as the primary siting authority for wind energy development in the organized areas and the Maine Land Use Regulation Commission (LURC) as the primary siting authority in the unorganized and deorganized areas of the State. It specifies how the primary siting authority must look at the effects of a wind energy development on scenic resources. It specifically requires that the primary siting authority determine whether the development significantly compromises views from a scenic resource of state or national significance such that the development has an unreasonable adverse effect on scenic values and existing uses related to the scenic character of a scenic resource of state or national significance; it does not require that a development "fits harmoniously" into the existing natural environment. It outlines the siting considerations for smaller-scale wind energy developments in organized areas of the State. It establishes certification requirements under the DEP for the construction and operation of smaller-scale wind energy development located in the organized areas of the State. A development with a generating capacity of less than 100 kilowatts is exempted from these requirements. Part A of the law also requires the Governor's Office of Energy Independence and Security on an annual basis to monitor and make an assessment of progress toward meeting the state's wind energy development goals and to submit its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15th of each year.

Part B of this law prohibits the Board of Environmental Protection from assuming jurisdiction over an application for an expedited wind energy development or certification of a smaller-scale wind energy development. It also specifies the process and criteria for the DEP review of wind energy development applications, including review of expedited wind energy development proposals under the Natural Resources Protection Act and the Site Location of Development Law. Part B of the law also specifies that a decision regarding an expedited wind energy development application may be appealed directly to the Supreme Judicial Court sitting as the Law Court. Part B requires the DEP and LURC, no later than September 1, 2008, to jointly specify submission requirements for wind energy development applicants, including postconstruction reporting of tangible benefits and decommissioning plans.

Part C of this law authorizes the LURC to add areas to the expedited permitting areas for wind energy development. It requires LURC to adopt rules no later than September 1, 2008 listing specified places that comprise the expedited permitting area. It also specifies the process and criteria for LURC review of proposed wind energy developments of greater than 100 kilowatts. Part C also directs LURC to amend its comprehensive land use plan to conform with the provisions of this bill.

Part D of this law adds wind energy systems to the Public Utilities Commission's existing solar energy rebate program. To qualify for a rebate, a wind energy system must have a peak generating capacity of 100 kilowatts or less and the electrical components of the system must be installed by a master electrician or a factory-trained and approved dealer working under the supervision of a master electrician. Part D authorizes the Public Utilities

Joint Standing Committee on Utilities and Energy

Commission to determine for each fiscal year the allotment of funds between solar photovoltaic system rebates, solar thermal system rebates and qualified wind energy system rebates, with a minimum of 20% of the funds provided to each of the three types of rebates.

Part E of this law specifies that the Act applies to a proposed development for which the DEP or LURC has not accepted an application as complete for processing as of the effective date of the Act and specifies any rules adopted pursuant to this Act by DEP or LURC as routine technical rules. It also specifies that the Act does not apply to a proposed wind energy development of a type that is subject to a smaller-scale wind energy development in the organized areas subject to DEP certification, if a municipality has accepted an application for that proposed development as complete for processing as of the effective date of the Act. It also adds language to clarify that the Act is not intended to limit municipal authority to regulate wind energy development.

Public Law 2007, chapter 661 was enacted as an emergency measure effective April 18, 2008.

LD 2292 Resolve, To Establish a Stakeholder Group To Study the Sale or Lease of the State's Excess Broadband Capacity

ONTP

Sponsor(s)

DILL

Committee Report

ONTP

Amendments Adopted

This resolve directs the Governor's Office of Energy Independence and Security to create a stakeholder group to review the potential sale of the excess capacity that occurs during the transition from analog broadcasting to digital broadcasting and to report its findings and recommendations and any suggested legislation to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters.

The Joint Standing Committee on Utilities and Energy, by letter dated April 14, 2008, requested that the ConnectME Authority convene a stakeholder group to examine the issues presented in the bill and report back to the committee by January 15, 2009.

Joint Standing Committee on Utilities and Energy

SUBJECT INDEX

Cable Television

Enacted

LD 2133 **An Act To Amend the Cable Television Laws and Establish a Model Cable Franchise Agreement** **PUBLIC 548**

E911

Enacted

LD 2141 **Resolve, Regarding Legislative Review of Chapter 3: Provision of Enhanced E-9-1-1 Access-only Service, a Major Substantive Rule of the Public Utilities Commission** **RESOLVE 157**

LD 2238 **An Act Regarding Tort Liability in the Provision of E-9-1-1 Access-only Service** **PUBLIC 504**

LD 2265 **An Act To Reduce the Amount Collected for the Purpose of the E-9-1-1 System** **PUBLIC 637
EMERGENCY**

LD 2279 **An Act To Ensure Equitable Payment for E-9-1-1 Services** **PUBLIC 622
EMERGENCY**

Electricity

Enacted

LD 1221 **An Act To Amend the Charter of the Kennebunk Light and Power District** **P & S 35**

LD 1248 **An Act To Authorize Load Aggregation for Consumer-owned Electric Utilities** **PUBLIC 481**

LD 2002 **An Act To Protect Electricity Consumers of Maine** **PUBLIC 575**

LD 2041 **An Act To Decrease Energy Costs on Swans Island and Frenchboro** **P & S 36**

LD 2050 **Resolve, Directing the Public Utilities Commission and the Public Advocate To Advocate for the Adoption and Implementation of Demand-side Management Programs** **RESOLVE 177
EMERGENCY**

LD 2135 **Resolve, Regarding Public Safety and Protection Related to Gas and Electric Utilities** **RESOLVE 168**

LD 2254 **Resolve, Regarding ISO New England** **RESOLVE 193
EMERGENCY**

Not Enacted

LD 398	An Act To Require Transmission Lines To Be Placed Underground near Certain Facilities	DIED ON ADJOURNMENT
LD 435	An Act To Require Utilities and Competitive Service Providers To Pay Interest on Overestimates of Electric	ACCEPTED ONTP REPORT
LD 1098	An Act To Promote Electricity Transmission Independence	ONTP
LD 1935	An Act To Promote Competition in Maine's Electric Industry	ONTP

Energy

Enacted

LD 2255	An Act To Protect Maine's Energy Sovereignty through the Designation of Energy Infrastructure Corridors and Energy Plan Development	PUBLIC 656
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Miscellaneous

Enacted

LD 2182	An Act To Allow Civil Penalties for Damaging Utility Property or for Theft of Utility Services	PUBLIC 553 EMERGENCY
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Nuclear Power

Not Enacted

LD 1918	An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine	DIED BETWEEN HOUSES
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Public Utilities Commission

Enacted

LD 1955	An Act Regarding Certain Positions at the Public Utilities Commission	PUBLIC 482
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Renewable Resources

Enacted

LD 1942	Resolve, Regarding Loans for Geothermal Heating Systems	RESOLVE 156
LD 2061	An Act To Clarify the Qualifications of Installers under the Solar Energy Rebate Program	PUBLIC 493 EMERGENCY
LD 2149	Resolve, To Encourage Renewable Energy and Energy Conservation in Maine	RESOLVE 183
LD 2266	An Act To Promote Municipal Wind Generation Development	PUBLIC 671

LD 2283 **An Act To Implement Recommendations of the Governor's Task Force on Wind Power Development** PUBLIC 661
EMERGENCY

Not Enacted

LD 1099 **An Act To Encourage Wind Energy Development** ONTP

Telecommunications

Enacted

LD 1989 **An Act To Clarify Maine's "Do Not Call" Laws** PUBLIC 489
EMERGENCY

LD 2060 **An Act To Create Consistency in the Authority of the Public Utilities Commission To Provide Tariff Exemptions** PUBLIC 478

LD 2104 **An Act To Provide for Fairness and Accuracy in Utility Rate Setting** PUBLIC 550

LD 2180 **An Act To Ensure the Integrity of Prepaid Calling Accounts** PUBLIC 511

LD 2246 **An Act To Extend the ConnectME Authority** PUBLIC 698

LD 2269 **An Act To Strengthen Maine's Consumer Protections against "Slamming"** PUBLIC 638

Not Enacted

LD 1216 **Resolve, To Establish a Study Commission To Stimulate Telecommunications Investment, Economic Development and Job Creation** ONTP

LD 2103 **Resolve, Directing the Public Utilities Commission To Study Existing Barriers to Digital Telephone Service Access in Rural Areas of the State** ONTP

LD 2292 **Resolve, To Establish a Stakeholder Group To Study the Sale or Lease of the State's Excess Broadband Capacity** ONTP

Water/Sewer - Charters

Enacted

LD 1936 **An Act To Include the Town of Nobleboro within the Great Salt Bay Sanitary District** P & S 38

LD 2076 **An Act To Amend the Charter of the Norway Water District** P & S 32
EMERGENCY

LD 2117 **An Act To Create the Starboard Water District** P & S 34
EMERGENCY

**JOINT STANDING COMMITTEE ON
UTILITIES AND ENERGY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	28	73.7%	5.0%
<u><i>Bills Carried Over from previous session</i></u>	<u>8</u>	<u>21.1%</u>	<u>1.4%</u>
Total Bills referred	36	94.7%	6.4%
B. Bills reported out by law or joint order	2	5.3%	0.4%
Total Bills considered by Committee	38	100.0%	6.7%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	5	13.2%	0.9%
<i>Ought to Pass as Amended</i>	18	47.4%	3.4%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>6</u>	<u>15.8%</u>	<u>1.1%</u>
Total unanimous reports	29	76.3%	5.5%
B. Divided committee reports			
<i>Two-way reports</i>	9	23.7%	1.7%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	9	23.7%	1.7%
Total committee reports	38	100.0%	7.2%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	18	47.4%	3.2%
<i>Private and Special Laws</i>	5	13.2%	0.9%
<i>Resolves</i>	6	15.8%	1.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	29	76.3%	5.2%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	1	100.0%	4.5%
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	4.5%
C. Bills vetoed or held by Governor			
<i>Vetoes over-ridden</i>	0	0.0%	0.0%
<i>Vetoes sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions