

Joint Standing Committee on Utilities and Energy

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

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

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

Committee Amendment “A” (H-727), which was the minority report of the committee, proposed to incorporate an appropriations and allocations section.

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

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

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

LD 407 **An Act To Place the Emergency Services Communication Bureau
within the Department of Public Safety** **ONTP**

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

LD 407, which was carried forward from the First Regular Session, proposed to move the Emergency Services Communication Bureau from within the Public Utilities Commission to within the Department of Public Safety.

Joint Standing Committee on Utilities and Energy

LD 635

An Act Relating to Community Sanitary Districts

PUBLIC 556

<u>Sponsor(s)</u> KOFFMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-908
------------------------------	--	-----------------------------------	--	------------------------------------

LD 635 proposed to amend the Maine Sanitary District Enabling Act to authorize the creation of decentralized community sanitary districts.

Committee Amendment “A” (H-908) proposed to replace the bill. This amendment proposed to authorize the creation of community sanitary districts to manage one or more subsurface wastewater collection, treatment and disposal systems to accommodate residential development. These districts would be established in the same manner as sanitary districts, except that the Board of Environmental Protection would be required to make certain findings before approving the creation of a community sanitary district. A community sanitary district would have many of the powers and duties of a sanitary district, with certain modifications to achieve the limited purposes of a community sanitary district.

This amendment also proposed to provide that if a municipality has constructed a sewer system composed of one or more subsurface wastewater collection, treatment and disposal systems, it must, after the establishment of a district to serve the area where that sewer system is located, sell to the district all assets and rights identified by the municipality as related to that sewer system in consideration of the assumption by the district of any outstanding debts and liabilities related to that sewer system. The municipality and the district would be authorized to arrange for the transfer of any other assets or liabilities that the municipality and the district determine necessary or appropriate to allow the district efficiently and effectively to carry out its purposes under this chapter. The amendment proposed specifically to authorize a municipality to construct such a system in anticipation of the creation of a district, to which the municipality would then transfer the system. This would allow a system to be established prior to any occupancy of a cluster or other compact development and then, when a suitable number of residences have become occupied, allow a vote among the residents to establish a district to run the system.

Enacted law summary

Public Law 2005, chapter 556 amends the Maine Sanitary District Enabling Act to authorize the creation of community sanitary districts to manage one or more subsurface wastewater collection, treatment and disposal systems to accommodate residential development. These districts are established in the same manner as sanitary districts, except that the Board of Environmental Protection must make certain findings before approving the creation of a community sanitary district. A community sanitary district has many of the powers and duties of a sanitary district, with certain modifications to achieve the limited purposes of a community sanitary district.

Public Law 2005, chapter 556 provides that if a municipality has constructed a sewer system composed of one or more subsurface wastewater collection, treatment and disposal systems, it must, after the establishment of a district to serve the area where that sewer system is located, sell to the district all assets identified by the municipality as related to that sewer system in consideration of the assumption by the district of any outstanding liabilities identified by the municipality as related to that sewer system. The municipality and the district are authorized to arrange for the transfer of any other assets or liabilities that the municipality and the district determine necessary or appropriate to allow the district efficiently and effectively to carry out its purposes under this chapter. A municipality may construct such a system in anticipation of the creation of a district, to which the municipality will then transfer the system; this allows a system to be established prior to any occupancy of a

Joint Standing Committee on Utilities and Energy

cluster or other compact development and then, when a suitable number of residences have become occupied, allows a district to be established to run the system.

LD 637 **Resolve, To Address the Telecommunications Needs of Federally Qualified Health Centers** **RESOLVE 141**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	ONTP MAJ OTP-AM MIN	H-740

LD 637, which was carried forward from the First Regular Session, proposed to add “qualified health centers” to the entities eligible to receive funding from the telecommunications education access fund (MTEAF). The MTEAF funds would be available to fund the telecommunications services needed to support electronic health records and telemedicine in medically underserved areas.

The committee, by letter dated June 1, 2005, requested that the Public Utilities Commission examine the issues raised by the bill. In a report dated December 19, 2005, the commission supplied to the committee its findings and recommendations on the matter.

Committee Amendment “A” (H-740), which was the minority report of the committee, proposed to replace the bill with a resolve. The amendment proposed to direct the Public Utilities Commission to allocate \$75,000 from the state universal service fund to hire a consultant to conduct a needs assessment and to assist federally qualified health centers in applying for funds from the federal Universal Service Fund to meet their telecommunications services needs. The amendment proposed to require the Public Utilities Commission to report, no later than March 1, 2007, to the joint standing committee of the Legislature having jurisdiction over telecommunications matters on the results of the needs assessment and applications for federal funds. The amendment proposed to authorize the committee to report out a bill on this subject to the First Regular Session of the 123rd Legislature after review of the report.

The chairs of the committee sent a letter to the Public Utilities Commission in anticipation of the passage of the bill as amended by the minority report; the letter indicated the chairs’ expectation that the commission would work with federally qualified health centers (FQHCs) to find an appropriate means by which FQHCs that receive funds from the federal Universal Service Fund would reimburse the state universal service fund.

Enacted law summary

Resolve 2005, chapter 141 directs the Public Utilities Commission to allocate \$75,000 from the state universal service fund to hire a consultant to conduct a needs assessment and to assist federally qualified health centers in applying for funds from the federal Universal Service Fund to meet their telecommunications services needs. The amendment requires the Public Utilities Commission to report, no later than March 1, 2007, to the joint standing committee of the Legislature having jurisdiction over telecommunications matters on the results of the needs assessment and applications for federal funds. The amendment authorizes the committee to report out a bill on this subject to the First Regular Session of the 123rd Legislature.

Joint Standing Committee on Utilities and Energy

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

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

LD 1065, which was carried forward from the First Regular Session, proposed to amend the eligible resources portfolio requirement as follows: by modifying the list of resources which qualify under the current portfolio requirement and defining the requirement as the “Tier 1” requirement; by adding a “Tier 2” requirement for which a subset of Tier-1-eligible resources would qualify; and by establishing an alternative compliance mechanism. The bill proposed to permit Tier 2 portfolio requirements to be met using renewable credits.

The Joint Standing Committee on Utilities and Energy, by letter dated June 3, 2005, requested that a stakeholder group be formed to examine mechanisms to achieve the goals of this bill. The Renewable Resources Stakeholder Group was formed, met during the interim and issued a report to the committee in January 2006. After receiving the report, the committee voted Ought-Not-To-Pass on LD 1065 and planned to develop a committee bill relating to renewable resources. The committee developed proposals for a committee bill and held a hearing on these proposals but in the end decided not to report out a committee bill. The committee addressed issues related to renewable resources in the context of the Governor’s energy bill, LD 2041.

LD 1347 **Resolve, Directing the Public Utilities Commission To Amend Its Rules Governing Net Energy Billing** **ONTP**

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

LD 1347, which was carried forward from the First Regular Session, proposed to require the Public Utilities Commission to amend its rules governing net energy billing to provide that a renewable facility must be located in the service area of a utility and to eliminate the requirement that the renewable facility be located on or in the vicinity of the customer's premises. This bill also proposed to require the Public Utilities Commission to amend its rules to require a utility to provide net energy billing to a customer based on all accounts in that customer's name.

LD 1377 **An Act Regarding Municipally Owned Street Lighting** **ONTP**

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

LD 1377, which was carried forward from the First Regular Session, proposed to:

1. Allow a municipality to place municipally owned streetlights on utility-owned poles;
2. Allow a municipality to purchase utility-owned streetlights; and

Joint Standing Committee on Utilities and Energy

3. Set limits on actions a transmission and distribution utility may take in connection with a municipal acquisition of lighting equipment.

The committee, by letter dated December 13, 2005, notified the Public Utilities Commission that the committee's vote of Ought-Not-To-Pass was made with the understanding the commission would continue discussions with the Maine Municipal Association and Central Maine Power Company to examine the issues raised by the bill.

LD 1379

An Act To Amend the Maine Wind Energy Act

PUBLIC 646

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM MAJ	H-1108 BLISS
FLETCHER	OTP-AM MIN	S-365 BARTLETT

LD 1379 was carried over from the First Regular Session on the Special Appropriations Table by S.P. 640. At that time, both the House and Senate had passed the bill as amended by Senate Amendment "A" (S-365). There were many amendments to this bill proposed during the First Regular Session; only the committee amendments and Senate Amendment "A" (S-365) are included here; for a summary of other proposed amendments offered during the First Regular Session, reference may be made to the LD 1379 bill summary for First Regular Session. When LD 1379 came off the Special Appropriations Table at the end of the Second Regular Session, it was further amended by House Amendment "A" to Senate Amendment "A" (H-1108); Senate Amendment "A" to Senate Amendment "A" was also proposed but was not adopted; both of these amendments from the Second Regular Session are included in this summary.

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

1. Authorize the transfer of up to \$2 million/year for up to 10 years from the Public Utilities Commission's conservation program fund to the Finance Authority of Maine (FAME) to provide capitalization for FAME financing of wind energy projects. It proposed to direct FAME and the Public Utilities Commission to determine the most cost effective ways to use FAME authority to assist in financing wind development;
2. Allow a business to be designated to receive Pine Tree Development Zone benefits if it would support the construction by that business of a wind-powered generator;
3. Allow a competitive electricity provider to meet the resource portfolio requirements of Title 35-A, section 3210 through renewable credits, if a reliable credit-trading system exists;
4. Create legislative findings that it is in the public interest to encourage the construction of 300 megawatts of wind generation by 2010 and that it is in the public interest to encourage the development of wind energy research and generation equipment manufacturing facilities;
5. Create a legislative finding that enhancement of transmission from northern and eastern Maine to southern Maine is essential to wind development and to the efficient connection of northern and eastern Maine with the rest of the U.S.;

Joint Standing Committee on Utilities and Energy

6. Establish as the policy of the State that political subdivisions, agencies and public officials “take every reasonable action to encourage and expedite” permitting and financing of wind projects and siting, permitting, financing and construction of wind energy research and manufacturing facilities; and
7. Direct the Board of Environmental Protection to adopt by January 15, 2006 major substantive rules to streamline the process for reviewing and permitting wind-power generation projects up to 100 megawatts, deal on a general basis with wind permitting issues in order to “narrow the regulatory focus,” and determine, in consultation with LURC, “preferred” wind project siting areas (areas 50,000 acres or more in size).

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

This amendment also proposed to direct the Energy Resources Council to study and report on the type of electricity generation referred to as “community wind.” The Joint Standing Committee on Utilities and Energy would be authorized to report out legislation regarding community wind to the Second Regular Session of the 122nd Legislature.

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

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

Joint Standing Committee on Utilities and Energy

8. Direct the Department of Environmental Protection and the Maine Land Use Regulation Commission to provide a report to the Joint Standing Committee on Utilities and Energy on the agencies' siting guidelines and authorize the committee to report out legislation on wind energy to the Second Regular Session of the 122nd Legislature.

Senate Amendment “A” (S-365) proposed to replace the bill. The amendment proposed to incorporate the provisions of Committee Amendment “B” with other proposed House and Senate amendments and make further changes to the bill. Specifically, it proposed the following:

1. To exempt from the provisions of Title 30-A, section 5223(3) (relating to municipal establishment of development districts) tax increment financing districts consisting solely of community wind power generators certified by the Commissioner of Economic and Community Development;
2. To direct the Public Utilities Commission to allow the use of renewable energy credits (RECs) to satisfy resource portfolio requirements if the commission determined a reliable system of RECs exists. It proposed to require the commission to adopt rules on this matter;
3. To establish legislative findings that it is in the public interest to encourage the construction of community wind power generators. It also proposed to establish a finding that it is in the public interest to encourage wind energy research and the development of wind generation equipment manufacturing facilities in the state;
4. To establish as the policy of the State that its political subdivisions, agencies and public officials take every reasonable action to encourage the attraction of appropriately sited wind-energy-related development consistent with state and federal environmental standards; the permitting and financing of wind energy projects; and the siting, permitting, financing and construction of wind energy research and manufacturing facilities;
5. To create a sales and use tax exemption for sales to construction contractors of personal property made a permanent part of real property owed by a community wind power generator. The tax exemption would be available between October 1, 2005 and December 31, 2010;
6. To create a sales and use tax exemption for sales to a community wind power generator of personal property for use in the generation of electricity by the community wind power generator. The tax exemption would be available between October 1, 2005 and December 31, 2010;
7. To provide an income tax credit to community wind power generators certified by the Commissioner of Economic and Community Development. The amount of the credit would be 100% of the income tax that would otherwise be due from the entity. The credit would be available for 10 years following commencement of operation of the wind power generator. To qualify a generator would be required to be certified before January 1, 2010;
8. To require the Board of Environmental Protection to adopt by March 1, 2006 rules that deal on a general basis with issues that arise in the permitting of wind energy facilities. The guidelines would not affect the municipal permitting process;
9. To direct the Department of Environmental Protection and the Maine Land Use Regulation Commission to provide a report to the Joint Standing Committee on Utilities and Energy by March 1, 2006 on the agencies' wind energy project siting guidelines, including procedures when projects are located within the jurisdiction

Joint Standing Committee on Utilities and Energy

of both agencies. It proposed to authorize the committee to report out legislation on this matter to the 2nd Regular Session of the 122nd Legislature;

10. To direct the Public Utilities Commission to determine the most effective ways for the commission to assist in the financing of wind energy projects;
11. To direct the Public Utilities Commission to examine issues related to impediments to community wind power; and
12. To direct the Public Utilities Commission, in consultation with other agencies, to develop creative ways to promote and finance the development of community wind power.

House Amendment “A” to Senate Amendment “A” (H-1108) proposed the following changes to Senate Amendment “A”:

1. To add a provision providing reimbursement of sales taxes with respect to personal property that is made a permanent part of real property owned by a qualified community wind power generator and that is used by the generator;
2. To give the Public Utilities Commission, not the Commissioner of Economic Community Development, authority to certify entities as qualified community wind power generators for purposes of qualifying for the tax benefits provided under the amended bill. It proposed to repeal the authority to make such certifications on December 31, 2007;
3. To exclude a community wind power generator from certification and tax benefits if the entity had commenced the site permit application process for the project prior to the effective date of the Act;
4. To delay from October 1, 2005 to October 1, 2006 the sales tax benefits provided to qualified community wind power generators and delay from December 31, 2010 to December 31, 2011 the elimination of the sales tax exemption;
5. To repeal the community wind power generator income tax credit on December 31, 2007; and
6. To remove those provisions of Senate Amendment “A” that would require: rulemaking regarding improved permitting guidance; environmental siting guidelines for wind energy projects; Public Utilities Commission assistance in financing wind energy projects; rulemaking regarding allowing credit trading; examination by the Public Utilities Commission of community wind; and a study of incentives to facilitate the development of community wind power generator projects.

Senate Amendment “A” to Senate Amendment “A” (S-696) (not adopted) proposed to make the same changes to Senate Amendment “A” as proposed by House Amendment “A” to Senate Amendment “A” (H-1108) except that it did not propose to give the Public Utilities Commission the authority to certify entities as community wind power generators for purposes to qualifying for the tax benefits.

Joint Standing Committee on Utilities and Energy

Enacted law summary

Public Law 2005, chapter 646 does the following:

1. Exempts from the provisions of Title 30-A, section 5223(3) (relating to municipal establishment of development districts) tax increment financing districts consisting solely of community wind power generators certified by the Public Utilities Commission under Title 36, section 5211-AA (a provision repealed on December 31, 2007);
2. Directs the Public Utilities Commission to allow the use of renewable energy credits (RECs) to satisfy the resource portfolio requirements if the commission determines a reliable system of RECs exists;
3. Establishes legislative findings that it is in the public interest to encourage the construction of community wind power generators. It also establishes a finding that it is in the public interest to encourage wind energy research and the development of wind generation equipment manufacturing facilities in the state;
4. Establishes as the policy of the State that its political subdivisions, agencies and public officials take every reasonable action to encourage the attraction of appropriately sited wind-energy-related development consistent with state and federal environmental standards; the permitting and financing of wind energy projects; and the siting, permitting, financing and construction of wind energy research and manufacturing facilities;
5. Creates a sales and use tax exemption for sales of equipment for use in the generation of electricity by a community wind power generator certified by the Public Utilities Commission under Title 36, section 5211-AA (a provision repealed on December 31, 2007). The tax exemption is available for up to five years from the date of certification by the Public Utilities Commission or until December 31, 2011, whichever comes first;
6. Provides sales and use tax reimbursement for equipment incorporated into property owned by a community wind power generator certified by the Public Utilities Commission under Title 36, section 5211-AA (a provision repealed on December 31, 2007) if the equipment is used by the generator more than 50% of the time during the first 2 years the property is owned by the generator. The reimbursement is available for up to five years from the date of certification by the Public Utilities Commission or until December 31, 2011, whichever comes first;
7. Provides an income tax credit to community wind power generators certified by the Public Utilities Commission under Title 36, section 5211-AA in the amount of 100% of the income tax that would otherwise be due. This provision provides that the credit is available for 10 years following commencement of operation of the generator, however the entire provision is repealed December 31, 2007; and
8. Directs the Public Utilities Commission to certify community wind power generators for purposes of the above-mentioned tax benefits. The commission is directed to certify generators only if construction of the facility would not likely occur absent the tax benefits. The provision does not permit the Public Utilities Commission to certify any community wind power generator if the site permit application process for the project had commenced prior to the effective date of the Act. This provision (Title 36, section 5211-AA) is repealed December 31, 2007.

Joint Standing Committee on Utilities and Energy

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

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

LD 1440, which was carried forward from the First Regular Session, was a concept draft pursuant to Joint Rule 208 designed to encourage high-speed Internet access in areas of the State currently not served or underserved because of technical and market barriers. The bill proposed to:

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

The committee addressed issues relating to high-speed Internet access in underserved areas of the State in LD 2080.

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

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

LD 1675, which was carried forward from the First Regular Session, proposed to create an exception for rural telephone companies from the law governing the establishment of alternative forms of regulation (AFOR). It proposed to require the Public Utilities Commission to adopt any AFOR proposed by a rural telephone company if it contained certain elements.

The committee, by letter dated January 23, 2006, requested that the Public Utilities Commission form a working group to evaluate options for streamlining the AFOR process for rural telephone companies. The letter requested that the commission report its recommendations on this matter to the committee by January 1, 2007.

Joint Standing Committee on Utilities and Energy

LD 1708

**An Act To Allow the Buckfield Village Corporation To Be
Dissolved and Combined with the Town of Buckfield**

**P & S 40
EMERGENCY**

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

LD 1708 proposed to authorize the Buckfield Village Corporation to be dissolved and combined with the Town of Buckfield.

Enacted law summary

Private and Special Law 2005, chapter 40 authorizes the Buckfield Village Corporation to be dissolved and combined with the Town of Buckfield.

Private and Special Law 2005, chapter 40 was enacted as an emergency measure and took effect on March 22, 2006 but only for the purposes of permitting its submission to the voters of the Town of Buckfield.

LD 1736

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

**P & S 34
EMERGENCY**

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

LD 1736 proposed to extend the territory of the Boothbay Harbor Sewer District to include all of the territory of the Town of Boothbay. The bill also proposed to increase the debt limit of the Boothbay Harbor Sewer District from \$5,500,000 to \$8,500,000.

Committee Amendment “A” (H-745) proposed to add a mandate preamble to the bill.

Enacted law summary

Private and Special Law 2005, chapter 34 extends the territory of the Boothbay Harbor Sewer District to include all of the territory of the Town of Boothbay. The bill also increases the debt limit of the Boothbay Harbor Sewer District from \$5,500,000 to \$8,500,000. This law was enacted with a mandate preamble exempting the state from reimbursing the district for any costs it incurs as a result of the law.

Private and Special Law 2005, chapter 34 was enacted as an emergency measure effective March 2, 2006.

Joint Standing Committee on Utilities and Energy

LD 1740 **An Act To Establish the Athens Standard Water District** **P & S 32**

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

LD 1740 proposed to establish the Athens Standard Water District.

Committee Amendment “A” (S-444) proposed to change the eligibility requirements for trustees of the Athens Standard Water District to require that a trustee be a taxpayer of the Town of Athens and a ratepayer of the district, rather than a resident of the district and a resident of a household that receives service from the district. The amendment also proposed to clarify that the management and allocation of a contribution of funds by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 1364, subsection 5 and the income from those funds would not be not subject to investigation or review by the Public Utilities Commission, except upon request by the Department of Environmental Protection.

Enacted law summary

Private and Special Law 2005, chapter 32 establishes the Athens Standard Water District, subject to approval by referendum vote of the voters within the territory of the district.

LD 1744 **An Act To Create the Washburn Water and Sewer District** **P & S 41**

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-476
-----------------------------	--	-----------------------------------	--	------------------------------------

LD 1744 proposed to establish the Washburn Water and Sewer District.

Committee Amendment “A” (S-476) proposed to make the following changes to the bill:

1. Clarify that the bill creates a water and sewer district, rather than a standard water district;
2. Clarify and explicitly provide the necessary powers and authority with respect to sewer-related functions;
3. Change the provisions in the bill regarding the initial board of trustees to specify that the first trustees are appointed by the municipal officers of the Town of Washburn, set their terms and provide that subsequent trustees are elected to 3-year terms;
4. Add language to address the transfer of sewer-related infrastructure from the Washburn Water and Sewer Department to the Washburn Water and Sewer District;
5. Add language to address the transfer to the district of the debts, liabilities, contracts, licenses and permits of the department; and
6. Clarify that the approval by the Public Utilities Commission is required only for the transfer of the water utility portion of the department to the district.

Joint Standing Committee on Utilities and Energy

Enacted law summary

Private and Special Law 2005, chapter 41 establishes the Washburn Water and Sewer District and provides for the transfer of sewer-related infrastructure from the Washburn Water and Sewer Department to the Washburn Water and Sewer District. This law takes effect only if approved by the voters within the territory of the district.

LD 1829 **An Act To Allow for Access to Digital Phone Service for Customers in Rural Areas** **ONTP**

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

LD 1829, a concept draft pursuant to Joint Rule 208, proposed to provide consumers in rural areas of the State access to digital telephone service provided by Internet service providers.

LD 1833 **An Act To Change the Charter of the St. Francis Water District** **P & S 33**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	H-746

LD 1833 proposed to amend the charter of the St. Francis Water District to allow town selectmen to serve on the water district board.

Committee Amendment “A” (H-746) proposed to replace the bill. The amendment proposed to change the charter of the St. Francis Water District to allow one member of the water district board of trustees to be a municipal officer of the Town of St. Francis. That member would be required to abstain from voting as a municipal officer pursuant to Title 35-A, section 6410, subsection 7 on the compensation of the district trustees.

Enacted law summary

Private and Special Law 2005, chapter 33 amends the charter of the St. Francis Water District to allow one member of the board of trustees to be a municipal officer of the Town of St. Francis. This trustee is required to abstain as a municipal officer from voting pursuant to Title 35-A, section 6410, subsection 7, on the compensation of trustees.

Joint Standing Committee on Utilities and Energy

LD 1858

An Act To Improve Cell Phone Service in the State

ONTP

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

LD 1858 proposed to require a provider of mobile telecommunications services to allow new subscribers to use analog phones until there is adequate digital cellular telephone coverage throughout the State. This bill also proposed to direct the Office of the Public Advocate to evaluate the adequacy of digital service and to report annually to the utilities and energy committee. This bill also proposed to require the committee to review the annual report and make a determination as to whether digital cellular service is adequate throughout the State and to authorize the committee to report out legislation to amend or repeal the analog service requirement.

The committee, by letters dated April 10, 2006, requested that the Governor, the Public Utilities Commission, the Attorney General and the Office of the Public Advocate monitor developments with respect to and take any appropriate actions to protect citizens of the State as a result of the scheduled February 18, 2008 sunset of the Federal Communications Commission’s analog service requirements for cellular phone service.

LD 1897

Resolve, To Direct the Public Utilities Commission To Examine Continued Participation by Transmission and Distribution Utilities in This State in the New England Regional Transmission Organization

RESOLVE 187

<u>Sponsor(s)</u> BRAUTIGAM		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-959
--------------------------------	--	-----------------------------------	--	------------------------------------

LD 1897 proposed to provide that, if the Public Utilities Commission finds that the interests of Maine electricity consumers cannot otherwise be adequately protected, the commission may, as permitted by law, require transmission and distribution utilities within its jurisdiction to withdraw from participation in the system of any independent system operator.

Committee Amendment “A” (H-959) proposed to replace the bill with a resolve. The resolve proposed to direct the Public Utilities Commission to undertake an inquiry to determine the legal options for and costs and benefits of directing or otherwise causing transmission and distribution utilities in this State to withdraw from the New England regional transmission organization. The commission would be directed to issue an interim report on the status of its inquiry and any preliminary findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The joint standing committee would be authorized to request additional interim reports from the commission as the committee determines appropriate. The commission would be directed to issue a final report of its findings and recommendations to the Joint Standing Committee on Utilities and Energy by January 1, 2008. The amendment also proposed to add an appropriations and allocations section to the bill.

Joint Standing Committee on Utilities and Energy

Enacted law summary

Resolve 2005, chapter 187 directs the Public Utilities Commission to undertake an inquiry to determine the legal options for and costs and benefits of directing or otherwise causing transmission and distribution utilities in this State to withdraw from the New England regional transmission organization. The commission is directed to issue an interim report on the status of its inquiry and any preliminary findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The joint standing committee is authorized to request additional interim reports from the commission as the committee determines appropriate. The commission is directed to issue a final report of its findings and recommendations to the Joint Standing Committee on Utilities and Energy by January 1, 2008.

LD 1913 **An Act To Designate the Department of Health and Human Services as the Sole Entity Entitled To Use the 2-1-1 Telephone Number** **ONTP**

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

LD 1913 proposed to require the Public Utilities Commission to designate the Department of Health and Human Services as the sole entity entitled to use the 2-1-1 telephone number for the purpose of providing access to information and referral services offered by or through the department.

LD 1931 **An Act To Encourage Energy Independence for Maine** **PUBLIC 569
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-523

LD 1931 proposed the following:

1. To require the Commissioner of Education to ensure that facility managers for school administrative districts complete the building operators certification program established and conducted under the authority of the Public Utilities Commission. It proposed to establish certification goals of 50% of facility managers by January 1, 2010 and 100% of facility managers by January 1, 2015. The commission would be required annually to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on the progress towards the goals and the energy savings realized in school administrative districts as a result of the facility managers' completing the program;
2. To amend current law that prohibits a municipality from adopting a building energy code other than the model building energy code developed by the Public Utilities Commission pursuant to the Maine Revised Statutes, Title 35-A, section 121. A municipality would be permitted to opt out of adoption of the model building energy code by notifying the commission of the municipality's decision by January 1, 2008. If a municipality failed to opt out, it would be required to adopt the model building energy code;

Joint Standing Committee on Utilities and Energy

3. To expand the funding for the conservation programs established by the Public Utilities Commission, known as “Efficiency Maine,” by increasing the assessment on transmission and distribution utilities over a 3-year period to a maximum of 0.3¢ per kilowatt-hour beginning January 1, 2009;
4. To require the Public Utilities Commission to develop a new compensation method for transmission and distribution utilities that is not tied to the amount of electricity consumed. The commission would be required to submit its method to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2007;
5. To require the Public Utilities Commission to seek a waiver from the federal Department of Energy for energy standards for residential furnaces and boilers. The commission would be required to develop new standards for furnaces and boilers based on standards developed in other New England states; and
6. To require the Governor's Office of Energy Independence and Security in the Executive Department, State Planning Office to monitor efforts in other states to increase the availability of fuel-saving tires used by manufacturers in mileage tests conducted by the federal Environmental Protection Agency. The office would be required to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2007.

Committee Amendment “A” (S-523) proposed the following:

1. To require the Public Utilities Commission to encourage school facility managers to receive energy efficiency training under the commission's Efficiency Maine program. It proposed to authorize the commission to establish incentive mechanisms in order to encourage participation in this program. It also proposed to define “school facility managers” to mean persons employed by school administrative units and responsible for the design or operation of school facilities or the heating, ventilation or air conditioning systems or equipment used in such facilities. It proposed to require the commission to report annually on its progress in meeting these goals and, to the extent possible, on energy savings achieved as a result of such training;
2. To amend the Efficiency Maine program to require the commission to consider conservation programs that reduce peak demand. It also proposed to direct the commission to develop a plan for using revenues from any increase in the Efficiency Maine assessment on transmission and distribution utilities. It proposed to direct the commission to consider using funds resulting from any increased assessments to increase the per-business incentive cap imposed on large businesses. The commission would be required to submit its plan, together with any recommendations for increases in the assessment consistent with that plan and any suggested legislation to implement its recommendations, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The committee would be authorized to report out legislation on this matter to the First Regular Session of the 123rd Legislature;
3. To remove those portions of the bill relating to municipal adoption of the model energy building code, Public Utilities Commission development of a new compensation method for transmission and distribution utilities, commission development of standards for boilers and furnaces and Office of Energy Independence and Security examination of issues related to fuel-saving tires; and
4. To add a provision requiring the Office of Energy Independence and Security to compile a report on home heating issues.

Enacted law summary

Joint Standing Committee on Utilities and Energy

Public Law 2005, chapter 569 does the following:

1. It requires the Public Utilities Commission to encourage school facility managers to receive energy efficiency training under the commission's so-called "Efficiency Maine" program. It authorizes the commission to establish incentive mechanisms in order to encourage participation in this program. It requires the commission to report annually on its progress in meeting these goals and, to the extent possible, on energy savings achieved as a result of such training;
2. It amends the Efficiency Maine program to require the commission to consider conservation programs that reduce peak demand. It also directs the commission to develop a plan for using revenues from any increase in the Efficiency Maine assessment on transmission and distribution utilities. It directs the commission to consider using funds resulting from any increased assessment to increase the per-business incentive cap imposed on large businesses. The commission is required to submit its plan, together with any recommendations for increases in the assessment consistent with that plan and any suggested legislation to implement its recommendations, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The joint standing committee is authorized to report out legislation on this matter to the First Regular Session of the 123rd Legislature; and
3. It requires the Governor's Office of Energy Independence and Security in the Executive Department to compile a report on home heating issues.

Public Law 2005, chapter 569 was enacted as an emergency measure effective April 12, 2006.

LD 1969 **Resolve, To Evaluate the Public Safety Answering Points for the State of Maine** **ONTP**

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

LD 1969 proposed to establish the Task Force to Evaluate Public Safety Answering Points to review and evaluate whether the goal of between 16 and 24 public safety answering points, which is established by statute, is the best plan for the State in its overall E-9-1-1 plan.

LD 1970 **An Act To Amend the Charter of the Lisbon Water Department** **P & S 43
EMERGENCY**

<u>Sponsor(s)</u> BERUBE NUTTING J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-779
--	-----------------------------------	------------------------------------

LD 1970 proposed to amend the charter of the Lisbon Water Department to clarify the terms of the members of the Board of Water Commissioners.

Committee Amendment "A" (H-779) proposed to make a date change in the bill. Under the bill, the Board of Selectmen of the Town of Lisbon would fill vacancies in the Board of Water Commissioners of the Lisbon Water

Joint Standing Committee on Utilities and Energy

Department until June 30, 2007, and after that time the Town Council of the Town of Lisbon would fill such vacancies. The amendment proposed to change that date to June 30, 2006.

Enacted law summary

Private and Special Law, chapter 43 amends the charter of the Lisbon Water Department. It clarifies the terms of the members of the Board of Water Commissioners.

Private and Special Law, chapter 43 was enacted as an emergency measure effective March 24, 2006.

LD 2018 **An Act To Allow Consolidation of the Winterport Sewerage District and the Winterport Water District To Create Incentives For Consumers To Pay Water Bills** **P & S 50 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN WESTON	OTP-AM	H-958

LD 2018 proposed to provide for the acquisition of the Winterport Water District by the Winterport Sewerage District.

Committee Amendment “A” (H-958) proposed to replace the bill but to achieve the main purposes of the bill. It proposed to provide for the acquisition by the Winterport Water District of the assets, liabilities and duties of the Winterport Sewerage District. It also proposed to repeal most of the current charter of the Winterport Water District and to grant the district the powers and duties of a standard water district and of a sanitary district. It also proposed to update certain remaining provisions of the Winterport Water District charter.

The amendment proposed to authorize the town council of the Town of Winterport, at the request of the Winterport Water District’s board of trustees (who are appointed by the town council), to appoint alternate trustees to serve in the absence of one or more trustees. The alternates would be barred from serving as officers of the district, but would be permitted, to the extent authorized by the board of trustees, to attend meetings and otherwise act on behalf of an absent trustee.

The amendment also proposed to authorize the Winterport Water District to disconnect water service for nonpayment of sewer service. This provision would be repealed 90 days after the adjournment of the Second Regular Session of the 123rd Legislature. The Public Utilities Commission would be directed to monitor and report to the joint standing committee of the Legislature having jurisdiction over utilities matters on the district’s use of this authority and the committee would be authorized to report out a bill on this matter to the Second Regular Session of the 123rd Legislature.

Joint Standing Committee on Utilities and Energy

Enacted law summary

Private and Special Law 2005, chapter 50 provides for the acquisition by the Winterport Water District of the assets, liabilities and duties of the Winterport Sewerage District, repeals most of the current charter of the Winterport Water District and grants that district the powers and duties of a standard water district and of a sanitary district. It also updates certain remaining provisions of the Winterport Water District charter.

It authorizes the town council of the Town of Winterport, at the request of the Winterport Water District's board of trustees, who are appointed by the town council, to appoint alternate trustees to serve in the absence of one or more trustees. The alternates are barred from serving as officers of the district, but may, as authorized by the board of trustees, attend meetings and otherwise act on behalf of an absent trustee.

It also authorizes the Winterport Water District to disconnect water service for nonpayment of sewer service. This provision is repealed 90 days after the adjournment of the Second Regular Session of the 123rd Legislature. The Public Utilities Commission is directed to monitor and report to the joint standing committee of the Legislature having jurisdiction over utilities matters on the district's use of this authority and the committee is authorized to report out a bill on this matter to the Second Regular Session of the 123rd Legislature.

Private and Special Law 2005, chapter 50 was enacted as an emergency measure and took effect on April 13, 2006 but only for the purpose of permitting its submission to the voters of the Town of Winterport.

LD 2019

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

**P & S 46
EMERGENCY**

Sponsor(s)
BABBIDGE
SULLIVAN

Committee Report
OTP-AM

Amendments Adopted
H-835

LD 2019 proposed to raise the debt limit of the Kennebunk Light and Power District from \$2,000,000 to \$6,000,000, subject to local referendum. The bill also proposed to allow the district to increase its debt limit further by using the local referendum procedure provided by statute to water districts.

Committee Amendment "A" (H-835) proposed to clarify the referendum procedure that the Kennebunk Light and Power District may use to increase its debt limit.

Enacted law summary

Private and Special Law 2005, chapter 46 raises the debt limit of the Kennebunk Light and Power District from \$2,000,000 to \$6,000,000, subject to approval in a local referendum. It also allows the district to increase its debt limit in the future through a referendum procedure modeled on the procedure available to water districts under Title 35-A, section 6410.

Private and Special Law 2005, chapter 46 was enacted as an emergency measure and took effect on April 3, 2006 but the provision of the bill raising the debt limit of the district does not take effect unless approved by the voters within the district.

Joint Standing Committee on Utilities and Energy

LD 2038

An Act To Protect the Privacy of Cellular Telephone Customers

**PUBLIC 582
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAUTIGAM BARTLETT	OTP-AM	H-892 H-956 BLISS

LD 2038 proposed to prohibit a person from selling or disclosing or offering to sell or disclose records of telephone numbers called or telephone numbers from which calls were received and other information relating to the wireless telephone service account of a resident of Maine.

Committee Amendment “A” (H-892) proposed to replace the bill but to preserve the main substance of the bill.

This amendment proposed the following changes:

1. To reallocate the provisions of the bill from the Title 35-A to Title 10, since the provisions do not relate to matters within the jurisdiction of the Public Utilities Commission;
2. To separate the civil and criminal violations for judicial tracking and citing purposes;
3. To clarify the definition of “wireless telephone service”;
4. To add limiting language to cited definitions in federal law to ensure that changes in those federal law definitions do not affect the meaning or intent of these provisions;
5. To make the prohibitions in the bill applicable to the sale or disclosure of customer proprietary network information relating to the wireless telephone service account of any wireless service customer or user in this State;
6. To correct a reference to federal law; and
7. To add an emergency preamble and emergency clause to the bill.

House Amendment “A” to Committee Amendment “A” (H-956) proposed to add “other customer proprietary information” to the information that may not be sold or disclosed without permission. “Other customer proprietary information” would be defined as any information loaded, installed or otherwise placed on a wireless telephone or transmitted from a wireless telephone by a wireless telephone customer.

Enacted law summary

Public Law 2005, chapter 582 prohibits a person without permission or lawful authorization from selling or disclosing customer proprietary network information relating to the wireless telephone service account of any wireless telephone customer or user in this State. It also prohibits a person without permission or lawful authorization from selling or disclosing any information loaded, installed or otherwise placed on a wireless telephone or transmitted from a wireless telephone by a wireless telephone customer. A person who violates any of these provisions is subject to civil penalties; a person who knowingly violates these provisions, commits a Class D crime.

Joint Standing Committee on Utilities and Energy

Public Law 2005, chapter 582 was enacted as an emergency measure effective April 13, 2006.

LD 2041

An Act To Enhance Maine's Energy Independence and Security

PUBLIC 677

<u>Sponsor(s)</u> FLETCHER BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1024 S-628 GAGNON
---	-----------------------------------	---

LD 2041 proposed the following:

1. To reduce the sales and use tax on motor fuels that contain at least 2% biodiesel by volume from 27.9¢ to 20¢ per gallon. Pursuant to the State Constitution, fuel tax revenues go to the Highway Fund; the bill proposed to reimburse from the General Fund the lost revenues to the Highway Fund;
2. To allow the Public Utilities Commission to incorporate cost-effective energy conservation and energy efficiency resources into the standard offer service product for electricity customers;
3. To set a policy of increasing the amount of energy generated in this State from “cost-competitive” new renewable generation resources by one percent per year beginning in 2007 to achieve 10% by 2017. The bill also proposed to permit the commission to direct transmission and distribution utilities to enter into long-term contracts (3- 20 years) with “cost-competitive” new or existing resources that emit no greenhouse gases and that meet certain other criteria.
4. To repeal an obsolete provision of law that directed the commission to adopt major substantive rules to provide for the incorporation of contracts with renewable resources into standard offer service as a hedging strategy. The commission submitted proposed rules to the Legislature in 2005, and they were rejected by the Legislature;
5. To allow the commission to direct transmission and distribution utilities to provide credit support for nonresidential customers to facilitate those customers obtaining generation service contracts; and
6. To direct the commission to adopt major substantive rules establishing minimum energy efficiency standards, including enforcement mechanisms, for commercial and consumer products sold or offered for sale in this State and not covered by the federal EPACT (Energy Policy Act of 2005, Public Law 109-58, 119 Stat. 594 (2005)).

Committee Amendment “A” (H-1024) proposed to replace the bill. The amendment proposed the following:

1. To provide for a one-year reduction in the sales and use tax on biofuels and to direct the State Controller to transfer \$20,000 from the General Fund unappropriated surplus to the Highway Fund unappropriated surplus no later than June 30, 2007. It proposed to direct the Department of the Secretary of State, Bureau of Motor Vehicles to convene a study group to consider the revenue impacts of a differential tax on biodiesel, the impacts on tax administration and compliance and alternatives to a differential tax including a refund process. It proposed to authorize the Joint Standing Committee on Utilities and Energy to report out legislation on this matter to the First Regular Session of the 123rd Legislature.
2. To make various changes to the Public Utilities Commission's authority to manage standard-offer service. It would allow the commission to incorporate cost-effective demand-side measures into the supply of standard-

Joint Standing Committee on Utilities and Energy

offer service. It would authorize the commission to enter into various standard-offer service contract lengths and terms for residential and small commercial customers and direct the commission to report on its use of this authority by January 15, 2008. The Joint Standing Committee on Utilities and Energy would be authorized to report out legislation on this matter to the Second Regular Session of the 123rd Legislature. The amendment proposed to direct the commission to consider developing within its Efficiency Maine program one or more demand response programs for medium nonresidential customers.

3. To establish state policies to increase new renewable capacity resources, reduce electric prices and volatility and mitigate the effects of regional or federal capacity resource mandates. It would authorize the Public Utilities Commission to direct large transmission and distribution utilities to enter into long-term contracts for capacity resources and, under certain circumstances, for related energy. The commission would be authorized to enter into long-term contracts for interruptible, demand response or energy efficiency capacity resources. Only those capacity resources that are competitive and lowest priced, considering both the cost of the capacity and related energy when compared to other available offers, would be eligible for contracting under this provision.
4. To direct the commission by major substantive rule to adopt a long-term electric resource adequacy plan to ensure grid reliability and the availability of electricity to consumers at the lowest price. The rules would be required to be submitted for legislative review by March 1, 2008.
5. To add to the Governor's powers when the Governor declares a state of emergency relating to an energy shortage by authorizing the Governor to take appropriate action to secure capacity resources.
6. To establish the Maine Energy Council to monitor and evaluate matters affecting electricity supply and costs to consumers in this State and to provide recommendations to the Governor, the Public Utilities Commission, other agencies and the Legislature on these matters. It proposed to direct the council to undertake an examination of the feasibility and appropriate means of studying the impacts of electric industry restructuring in this State and to report its recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on Utilities and Energy by January 15, 2007. The committee would be authorized to report out legislation on this matter to the First Regular Session of the 123rd Legislature.

Senate Amendment “A” to Committee Amendment “A” (S-628) proposed to implement the decision of the Legislative Council pursuant to its “Study Table” review of the amended bill to amend Committee Amendment “A” to establish the Maine Energy Council as a one-year study group.

Enacted law summary

Public Law 2005, chapter 677 does the following.

1. It provides for a one-year reduction in the sales and use tax on biofuels. It directs the State Controller to transfer \$20,000 from the General Fund unappropriated surplus to the Highway Fund unappropriated surplus no later than June 30, 2007 (to reimburse the Highway Fund for lost fuel tax revenue). It also directs the Department of the Secretary of State, Bureau of Motor Vehicles to convene a study group to consider the revenue impacts of a differential tax on biodiesel, the impacts on tax administration and compliance and alternatives to a differential tax including a refund process. The joint standing committee of the Legislature having jurisdiction over utilities matters is authorized to report out legislation on this matter to the First Regular Session of the 123rd Legislature.

Joint Standing Committee on Utilities and Energy

2. It makes various changes to the Public Utilities Commission's authority to manage standard-offer service. It allows the commission to incorporate cost-effective demand-side measures into the supply of standard-offer service. It authorizes the commission to enter into various standard-offer service contract lengths and terms for residential and small commercial customers and directs the commission to report on its use of this authority by January 15, 2008. The joint standing committee of the Legislature having jurisdiction over utilities matters is authorized to report out legislation on this matter to the Second Regular Session of the 123rd Legislature. The amendment also directs the commission to consider developing one or more demand response programs for medium nonresidential customers.
3. It establishes state policies to increase new renewable capacity resources, reduce electric prices and volatility and mitigate the effects of regional or federal capacity resource mandates. It authorizes the Public Utilities Commission to direct large transmission and distribution utilities to enter into long-term contracts for capacity resources and, under certain circumstances, for related energy. The commission is authorized to enter into long-term contracts for interruptible, demand response or energy efficiency capacity resources. Only those capacity resources that are competitive and lowest priced, considering both the cost of the capacity and related energy when compared to other available offers, may be contracted under this provision. It directs the commission by major substantive rule to adopt a long-term electric resource adequacy plan to ensure grid reliability and the availability of electricity to consumers at the lowest price. The rules are required to be submitted for legislative review by March 1, 2008. It also adds to the Governor's powers when the Governor declares a state of emergency relating to an energy shortage by authorizing the Governor to take appropriate action to secure capacity resources.
4. It establishes a study group called the Maine Energy Council to undertake an examination of the feasibility and appropriate means of studying the impacts of electric industry restructuring in this State. The Council is also authorized to monitor and evaluate matters affecting electricity supply and costs to consumers in this State and to provide recommendations to the Governor, the Public Utilities Commission, other agencies and the Legislature on these matters. The Council must report its recommendations, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over utilities matters by January 15, 2007. The committee is authorized to report out legislation on these matters to the First Regular Session of the 123rd Legislature.

LD 2060 **Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission** **RESOLVE 184 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-948

LD 2060 provided for legislative review of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission.

Committee Amendment “A” (H-948) proposed to authorize the Public Utilities Commission to finally adopt portions of Chapter 895: Underground Facility Damage Prevention Requirements, a provisionally adopted major substantive rule, as long as certain changes were made relating to commission enforcement proceedings. The changes would require the commission to hold a preliminary investigation prior to issuing a notice of probable violation. The proposed changes are those specified in the document submitted to the Joint Standing Committee on Utilities and Energy entitled “Amendment to Chapter 895, Underground Facility Damage Prevention

Joint Standing Committee on Utilities and Energy

Requirements Developed by the Public Utilities Commission and the Telephone Association of Maine in response to the March 23, 2006 directive of the Utilities and Energy Committee.”

Enacted law summary

Resolve 2005, chapter 184 authorizes the Public Utilities Commission to finally adopt portions of Chapter 895: Underground Facility Damage Prevention Requirements, a provisionally adopted major substantive rule, as long as certain changes are made relating to commission enforcement proceedings. The changes require the commission to hold a preliminary investigation prior to issuing a notice of probable violation.

Resolve 2005, chapter 184 was enacted as an emergency measure effective April 12, 2006.

LD 2074

An Act Regarding Energy Efficiency Standards for Residential Rental Properties

PUBLIC 534

Sponsor(s)

Committee Report

Amendments Adopted

LD 2074, reported by the Joint Standing Committee on Utilities and Energy pursuant to Resolve 2005, chapter 109, section 4, proposed the following:

1. To require landlords of residential property that will be used by tenants as a primary residence to provide to the tenants an energy efficiency disclosure statement for the property. It also proposed to direct the Public Utilities Commission and the Maine State Housing Authority to prepare and distribute an energy efficiency disclosure statement form for landlords to use;
2. To direct the Public Utilities Commission and the Maine State Housing Authority to develop suggested energy efficiency standards for residential property used by tenants as primary residences; and
3. To require the Public Utilities Commission to submit to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters before January 1, 2008 the commission's assessment of the effectiveness of the energy disclosure statement in meeting the purposes of the law.

Enacted law summary

Public Law 2005, chapter 534 does the following:

1. It requires landlords of residential property that will be used by tenants as a primary residence to provide to the tenants an energy efficiency disclosure statement for the property and directs the Public Utilities Commission and the Maine State Housing Authority to prepare and distribute an energy efficiency disclosure statement form for landlords to use;
2. It directs the Public Utilities Commission and the Maine State Housing Authority to develop suggested energy efficiency standards for residential property used by tenants as their primary residence; and

Joint Standing Committee on Utilities and Energy

3. It requires the Public Utilities Commission to submit to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters before January 1, 2008 the commission's assessment of the effectiveness of the energy disclosure statement in meeting the purposes of the law.

LD 2078

An Act To Establish the Island Falls Water District

P & S 49

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

LD 2078 proposed to establish the Island Falls Water District.

Enacted law summary

Private and Special Law 2005, chapter 49 establishes the Island Falls Water District, subject to voter approval in a referendum held within the district.

LD 2080

An Act To Accelerate Private Investment in Maine's Wireless and Broadband Infrastructure

PUBLIC 665

<u>Sponsor(s)</u> PINGREE BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1018
--	-----------------------------------	-------------------------------------

LD 2080 proposed the following:

1. To establish the Advanced Technology Investment Authority governed by a 5-member board, including the Chief Information Officer of the State, the chair of the Maine Public Utilities Commission and 3 other members;
2. To direct the authority to collect information concerning communications services in the State, assess the availability and need for services in unserved and underserved areas, identify and secure federal and other funding sources for broadband and wireless deployment and undertake projects to provide increased access to broadband and wireless communications services in unserved and underserved areas of the State;
3. To authorize the authority to up to expend up to \$500,000 in previously collected but unallocated funds of the Maine universal service fund;
4. To establish the Advisory Council on Advanced Technology Investment to advise the authority on technical, policy, financial and economic issues and to perform limited functions assigned to it by the authority; and
5. To allow a reimbursement for taxes paid on the purchase of machinery and equipment to develop an advanced communications technology infrastructure in a qualifying ConnectME zones designated by the authority.

Committee Amendment "A" (H-1018) proposed to replace the bill. It proposed to retain the substance of the bill but to make the following changes:

Joint Standing Committee on Utilities and Energy

1. To change the name of the Advanced Technology Infrastructure Authority and the Advisory Council on Advanced Technology Investment to the ConnectME Authority and the ConnectME Advisory Council, respectively, and to clarify that members of each are not entitled to compensation for their work on the authority or the council;
2. To provide that the chair of the Public Utilities Commission and the Chief Information Officer may appoint designees to serve on their behalf on the authority;
3. To provide that the Director of the Office of Innovation within the Department of Economic and Community Development appoints the members of the advisory council representing the Maine Technology Institute and the Small Enterprise Growth Fund;
4. To limit the authority of the ConnectME Authority to undertake projects. The limits would ensure that projects are only undertaken in an unserved or underserved area and that advanced communications technology infrastructure would not otherwise be provided in the area without the assistance of the authority. The authority would be prohibited from providing communications services or wireless services at retail or wholesale;
5. To remove the provision of the bill providing for perpetual succession of the authority. All provisions relating to the authority and advisory council would be repealed on January 31, 2009. It proposed to direct the authority to submit a plan by January 31, 2008, with implementing legislation for winding up its affairs;
6. To repeal the tax reimbursement provision on January 31, 2009;
7. To add to the authority's reporting requirements that the authority report annually on the availability of communications services and advanced communications technology infrastructure as well as market conditions in the State;
7. To prohibit the authority from collecting cable franchise fees;
8. To limit the authority's ability to designate information as confidential and require the authority to adopt major substantive rules regarding confidentiality;
9. To authorize the authority to use the services of up to 3 full-time employees from agencies with expertise in matters relating to the purposes of the authority;
10. To allow the authority to use up to \$500,000 from the state universal service fund but require the authority to reimburse the fund. The funds would not be available to the authority until it received authorization to finally adopt its governing major substantive rules;
11. To establish an assessment on communications service providers to fund the authority. Cellular providers would not be subject to the assessment but facilities-based wireless providers could choose to be assessed and thereby become eligible to partner with the authority in its projects. The assessment would be not be authorized until the authority received authorization to finally adopt its governing major substantive rules; and
12. To make a variety of technical changes to the bill.

Joint Standing Committee on Utilities and Energy

Senate Amendment “A” to Committee Amendment “A” (S-675) (not adopted) proposed to eliminate provisions providing for reimbursement of taxes relating to advanced communications technology infrastructure.

Enacted law summary

Public Law 2005, chapter 665 does the following.

1. It establishes the ConnectME Authority to stimulate investment in advanced communications technology infrastructure in unserved and underserved areas of the State.
2. It directs the authority to monitor wireless coverage, expand the availability of broadband in unserved and underserved areas, collect data on and assess the availability of advanced telecommunications services in unserved and underserved areas, and identify and secure federal and other funding sources for broadband and wireless deployment or education. The definition of “unserved and underserved areas” is to be established by major substantive rule of the authority.
3. It grants the authority broad powers to acquire property, enter contracts, operate facilities, charge fees, lease property, etc. It also authorizes the authority to gather information from communications service providers. It authorizes the authority to designate information as confidential but requires the authority to adopt major substantive rules regarding standards for making such a designation.
4. It limits the ability of the authority to undertake projects. These limits are designed to ensure that the projects are only undertaken in an unserved or underserved area and that advanced communications technology infrastructure would not otherwise be provided in the area without the assistance of the authority. The authority is also prohibited from providing communications services or wireless services at retail or wholesale.
5. It authorizes the authority to use the services of up to 3 full-time employees from agencies such as the Public Utilities Commission with expertise in matters relating to the purposes of the authority.
6. It establishes an assessment on communications service providers to fund the authority. Facilities-based wireless providers may choose to be assessed and thereby become eligible to partner with the authority in its projects. This assessment is delayed, however, until the authority receives authorization to finally adopt its governing rules, which are major substantive rules.
7. It authorizes a temporary transfer to the authority of previously collected but unallocated funds in the Maine universal service fund. The transfer is not authorized until the authority receives authorization to finally adopt its governing rules, which are major substantive rules. The authority is required to reimburse the fund once it has collected sufficient funds through its assessment; the commission is directed to return the funds to ratepayers.
8. It requires the authority to report annually to the Joint Standing Committee on Utilities and Energy on its activities and authorizes the committee, after receiving the report, to report out legislation relating to the authority.
9. It establishes an advisory council to advise the authority on technical, policy, financial and economic issues and to undertake limited functions assigned to it by the authority.
10. It provides for repeal of all provisions relating to the authority and advisory council on January 31, 2009 and directs the authority to submit a year prior to that date a plan with implementing legislation for winding up its

Joint Standing Committee on Utilities and Energy

affairs. The Joint Standing Committee on Utilities and Energy may report out legislation to the 2nd Regular Session of the 123rd Legislature legislation providing for the winding up of the affairs of the authority or the repeal of the sunset.

- 11. It allows a reimbursement for taxes paid on the purchase of machinery and equipment to develop an advanced communications technology infrastructure in a qualifying zones designated by the authority. The total amount reimbursed in any fiscal year may not exceed \$500,000. This tax reimbursement provision is repealed January 31, 2009.

LD 2088 Resolve, Concerning the Collection of the Statewide E-9-1-1 RESOLVE 162
Surcharge from Prepaid Wireless Telephone Service

Sponsor(s) | Committee Report | Amendments Adopted

LD 2088 was reported by the Joint Standing Committee on Utilities and Energy pursuant to Resolve 2005, chapter 62, section 3.

This resolve proposed to direct the Public Utilities Commission to form a stakeholder group to define an appropriate amount of and means of collecting and remitting an E-9-1-1 surcharge on prepaid wireless telephone service. The commission would be directed to submit a report of the stakeholder group's recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The resolve proposed to authorize the commission to offer its own recommendations on the subject if the stakeholder group failed to reach agreement or the commission otherwise determined it appropriate to supply its own separate recommendations. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters would be authorized to report out legislation relating to the subject matter of this resolve to the First Regular Session of the 123rd Legislature.

Enacted law summary

Resolve 2005, chapter 162 directs the Public Utilities Commission to form a stakeholder group to define an appropriate amount of and means of collecting and remitting an E-9-1-1 surcharge on prepaid wireless telephone service. The commission is directed to submit a report of the stakeholder group's recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The resolve authorizes the commission to offer its own recommendations on the subject if the stakeholder group fails to reach agreement or the commission otherwise determines it appropriate to supply its own separate recommendations. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters is authorized to report out legislation relating to the subject matter of this resolve to the First Regular Session of the 123rd Legislature.

LD 2100 An Act To Amend the Charter of the Anson Water District P & S 51

Sponsor(s) | Committee Report | Amendments Adopted
MILLS P | OTP-AM | S-601

Joint Standing Committee on Utilities and Energy

LD 2100 proposed to amend the charter of the Anson Water District. It proposed to clarify the district's boundaries, give the district access to groundwater anywhere in the town and specify that the district's election of officers takes place at the annual meeting of the district.

Committee Amendment “A” (S-601) proposed to make a technical change to the bill to clarify that it is the election of trustees, not officers, that occurs at the time of the district's annual meeting.

Enacted law summary

Private and Special Law 2005, chapter 51 amends the charter of the Anson Water District. It clarifies the district's boundaries, gives the district access to groundwater anywhere in the town and specifies that the district's election of trustees takes place at the annual meeting of the district.

LD 2117

An Act To Amend the Charter of the Starboard Water District

**P & S 63
EMERGENCY**

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

LD 2117, which was enacted without reference to committee, proposed to extend from July 1, 2006 to July 1, 2007 the date by which an election must be held for the legal voters of the Town of Machiasport to vote on creating the Starboard Water District.

Enacted law summary

Private and Special Law 2005, chapter 63 extends from July 1, 2006 to July 1, 2007 the date by which an election must be held for the legal voters of the Town of Machiasport to vote on creating the Starboard Water District.

Private and Special Law 2005, chapter 63 was enacted as an emergency measure effective May 30, 2006.

Joint Standing Committee on Utilities and Energy

LD 205	1	LD 1858	14
LD 207	1	LD 1897	14
LD 407	1	LD 1913	15
LD 635	2	LD 1931	15
LD 637	3	LD 1969	17
LD 1065	4	LD 1970	17
LD 1347	4	LD 2018	18
LD 1377	4	LD 2019	19
LD 1379	5	LD 2038	20
LD 1440	10	LD 2041	21
LD 1675	10	LD 2060	23
LD 1708	11	LD 2074	24
LD 1736	11	LD 2078	25
LD 1740	12	LD 2080	25
LD 1744	12	LD 2088	28
LD 1829	13	LD 2100	29
LD 1833	13	LD 2117	29