

Office of Policy and Legal Analysis

Date: April 15, 2021
To: Joint Standing Committee on Energy, Utilities and Technology
From: Dan Tartakoff, Legislative Analyst
Re: LD 1008, An Act To Require Joint Use Entities To Establish Permanent Liaisons with All County Emergency Management Agencies (Representative Tepler)

Bill summary

This bill requires a joint use entity, which includes a public utility, voice service provider, dark fiber provider, wholesale or retail competitive local exchange carrier, cable television system, unlit fiber provider, telecommunications service provider or information service provider, to designate a permanent liaison with each county emergency management agency in the State in counties in which the joint use entity has facilities in order to assist in the coordination of efforts during a disaster or civil emergency.

List of legislators/entities that submitted written testimony and/or spoke at the hearing

Proponents – Representative Tepler, Senator Vitelli, Representative Hepler, Representative McCreight, City of Bath/Bath Fire Department, Maine County Commissioners Association, Maine Emergency Management Agency, Maine Rural Water Association, Office of the Public Advocate, Public Utilities Commission.

Opponents – none.

Neither for nor against – Central Maine Power Company, Versant Power.

Notes, issues and proposed amendments

1. *Maine Emergency Management Agency, proposed amendment* – suggests providing each county the choice of whether these joint use entity liaisons are to be physically located in the county's emergency operations center during disasters or just be virtual partners.
2. *Maine Rural Water Association, proposed amendment* – suggests adding a reciprocal requirement that county emergency management agencies be required to provide similar contact information to all joint use entities.
3. *Investor-owned utilities, note on existing requirements* – in enacting LD 372 in 2019 (An Act To Increase the Safety of Maine Residents in Extended Power Outages), the Legislature required that investor-owned transmission and distribution utilities file an emergency response plan with the PUC that, among other things, includes provisions “for communication and coordination with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency...and relevant municipal, interjurisdictional, county and regional emergency management agencies...during an emergency, including designation of staff responsible for these efforts.” (see 35-A MRSA §3144)

Accordingly, the committee may want to consider whether the responsibilities to be imposed under this bill on joint use entities would create any redundancies as applied to joint use entities that are investor-owned transmission and distribution utilities. As noted by PUC in its testimony, however, there is at present no formal requirement that an investor-owned transmission and distribution utility provide a liaison at each county emergency management agency.

Fiscal information – Not yet available from OFPR.