

Joint Standing Committee on Utilities and Energy

acquiring lands or easements so closely paralleling existing wire lines of other utilities that the proposed transmission lines would substantially interfere with service rendered over the existing lines; and

3. Prohibiting a transmission and distribution utility from using property that it acquires through the exercise of eminent domain or property that it acquires by other means but that it had authority to take by eminent domain for any purpose other than the purpose for which the property was acquired, and also prohibit the transmission and distribution utility from transferring its interest in that property to any other entity, including an affiliate, without the permission of the commission.

Committee Amendment "A" (H-318) was the minority report of the Joint Standing Committee on Utilities and Energy. With regard to property acquired by eminent domain, or property acquired by other means but taken under the threat of eminent domain, this amendment proposed to prohibit a transmission and distribution utility from using the property for purposes other than those for which it was acquired. The amendment proposed to authorize the Public Utilities Commission to allow public uses of covered property or, by rule, incidental uses of covered property. (Not adopted)

LD 87 **An Act to Ensure That all State Residential and Commercial Customers are Able to Purchase Electricity Through the Competitive Market** **ONTP**

<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 87 proposed to:

1. Require the Public Utilities Commission to establish by rule the same consumer credit protections for competitive electricity providers as are provided under standard offer service (credit management and bad debt are absorbed in a standard offer premium and transmission and distribution rates); and
2. Require payments on a consolidated generation/delivery bill to be divided proportionally for each element of the service, unless the consumer otherwise specifies in written instructions to a transmission and distribution utility.

LD 90 **An Act to Create Broadband Internet Access in Rural Areas of the State** **ONTP**

<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 90 proposed to require the Public Utilities Commission to direct telecommunications carriers subject to commission jurisdiction to provide broadband Internet access services to rural areas of the State that are comparable to those services provided in urban areas.

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LD 163

An Act To Provide Energy Opportunities to Northern Maine

**PUBLIC 506
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND YOUNG	OTP-AM	S-290 CATHCART S-48

LD 163 proposed the following.

1. Public Law 1999, chapter 513 authorized the Finance Authority of Maine to issue up to \$35,000,000 in bonds to finance the construction of transmission lines. This authorization was repealed, before it took effect, by Public Law 1999, chapter 531. This bill proposed to reinstate that authority and increase the bonding limit to \$100,000,000.
2. It proposed to expand the stated purposes of the Northern Maine Transmission Corporation to include facilitation of the transmission of natural gas.
3. It proposed to enact language to allow the Northern Maine Transmission Corporation to conduct studies.
4. It proposed to repeal language enacted in Public Law 2001, chapter 714 that requires that funds in the Northern Maine Transmission Corporation Fund be transferred to the General Fund.

Committee Amendment "A" (S-48) proposed to replace the bill. This amendment proposed:

1. To authorize the Finance Authority of Maine to issue up to \$100,000,000 in moral obligation bonds to fund transmission facilities projects, including projects approved by the Northern Maine Transmission Corporation or other electric or gas transmission or energy generation facilities, to benefit northern Maine;
2. To establish certain criteria for the issuance of such bonds, allow the Finance Authority of Maine to charge certain fees of applicants and require electric transmission projects of 69 kilovolts or more proposed to be financed by the NMTC or FAME to receive a certificate of public convenience and necessity from the Public Utilities Commission;
3. To expand the purposes of the Northern Maine Transmission Corporation to include financing, permitting, constructing, owning, operating or otherwise facilitating the construction or operation of facilities for the transmission of natural gas and generation or production and transfer of any other energy source in northern Maine;
4. To clarify that the records of the Northern Maine Transmission Corporation are subject to the same confidentiality provisions as the records of the Finance Authority of Maine;
5. To authorize the Northern Maine Transmission Corporation to adopt rules and enter into contracts;
6. To allow the Public Utilities Commission to deny a certificate of public convenience and necessity for an electric transmission line proposed to be financed by the Northern Maine Transmission Corporation or the Finance Authority of Maine if the commission finds the line is reasonably likely to adversely affect any transmission and distribution utility or its ratepayers; and

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7. To provide funds for the operation of the Northern Maine Transmission Corporation and for it to conduct certain studies.

Senate Amendment "A" to Committee Amendment "A" (S-290) proposed to strike the section of Committee Amendment "A" that provided a General Fund appropriation for the operation of the Northern Maine Transmission Corporation.

Enacted Law Summary

Public Law 2003, chapter 506 accomplishes the following:

1. Authorizes the Finance Authority of Maine to issue up to \$100,000,000 in moral obligation bonds to fund transmission facilities projects, including projects approved by the Northern Maine Transmission Corporation or other electric or gas transmission or energy generation facilities, to benefit northern Maine;
 2. Establishes certain criteria for the issuance of such bonds, allows the Finance Authority of Maine to charge certain fees of applicants and requires electric transmission projects of 69 kilovolts or more to receive a certificate of public convenience and necessity from the Public Utilities Commission;
 3. Expands the purposes of the Northern Maine Transmission Corporation to include financing, permitting, constructing, owning, operating or otherwise facilitating the construction or operation of facilities for the transmission of natural gas and generation or production and transfer of any other energy source in northern Maine;
 4. Clarifies that the records of the Northern Maine Transmission Corporation are subject to the same confidentiality provisions as the records of the Finance Authority of Maine;
 5. Authorizes the Northern Maine Transmission Corporation to adopt rules and enter into contracts; and
1. Allows the Public Utilities Commission to deny a certificate of public convenience and necessity for an electric transmission line proposed to be financed by the Northern Maine Transmission Corporation or the Finance Authority of Maine if the commission finds the line is reasonably likely to adversely affect any transmission and distribution utility or its ratepayers.

Public Law 2003, chapter 506 was enacted as an emergency measure effective June 26, 2003.

LD 183

An Act To Ensure Lower Electricity Costs in Maine

ONTP

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

LD 183 proposed to require the Public Utilities Commission to:

1. Implement only those electricity conservation programs that actually reduce the cost of electricity to consumers in the State; and

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2. Choose as standard-offer provider the provider or providers that submit the lowest responsible bid or bids that meet the criteria set by the commission for standard-offer service providers.

LD 214 **An Act to Streamline Utility Consumer Advocacy** **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 214 proposed to abolish the Office of the Public Advocate. It proposed to direct the Attorney General, in consultation with the Public Utilities Commission, to develop and present to the Legislature a report, together with any necessary implementing legislation, regarding which functions, if any, of the Office of the Public Advocate need to continue to be performed and by whom they should be performed.

LD 222 **An Act Providing for Regulation of the Cable Television Industry** **CARRIED OVER**
by the Public Utilities Commission

<u>Sponsor(s)</u> GERZOFSKY EDMONDS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 222 proposes to subject basic tier cable tv service rates and services to regulation by the Public Utilities Commission. The bill also proposes to establish hearing and complaint procedures for rate increases or product or service changes by a cable system operator and to direct the commission, on petition of 25 or more customers, to petition the Federal Communications Commission to address any increases or changes that the commission finds to be unreasonable.

LD 231 **An Act To Strengthen Delivery of Electricity Conservation** **PUBLIC 217**
Programs

<u>Sponsor(s)</u> HALL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-88
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LD 231 proposed to eliminate language that limits the Public Utilities Commission's ability to increase an assessment on a transmission and distribution utility for the cost of electricity conservation programs.

Committee Amendment "A" (S-88) proposed to replace the bill and require that proportional equivalency in the Public Utilities Commission's conservation assessments on transmission and distribution utilities be based on a per-kilowatt-hour calculation rather than total transmission and distribution utility revenues.

Enacted Law Summary

Public Law 2003, chapter 217 requires that proportional equivalency in the Public Utilities Commission's conservation assessments on transmission and distribution utilities be based on a per-kilowatt-hour calculation rather than total transmission and distribution utility revenues.

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LD 233

An Act To Promote Energy Conservation

PUBLIC 497

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM MAJ ONTP MIN	S-145

LD 233 proposed to establish an assessment on all electricity delivered by Maine's transmission and distribution utilities in the amount of \$.0015 per kilowatt hour for the purposes of funding energy conservation.

Committee Amendment "A" (S-145), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. This amendment proposed to:

1. Require the State Board of Education, by July 1, 2004, to adopt rules regarding state-funded school construction to require planning and design for such construction to include a life-cycle cost analysis and an energy-use target that exceeds by at least 20% the energy efficiency values established in the state building energy standards;
2. Require that approval by the State Board of Education of state-funded school construction be withheld unless the local school authority shows that it has duly considered the most energy-efficient and environmentally efficient designs suitable;
3. Require the Department of Administrative and Financial Services, Bureau of General Services, by July 1, 2004, to adopt rules regarding state-funded construction to require planning and design for such construction to include a life-cycle cost analysis and an energy-use target that exceeds by at least 20% the energy efficiency values established in the state building energy standards;
4. Require any agency responsible for approving state-funded construction to withhold such approval unless the agency or other entity proposing the construction can show that it has duly considered the most energy-efficient and environmentally efficient designs suitable; and
5. Direct the Public Utilities Commission, in consultation with the Energy Resources Council, to form a working group to review current state building energy standards and their enforcement and submit a report to the Joint Standing Committee on Energy and Utilities not later than February 1, 2004 and authorize the committee to report out legislation on energy policy to the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Public Law 2003, chapter 497:

1. Requires the State Board of Education, by July 1, 2004, to adopt rules regarding state-funded school construction to require planning and design for such construction to include a life-cycle cost analysis and an energy-use target that exceeds by at least 20% the energy efficiency values established in the state building energy standards;

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2. Requires that approval by the State Board of Education of state-funded school construction be withheld unless the local school authority shows that it has duly considered the most energy-efficient and environmentally efficient designs suitable;
3. Requires the Department of Administrative and Financial Services, Bureau of General Services, by July 1, 2004, to adopt rules regarding state-funded construction to require planning and design for such construction to include a life-cycle cost analysis and an energy-use target that exceeds by at least 20% the energy efficiency values established in the state building energy standards;
4. Requires any agency responsible for approving state-funded construction to withhold such approval unless the agency or other entity proposing the construction can show that it has duly considered the most energy-efficient and environmentally efficient designs suitable; and
5. Directs the Public Utilities Commission, in consultation with the Energy Resources Council, to form a working group to review current state building energy standards and their enforcement and submit a report to the Joint Standing Committee on Energy and Utilities not later than February 1, 2004 and authorizes the committee to report out legislation on energy policy to the Second Regular Session of the 121st Legislature.

LD 238

An Act to Amend the Energy Resources Council Membership

PUBLIC 9

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

LD 238 proposed to expand the membership of the Energy Resources Council to include the Commissioner of Conservation.

Enacted Law Summary

Public Law 2003, chapter 9 expands the membership of the Energy Resources Council to include the Commissioner of Conservation.

LD 255

An Act to Control Internet "Spam"

PUBLIC 327

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN TREAT	OTP-AM MAJ ONTP MIN	H-70

LD 255 proposed to restrict unsolicited commercial e-mail ("spam"), defined as e-mail that is sent for the purpose of advertising or conveying information about real property, goods or services or extending credit or soliciting contributions. The bill proposed to require such e-mail to contain a valid return e-mail address to which the recipient may respond indicating that the recipient does not wish to receive further unsolicited commercial e-mail from the sender. The sender would be prohibited from sending further unsolicited commercial e-mail to a recipient that had so indicated. The restriction would not apply to e-mail sent to persons with whom the sender has a prior relationship or who have requested the information from the sender. The bill also proposed to require unsolicited commercial e-mail to include in the subject line specified labels, so that recipients are made aware of the nature of

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the e-mail. Each unsolicited commercial e-mail sent to a recipient in violation of these provisions would be considered an unfair trade practice.

This bill was virtually identical to the committee amendment to LD 2041 which ultimately died between the bodies in the 2002 session.

Committee Amendment "A" (H-70), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to add a provision to the bill to prohibit a person from sending an unsolicited commercial e-mail that uses another person's Internet address or domain name without permission or that contains false routing information.

Enacted Law Summary

Public Law 2003, chapter 327 restricts unsolicited commercial e-mail ("spam"), defined as e-mail that is sent for the purpose of advertising or conveying information about real property, goods or services or extending credit or soliciting contributions, by requiring the e-mail to contain a valid return e-mail address maintained by the sender to which the recipient may respond indicating that the recipient does not wish to receive further unsolicited commercial e-mail from the sender. The restriction does not apply to e-mail sent to persons with whom the sender has a prior relationship or who have requested the information from the sender. Unsolicited commercial e-mail must include in the subject line a label, as specified, so that recipients are made aware of the nature of the e-mail. The law prohibits a person from sending an unsolicited commercial e-mail that uses another person's Internet address or domain name without permission or that contains false routing information. Each unsolicited commercial e-mail sent to a recipient in violation of this law is considered an unfair trade practice.

LD 265

An Act To Promote Affordable Telephone Service for Business and Residential Customers in Rural Maine

**PUBLIC 101
EMERGENCY**

Sponsor(s)
HALL
GROSE

Committee Report
OTP-AM

Amendments Adopted
S-21

LD 265 proposed to require the Public Utilities Commission to balance the potentially conflicting access rate and toll rate policies and to prohibit the PUC from implementing access rate reductions when the effect would compel an increase in local rates or the Universal Service Fund of more than 10%.

Current law requires that intrastate access rates be equal to or less than interstate access rates. The Public Utilities Commission has directed the full reduction in access rates for Verizon but has given the independent local exchange carriers more time to phase in the rate reductions. The commission has directed that the local exchange carriers achieve the reductions by May 31, 2003, which will result in substantial local rate increases for these companies.

Committee Amendment "A" (S-21) proposed to provide for a 2-year delay in the reduction of intrastate access rates to the interstate level as of January 1, 2003. The amendment also proposed to provide that if further reductions occur in interstate access rates, the commission may further reduce intrastate access rates provided that in any 2-year period the further reductions do not result in an increase of more than 50% in the price of local telephone service or in the collection rate for the state universal service fund.

Enacted Law Summary

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Public Law 2003, chapter 101 requires the Public Utilities Commission to balance the potentially conflicting access rate and toll rate policies. The law provides for a 2-year delay in the reduction of intrastate access rates to the interstate level as of January 1, 2003. The amendment also provides that if further reductions occur in interstate access rates, the commission may further reduce intrastate access rates provided that in any 2-year period the further reductions do not result in an increase of more than 50% in the price of local telephone service or in the collection rate for the state universal service fund.

Public Law 2003, chapter 101 was enacted as an emergency measure effective May 2, 2003.

LD 298 **An Act To Define Standard-offer Service as a Service of Last Resort** **ONTP**

<u>Sponsor(s)</u> BERRY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 298 proposed to require the Public Utilities Commission to establish a single standard-offer service as a service of last resort for all customers that are unable or elect not to purchase their electricity from a competitive electricity provider.

LD 302 **An Act To Make Adjustments to the Renewable Energy Portfolio** **ONTP**

<u>Sponsor(s)</u> BERRY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 302 proposed to amend the energy portfolio requirements of the electric restructuring law.

Under current law, renewable resources that qualify under the portfolio requirement include any facility that qualifies as a small power production facility under the Federal Energy Regulatory Commission rules and generators of less than 100 megawatts that rely on renewable resources. LD 302 proposed to remove the 100 megawatt limitation.

Under current law, 30% of a competitive electricity provider's portfolio of supply sources for retail electricity sales in this State must be accounted for by eligible resources, as defined by the law. LD 302 proposed to reduce this percentage to 20%.

LD 306 **An Act To Ensure Recovery of Extraordinary, Terrorism-related Security Costs for Public Utilities** **ONTP**

<u>Sponsor(s)</u> BERRY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 306 proposed to require the Public Utilities Commission to adjust rates to allow public utilities to collect security-related expenditures.

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LD 330 **An Act To Clarify the Ability of Transmission and Distribution Utilities To Market Electricity at Retail** **ONTP**

<u>Sponsor(s)</u> HALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 330 proposed to amend current law regarding electric industry restructuring to clarify that marketing of electricity by an entity acquiring a Maine electric utility is prohibited even if the market entity was established after the date of merger. This bill proposed to overturn a ruling of the Public Utilities Commission, subsequently upheld by the Law Court, with respect to the creation of a marketing affiliate by Emera after Emera's acquisition of Bangor-Hydro Electric.

LD 331 **An Act Restricting Telemarketers from Blocking Their Telephone Numbers When Making Solicitation Calls** **PUBLIC 70**

<u>Sponsor(s)</u> DOUGLASS HUTTON		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> S-15
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LD 331 proposed to prohibit a telemarketer from blocking the telephone number so that it will not display on the receiving party's caller identification device. The bill proposed to provide exceptions for a person making a limited number of solicitation calls, a person who has an established business relationship with the receiver of the call and charitable organizations.

Committee Amendment "A" (S-15), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. This amendment proposed to require intrastate telemarketers to transmit or cause to be transmitted the telephone number and, when made available by the telemarketer's carrier, the name of the telemarketer to any caller identification service in use by a recipient of a telemarketing call. The amendment proposed to subject telemarketers who failed to comply with this requirement to penalties under the Utilities Trade Protection Act. The Federal Trade Commission adopted by rule a similar provision relating to interstate telemarketing calls; full compliance with the federal rule provision is not required until January 29, 2004; the amendment proposed to make the Maine provision effective on the same date.

Enacted Law Summary

Public Law 2003, chapter 70 requires intrastate telemarketers to transmit or cause to be transmitted the telephone number and, when made available by the telemarketer's carrier, the name of the telemarketer to any caller identification service in use by a recipient of a telemarketing call. The Federal Trade Commission has recently adopted by rule a similar provision relating to interstate telemarketing calls under the FTC's jurisdiction. Full compliance with the federal rule provision is not required until January 29, 2004; this Maine provision is effective on the same date.

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LD 343

An Act To Reduce the Electric Bill of Persons Requiring Daily Use of Electric Oxygenators

ONTP

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

LD 343 proposed to allow a person who uses an electric oxygen pump for a minimum of 8 hours a day every day to apply to the Public Utilities Commission to direct that person's transmission and distribution utility and competitive electricity provider to remove from that person's bill the amount attributable to the cost of serving the electric oxygen pump.

Committee Amendment "A" (H-86) proposed to narrow the application of the bill by adding an income eligibility requirement. The amendment proposed to direct the Public Utilities Commission to establish a program to provide assistance to any residential customer who for health reasons must use an electric oxygen pump and whose income is at or below 200% of the federal poverty line. Under the program, a customer who meets the eligibility requirements would be able to apply to have the cost of serving the electric oxygen pump removed from the customer's bill. The program would be funded by allocation from the Fund for a Healthy Maine. (Not adopted)

LD 352

An Act To Encourage Energy Efficiency and Security

PUBLIC 219

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM	S-87
BERRY		

LD 352 proposed to direct the Public Utilities Commission, in determining transmission and distribution utility rates or in establishing any rate-adjustment mechanism or in developing and implementing conservation programs, to encourage efficiency in electricity use, provide incentives for the development of new, energy-efficient business activity in the State and take into account the costs and benefits of energy efficiency and conservation to existing business activity in the State.

LD 352 also proposed to require the Public Utilities Commission to undertake an investigation of how to create incentives for transmission and distribution utilities to promote energy efficiency and construct and maintain adequate infrastructure. The bill proposed to direct the commission to report its findings to the Joint Standing Committee on Utilities and Energy by December 1, 2003.

Committee Amendment "A" (S-87) proposed to replace the bill. This amendment proposed to:

1. Require the Public Utilities Commission, in adopting conservation programs, to seek to encourage efficiency in electricity use, provide incentives for the development of new, energy-efficient business activity in the State and take into account the costs and benefits of energy efficiency and conservation to existing business activity in the State; and
2. Require the Public Utilities Commission to undertake an investigation to identify rate designs, mechanisms or other means that provide incentives for transmission and distribution utilities to promote energy efficiency and that promote the security and robustness of the electric grid. The amendment proposed to direct the Public

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Utilities Commission to submit a report of the results of its investigation to the Utilities and Energy Committee by February 1, 2004.

Enacted Law Summary

Public Law 2003, chapter 219:

1. Requires the Public Utilities Commission, in adopting conservation programs, to seek to encourage efficiency in electricity use, provide incentives for the development of new, energy-efficient business activity in the State and take into account the costs and benefits of energy efficiency and conservation to existing business activity in the State; and
2. Requires the Public Utilities Commission to undertake an investigation to identify rate designs, mechanisms or other means that provide incentives for transmission and distribution utilities to promote energy efficiency and that promote the security and robustness of the electric grid. The Commission is required to submit its report to the Utilities and Energy Committee by February 1, 2004.

LD 355 An Act To Require That Residential Customers Be Given Contracts for Utility Line Extensions ONTP

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

LD 355 proposed to require transmission and distribution utilities and private line extension contractors to provide residential customers with contracts for line extensions that include at least the names of the parties, location of the work, estimated work dates, contract price, payment method and general description of the work.

LD 371 An Act To Require Review of Utility Rates Prior to Approval of Alternative Rate Plans PUBLIC 45

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	H-85
HALL		

LD 371 proposed to require the Public Utilities Commission to conduct a rate case ensuring the justness of rates before authorizing or reauthorizing a price cap plan for electric, natural gas or telephone utilities.

Committee Amendment "A" (H-85) proposed to limit application of this bill to natural gas and electric utilities and to allow the Public Utilities Commission to conduct rate reviews in a manner that limits costs to ratepayers.

Enacted Law Summary

Public Law 2003, chapter 45 requires the Public Utilities Commission to conduct a rate review ensuring the justness of rates before authorizing or reauthorizing a price cap plan for a natural gas or a transmission and

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distribution utility. The law allows the Public Utilities Commission to conduct the reviews in a manner that limits the costs to ratepayers.

LD 392 **An Act To Prohibit Use of Computerized Calls by Telemarketers** **ONTP**

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

LD 392 proposed to generally to prohibit the use of automated telephone solicitation calls to persons in this State. The bill proposed to provide exceptions for calls made on behalf of a charitable organization or on behalf of a political party or candidate. It also proposed to preserve those portions of existing law that limit and prohibit certain uses of automated telephone solicitation calls and the exceptions to those limits and prohibitions.

LD 397 **Resolve, To Create the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals** **RESOLVE 78
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	H-551 RICHARDSON J
KOFFMAN		S-40

LD 397 was a concept draft pursuant to Joint Rule 208.

This bill proposed to study the development of an emergency alert notification system for deaf and hard-of-hearing individuals. The study would be conducted in conjunction with federal and state homeland security groups and would contemplate notification for all types of emergencies, including weather emergencies.

Committee Amendment "A" (S-40) proposed to establish the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals. The study group would consist of 17 members and would be chaired and staffed by the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management. The study group would be directed to invite the participation of any interested members of the Joint Standing Committee on Utilities and Energy. The study group would be authorized to report out legislation related to the study.

House Amendment "A" to Committee Amendment "A" (H-551) proposed to authorize the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals to report out only a single bill related to the study. It proposed to remove the provision allowing the study group an extension of time to complete its study.

Enacted Law Summary

Resolve 2003, chapter 78 establishes the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals. The study group consists of 17 members and is chaired and staffed by the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management. The study group is directed to invite the participation of any interested members of the Joint Standing Committee on

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Utilities and Energy. The Study Group is authorized to report out a single bill related to the study. The study group is not allowed to seek an extension of time to complete its study.

Resolve 2003, chapter 78 was enacted as an emergency effective June 17, 2003.

LD 437 **An Act To Ensure Opportunity for Public Comment at Meetings of Sanitary Districts** **ONTP**

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

LD 437 proposed to require that the public be allowed an opportunity to comment on any change to a sanitary district's public services, fees, rates or facility plans prior to the board of trustee's final vote on the change.

LD 479 **An Act To Revise the Funding Formula for the Public Utilities Commission and the Public Advocate** **ONTP**

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

LD 479 proposed to increase the cap on the assessment collected by the Public Utilities Commission and to change the method of determining the assessment on water utilities for funding of the Public Utilities Commission and the Public Advocate's office.

Committee Amendment "A" (S-52), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to remove any changes to the cap on the Public Utilities Commission assessment on utilities. The amendment proposed to preserve those portions of the bill that change the method of determining the assessment on water utilities. The level of the cap on the total Public Utilities Commission assessment was the subject of LD 1042. (Not adopted)

LD 481 **An Act To Preserve Competition in the Long-distance Telephone Market** **ONTP**

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

LD 481 proposed to prohibit employees of telephone utilities that provide both local exchange and interstate interexchange service who are involved in the marketing of local exchange services from being involved in the marketing of interstate interexchange services.

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LD 508 **An Act To Transfer Regulation of Towers and Transmitters to Municipalities** **ONTP**

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

LD 508 proposed to authorize municipalities to adopt and enforce ordinances or regulations concerning the placement, height, size, width and output of towers and transmitters for wireless communications and require such ordinances be submitted to the Public Utilities Commission for its record.

Committee Amendment "A" (H-87), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to remove the requirement in the bill that a copy of the local ordinance be submitted to the Public Utilities Commission. (Not adopted)

LD 540 **Resolve, To Ensure Optimal Energy Efficiency in State-funded Construction** **ONTP**

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

LD 540 proposed to direct the Department of Administrative and Financial Services to adopt rules to ensure optimal energy efficiency in state-funded construction. (See LD 233.)

LD 546 **An Act To Ensure Consideration of Accurate Long-term Customer Power Alternatives** **ONTP**

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

LD 546 proposed to require a transmission and distribution utility, in reviewing or renegotiating a special rate contract to "assume" that the customer's self-generation or other alternative sources of power was installed or obtained as originally proposed and has been operated in a commercially reasonable means and that it would continue to be so operated through the period of the proposed contract.

LD 547 **An Act To Increase Bill Reductions for Electricity Customers in Maine**

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

Current law provides for the exercise of some discretion by the Public Utilities Commission in setting assessment rates for funding electricity conservation programs for Maine's electricity customers. LD 547 proposed to establish

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a single rate, .25 cent per kilowatt-hour, for all investor-owned utilities in the State but to leave with the commission discretion in setting an assessment rate for consumer-owned utilities.

LD 548 **An Act To Require Fair Treatment of Ratepayers When Electric Utilities Are Sold** **ONTP**

<u>Sponsor(s)</u> TREAT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 548 proposed to prohibit electric utilities that are purchased after January 1, 2003 at a price above their book value per share from charging to ratepayers the "acquisition premium" (amount paid above the book value).

LD 569 **An Act To Allow the Public Utilities Commission To Exempt Certain Telephone Utilities from the Requirement To Obtain Approval for Special Contracts** **ONTP**

<u>Sponsor(s)</u> BLISS HALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 569 proposed to authorize the Public Utilities Commission to grant exemptions from the requirement that telephone utilities obtain commission approval for special rate contracts with their customers.

LD 577 **An Act To Facilitate Access to Dial-up Internet Service for Telephone Customers throughout the State** **ONTP**

<u>Sponsor(s)</u> BLISS HALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 577 proposed to require that local service telephone lines be capable of providing dial-up Internet access at speeds of 28.8 kilobytes or greater.

LD 639 **An Act To Ensure Accurate Electric Rates for the Ski Industry** **CARRIED OVER**

<u>Sponsor(s)</u> MCGLOCKLIN HATCH PH		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 639 proposes to require the Public Utilities Commission to establish rates for transmission and distribution utility service to ski areas in the State for lift operation and snowmaking that accurately reflect the costs of service.

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LD 655

An Act To Revise the Charter of the Brunswick Sewer District

P & S 19

<u>Sponsor(s)</u> GERZOFSKY EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-180
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LD 655 proposed to extend the territory of the Brunswick Sewer District to include the growth area defined by the growth/rural area boundary on the Town of Brunswick zoning map and to provide that the territory of the district expands with the growth area as zoned by the town. The bill also proposed to amend the charter to include a provision already in state law requiring the trustees to acquire written assurance from the town council that any sewer extension is in conformity with the Town of Brunswick Comprehensive Plan, Zoning Ordinance.

Committee Amendment "A" (H-180) proposed to clarify certain language of the bill and remove a provision redundant of requirements imposed under state law. It also proposed to add a referendum clause relating to that portion of the bill that expands the territory of the Brunswick Sewer District.

Enacted Law Summary

Private and Special Law 2003, chapter 19 extends the boundary limit of the Brunswick Sewer District to include the growth area defined by the growth/rural area boundary on the Town of Brunswick zoning map. It provides that the Town Council may expand the territory further to address threats to public health and safety. The law also amends the charter to make clear the trustees must comply with current law that requires the trustees to acquire written assurance from the town council that any sewer extension is in conformity with the Town of Brunswick Comprehensive Plan, Zoning Ordinance. That portion of the bill that expands the territory of the Brunswick Sewer District is subject to local referendum approval within the district.

LD 668

Resolve, Regarding the Reduction of Barriers to the Transmission of Electricity

RESOLVE 5

<u>Sponsor(s)</u> HALL	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 668 proposed to direct the Public Utilities Commission to work with the government of the Province of New Brunswick, Canada on ways to reduce or eliminate transaction costs and barriers to the free flow of electricity between Maine and Atlantic Canada.

Enacted Law Summary

Resolves 2003, chapter 5 directs the Public Utilities Commission to work with the government of the Province of New Brunswick, Canada on ways to reduce or eliminate transaction costs and barriers to the free flow of electricity between Maine and Atlantic Canada.

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LD 669

An Act To Strengthen the Energy Resources Council

**PUBLIC 487
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ ONTP MIN	S-200 H-567 RICHARDSON J

LD 669 proposed to require the Energy Resources Council to undertake a comprehensive review of state energy and energy-related policy and prepare and submit a report of its findings and recommendations to the Joint Standing Committee on Utilities and Energy by December 1, 2003. The bill also proposed to provide funding from the conservation program fund established pursuant to the Maine Revised Statutes, Title 35-A, section 3211-A, subsection 5 to provide staff for the council.

Committee Amendment "A" (S-200), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. The amendment proposed to do the following:

1. Change the funding support for the Energy Resources Council. Currently funding is provided by member agencies. This amendment proposed to direct the council to seek federal funding. To the extent such funding is insufficient, member agencies would be directed to enter into an agreement to share the costs of staff. It also proposed to authorize the council to seek, and the Public Utilities Commission to provide, up to \$200,000 from the conservation program fund to support legislatively directed activities of the council and projects generally consistent with the purposes of the program fund;
2. Direct the council to undertake a study of energy-related policy and its implementation, with particular focus on energy efficiency and renewable energy. It proposed to provide for 4 members of the Legislature to be appointed to participate in the council's study. It proposed to require the council to hold a hearing outside of Augusta and to issue its report by January 31, 2004;
3. Authorize the Joint Standing Committee on Utilities and Energy to report out legislation in response to the report; and
4. Add an emergency preamble and emergency clause to the bill and an allocation section.

House Amendment "A" to Committee Amendment "A" (H-567) proposed to change the reporting date of the Energy Resources Council and specify the number of times it can meet for the purpose of energy study (4 meetings). It proposed to remove the requirement that the council hold a public hearing once in Augusta, and it proposed to remove language that allows the council to request assistance from the Legislative Council. It also proposed to decrease the Other Special Revenue Funds allocation and the amount of funds to be transferred from the Public Utilities Commission's conservation program for the purpose of paying the per diem and expenses of legislators' involvement in the study.

Enacted Law Summary

Public Law 2003, chapter 487 does the following:

1. It changes the funding support for the Energy Resources Council. Currently funding is provided by member agencies. This amendment directs the council to seek federal funding. To the extent such funding is insufficient, member agencies are directed to enter into an agreement to share the costs of staff. It also

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1. Provide that a municipal officer of the Town of Lubec would not be eligible to be a trustee of the district but allow holders of other town offices to be eligible;
2. Provide that all voters in the district would be eligible to vote in trustee elections;
3. Provide that trustee elections are held at the annual town meeting of the Town of Lubec; and
4. Remove the referendum clause from the bill, and modify the language of the emergency preamble to reflect changes to the bill.

Enacted Law Summary

Private and Special Law 2003, chapter 15 amends the Charter of the Lubec Water and Electric District to take into account the sale of the district's electric business on August 1, 1990. The law also provides that a municipal officer of the Town of Lubec is not eligible to be a trustee of the district but removes the current ineligibility for holders of other town offices; provides that all voters in the district are eligible to vote in trustee elections; and provides that trustee elections are held at the annual town meeting of the Town of Lubec.

Private and Special Law 2003, chapter 15 was enacted as an emergency measure effective May 13, 2003.

LD 724

An Act To Enhance Homeland Security

PUBLIC 124

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE TREAT	OTP-AM MAJ ONTP MIN	H-131

LD 724 proposed to amend the confidentiality provisions of the E-9-1-1 law to permit the use or disclosure of E-9-1-1 system information to public safety agencies to the extent necessary to allow the use of the system to make outgoing emergency calls (known as "reverse 911").

Committee Amendment "A" (H-131), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. The amendment proposed to clarify that confidential information in E-9-1-1 databases that is required to be disclosed to providers of emergency services and providers of emergency support services pursuant to 47 United States Code, Section 222(g) remain subject to existing confidentiality provisions and that a provider of emergency services and emergency support services that acquires such confidential information pursuant to that provision of federal law may use the information solely for the purposes of delivering or assisting in the delivery of emergency notification services (e.g., reverse 911). The amendment also proposed to provide that the name, address and telephone number of any person to whom any outgoing emergency notification call is made using confidential information acquired pursuant to 47 United States Code, Section 222(g) are confidential in the same manner as that information in the E-9-1-1 database.

Enacted Law Summary

Public Law 2003, chapter 124 clarifies that confidential information in E-9-1-1 databases that is required to be disclosed to providers of emergency services and providers of emergency support services pursuant to 47 United States Code, Section 222(g) remains subject to existing confidentiality provisions and that a provider of emergency services and emergency support services that acquires such confidential information pursuant to that provision of

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federal law may use the information solely for the purposes of delivering or assisting in the delivery of emergency notification services. The amendment also provides that the name, address and telephone number of any person to whom any outgoing emergency notification ("reverse 911") call is made using confidential information acquired pursuant to 47 United States Code, Section 222(g) are confidential in the same manner as that information in the E-9-1-1 database.

LD 771

An Act To Provide Parity in Funding for Enhanced 9-1-1 Services

PUBLIC 194

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP-AM	H-217

LD 771 proposed to provide cellular and wireless telecommunications service providers reimbursement for the costs of implementing E-9-1-1 service in the State. Currently, cellular and wireless customers contribute to the E-9-1-1 fund, but only landline telephone service providers are entitled to reimbursement for implementation costs.

Committee Amendment "A" (H-217) proposed to specify that cellular and wireless telecommunications service providers may only receive reimbursement for eligible expenses related to the E-9-1-1 system if the provider does not separately bill customers for the expenses and the provider is not otherwise reimbursed for the expenses.

Enacted Law Summary

Public Law 2003, chapter 194 provides that cellular and wireless telecommunications service providers may only receive reimbursement for eligible expenses related to the E-9-1-1 system if the provider does not separately bill customers for the expenses and the provider is not otherwise reimbursed for the expenses. Currently, cellular and wireless customers contribute to the E-9-1-1 fund, but only landline telephone service providers are entitled to reimbursement for implementation costs.

LD 775

An Act To Clarify That All Companies Offering Telephone Services for Compensation, Including Switchless Resellers, Are Telephone Utilities

PUBLIC 153

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP-AM	H-125

LD 775 proposed to clarify that all persons offering telephone services for compensation, including so-called "switchless resellers," are telephone utilities. The bill proposed to revise the definition of "telephone utility" to include a telephone utility that offers "telephone service" and to remove any reference to ownership or control of a "telephone line"; to establish a new definition of "telephone service"; and to repeal the definition of "telephone line."

Committee Amendment "A" (H-125) proposed to clarify that the term "telephone utility" does not include entities excluded from the definition of "public utility."

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Enacted Law Summary

Public Law 2003, chapter 153 clarifies that all persons offering telephone services for compensation, including so-called "switchless resellers," are telephone utilities. The law revises the definition of "telephone utility" by specifying that a telephone utility offers "telephone service", establishes a new definition of "telephone service", repeals the definition of "telephone line" and clarifies that the term "telephone utility" does not include entities excluded from the definition of "public utility."

LD 776 **An Act To Eliminate Potential Restrictions to the Establishment of an Alternative Form of Regulation for Some Telephone Utilities** **PUBLIC 48 EMERGENCY**

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

LD 776 proposed to repeal a section of law that contemplates the Public Utilities Commission concluding any proceeding establishing an "alternative form of regulation" for a telephone utility by 1996. Removing the provision would allow the commission to adopt an alternative form of regulation for telephone utilities other than Verizon.

Enacted Law Summary

Public Law 2003, chapter 48 repeals a section of law that provides for certain procedural requirements if the Public Utilities Commission concludes a proceeding establishing an "alternative form of regulation" for a telephone utility before certain dates in 1995 and 1996. Repealing this clarifies that the commission may establish an alternative form of regulation for telephone utilities for which the commission has not yet established an alternative form of regulation.

Public Law 2003, chapter 48 was enacted as an emergency measure effective April 17, 2003.

LD 799 **Resolve, To Improve Energy Efficiency in New School Buildings** **ONTP**

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

This resolve proposed to direct the Commissioner of Education to amend the Department of Education's rules on construction of new schools or school buildings to require that all new school construction proposals be based on the most energy and environmentally efficient designs suitable. The commissioner would be required to submit a report to the Second Regular Session of the 121st Legislature. (The concept of this bill was addressed in the committee amendment to LD 233.)

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LD 804

An Act To Amend the Standard Water District Enabling Act

PUBLIC 147

<u>Sponsor(s)</u> HALL	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-51
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LD 804 proposed to do the following:

1. Grant to each water district authority to protect the volume and quality of water within its territory;
2. Clarify that the registrar of a standard water district must keep a list of all registered voters within the district;
3. Remove a provision relating to water district trustee compensation that requires that such compensation be specified in the bylaws and be for meetings attended and reimbursement for expenses;
4. Allow a water district to increase its debt limit through a referendum procedure; and
5. Impose a lien on property services by water districts to secure payment for unpaid rates.

Committee Amendment "A" (S-51), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to remove that portion of the bill that proposed to grant water districts authority to regulate the volume and water quality of water within their territories. The amendment also proposed to make a technical correction in the bill.

Enacted Law Summary

Public Law 2003, chapter 147 does the following:

1. It clarifies that the registrar of a standard water district must keep a list of all registered voters within the district;
2. It removes a provision of law relating to water district trustee compensation that requires that such compensation be specified in the bylaws and be for meetings attended and reimbursement for expenses; under the new provision trustee compensation is set by the trustees as approved by the municipal officers of the municipalities;
3. It allows a water district to increase its debt limit through a referendum procedure; and
4. It imposes a lien on property served by water districts to secure payment for unpaid rates.

LD 805

An Act To Protect Conservation Trust Funds

PUBLIC 275

<u>Sponsor(s)</u> HALL	<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN	<u>Amendments Adopted</u> S-133
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LD 805 proposed to do the following:

1. Establish the Sustainable Energy Trust Fund to provide loans or other financial assistance to support sustainable energy projects;
2. Direct the Finance Authority of Maine, with the advice and guidance of the Energy Resources Council, to adopt rules governing eligibility, project feasibility and terms and conditions for the granting of financial assistance from the trust fund;
3. Direct the Public Utilities Commission to assess transmission and distribution utilities to collect funds for deposit in the trust fund;
4. Direct that at least 75% of the trust fund be spent on projects in accordance with priorities established by the Energy Resources Council and at least 20% of the funds be used to support demonstration community projects approved by the Executive Department, State Planning Office that use sustainable, renewable or clean energy technologies;
5. Permit up to 5% of the trust fund to be used to cover administrative expenses; and
6. Eliminate the Renewable Resource Fund and transfer all money into the Sustainable Energy Trust Fund.

Committee Amendment "A" (S-133), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill and change the title to reflect the changes to the bill. This amendment proposed to deem funds collected from electricity consumers pursuant to the Maine Revised Statutes, Title 35-A, section 3211-A to be held "in trust" for the purposes of benefiting electricity consumers. It also proposed that, in the event these funds are not expended or contracted for expenditure within 2 years of being collected from consumers, the Public Utilities Commission to return the value of those funds to consumers by reducing the assessment it collects from transmission and distribution utilities pursuant to Title 35-A, section 3211-A.

Committee Amendment "B" (S-134), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to repeal the conservation program at the Public Utilities Commission. (Not adopted)

Enacted Law Summary

Public Law 2003, chapter 275 deems funds collected from electricity consumers pursuant to the Maine Revised Statutes, Title 35-A, section 3211-A to be held in trust for the purposes of benefiting electricity consumers. In the event these funds are not expended or contracted for expenditure within 2 years of being collected from consumers, the Public Utilities Commission is directed to return the value of those funds to consumers by reducing the assessment it collects from transmission and distribution utilities pursuant to Title 35-A, section 3211-A.

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LD 811 **An Act To Prevent the Gaming of Special Rate Contracts by Utilities** **ONTP**

<u>Sponsor(s)</u> BERRY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 811 proposed to prohibit a transmission and distribution utility, while under an alternative rate plan that "provides certain limits on diesel deferral rates" from discontinuing or refusing to renew special rate contracts without the customer's consent, regardless of termination provisions in those contracts.

LD 843 **An Act To Ensure Equal Treatment of Telecommunications Customers under Maine's Universal Service Fund** **ONTP**

<u>Sponsor(s)</u> RINES DAGGETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 843 proposed to remove the requirement in Public Utilities Commission rules that customers of mobile carriers contribute financially to Maine's universal service fund, also established in commission rules. Under those rules, only rural local exchange carriers or competitive local exchange carriers serving rural areas, may be eligible to receive USF funds.

LD 947 **An Act To Create the Cable Television Franchise Board** **ONTP**

<u>Sponsor(s)</u> GLYNN BLAIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 947 proposed to create the Cable Television Franchise Oversight Board to license cable television companies and to oversee and regulate the cable television franchising process between municipalities and cable television companies. The board would have 7 members appointed by the Governor. The board would have rulemaking and regulatory authority, would be authorized to hire staff and would be authorized to assess cable television companies to fund its operations.

LD 967 **An Act To Amend the Charter of the Madawaska Water District** **P & S 16
EMERGENCY**

<u>Sponsor(s)</u> MARTIN PARADIS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-45
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LD 967 proposed to authorize the Madawaska Water District to collect rates from properties immediately adjacent to its service lines even though owners of such properties may opt not to connect to the wastewater treatment

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services and to authorize the district to use statutory lien procedures to assist in the collection of outstanding rates and services.

Committee Amendment "A" (S-45) proposed to replace the bill. This amendment proposed to authorize a referendum within the Madawaska Water District to allow it to charge readiness-to-serve charges against properties abutting on or accessible to the water lines of the district that on or after January 1, 2004 are improved with new residential or commercial structures requiring systems for the disposal of sewage and wastewater but that do not connect to the district's water lines.

Enacted Law Summary

Private and Special Law 2003, chapter 16 authorizes a referendum within the Madawaska Water District to allow it to charge readiness-to-serve charges against properties abutting on or accessible to the water lines of the district that on or after January 1, 2004 are improved with new residential or commercial structures requiring systems for the disposal of sewage and wastewater but that do not connect to district's water lines.

Private and Special Law 2003, chapter 16 was enacted as an emergency measure effective May 14, 2003.

LD 1030 **An Act To Allow Consumer-owned Utilities To Purchase Power at Negotiated Wholesale Rates, Terms and Conditions** **PUBLIC 141**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY HATCH PH	OTP-AM	H-124

LD 1030 proposed to provide explicit permission for consumer-owned transmission and distribution utilities to enter into wholesale power purchase agreements for the purpose of providing retail generation service within their service territories.

Committee Amendment "A" (H-124) proposed to clarify that a consumer-owned transmission and distribution utility that purchases power at wholesale for resale to its customers must comply with the portfolio and information disclosure requirements applicable to competitive electricity providers.

Enacted Law Summary

Public Law 2003, chapter 141 provides explicit permission for consumer-owned transmission and distribution utilities to enter into wholesale power purchase agreements for the purpose of providing retail generation service within their service territories and clarifies that a consumer-owned transmission and distribution utility that purchases power at wholesale for resale to its customers must comply with the portfolio and information disclosure requirements applicable to competitive electricity providers.

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LD 1042

**An Act To Ensure Proper Funding of the Public Utilities
Commission and the Public Advocate**

**PUBLIC 272
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM MAJ ONTP MIN	H-319

LD 1042 proposed to increase the maximum amount that the commission may assess utilities to fund the commission's operations. LD 1042 also proposed to allow the Public Utilities Commission to use unexpended funds remaining at the end of the prior year.

Committee Amendment "A" (H-319), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill and amend the title to reflect the content of the amendment. This amendment proposed to do the following:

1. Authorize the Public Utilities Commission to assess public utilities to fund the commission's budget on a going forward basis at the same rate as was authorized for the 2004 fiscal year;
2. Authorize the Public Utilities Commission and the Public Advocate to carry forward 100% of unspent funds at the end of fiscal years 2003 and 2004;
3. Direct the Public Utilities Commission to report to the Joint Standing Committee on Utilities and Energy by January 1, 2004 its activities for the prior fiscal year and its evaluation of the adequacy of the assessment and the appropriateness of the current apportionment of the assessment among utilities; and
4. Authorize the Joint Standing Committee on Utilities and Energy to report out legislation relating to the Public Utilities Commission assessment to the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Public Law 2003, chapter 272:

1. Authorizes the Public Utilities Commission to assess public utilities to fund the commission's budget on a going forward basis at the same rate as was authorized for the 2004 fiscal year;
2. Authorizes the Public Utilities Commission and the Public Advocate to carry forward 100% of unspent funds at the end of fiscal years 2003 and 2004;
3. Directs the Public Utilities Commission to report to the Joint Standing Committee on Utilities and Energy by January 1, 2004 its activities for the prior fiscal year and its evaluation of the adequacy of the assessment and the appropriateness of the current apportionment of the assessment among utilities; and
4. Authorizes the Joint Standing Committee on Utilities and Energy to report out legislation relating to Public Utilities Commission assessment to the Second Regular Session of the 121st Legislature.

Public Law 2003, chapter 272 was enacted as an emergency measure effective May 23, 2003.

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LD 1053

An Act To Enhance Renewable Power

ONTP

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1053 proposed to impose, beginning January 1, 2004, assessments on the retail sale of electricity generated by the use of coal, oil and natural gas and direct the Public Utilities Commission to establish by rule a program to use the revenues from this assessment to reduce the cost to consumers of electricity generated by the use of renewable resources. This bill also proposed to change the name of the Renewable Resource Fund to the Voluntary Eligible Renewable Resource Fund to distinguish it from the Maine Renewable Resource Fund created by the bill.

LD 1148

Resolve, To Establish the Maine Networked Services Task Force

ONTP

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1148 proposed to establish the Maine Networked Services Task Force to study and evaluate the delivery system for networked services such as telecommunications, Internet service, cable television services and electricity.

LD 1157

An Act To Promote Clean and Efficient Energy

CARRIED OVER

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1157 was a concept draft pursuant to Joint Rule 208.

This bill proposed to support clean and efficient energy in Maine by:

1. Increasing funding for energy efficiency by establishing a single, statewide system benefit charge for Maine's electricity efficiency program of .15 cents per kilowatt hour in 2003, .25 cents per kilowatt hour in 2006 and .30 cents per kilowatt hour starting in 2008;
2. Establishing new appliance and equipment energy standards for 15 products not currently covered by federal standards;
3. Increasing renewable energy production in Maine by amending the State's renewable energy portfolio standard to gradually increase the percentage of electricity products sold in Maine that are composed of clean, new renewable energy; and
4. Increasing energy efficient building construction by requiring that the so-called "LEED Green Building Standards" be established as the new residential building code in Maine and requiring the State to use this standard for all new state buildings and renovations of state buildings. The bill proposed also to increase enforcement of building codes to ensure compliance. (See LD 1261.)

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LD 1184

Resolve, To Encourage Use of Alternative Energy Sources

RESOLVE 50

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ ONTP MIN	S-132

LD 1184 proposed to direct the Energy Resources Council to study the State's policy options to allow 5% of the State's vehicle and heating fuel needs to be met from renewable sources by the end of 2010 and to report to the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on Transportation no later than January 1, 2004.

Committee Amendment "A" (S-132), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the resolve. This amendment proposed to direct the Energy Resources Council, in consultation with the Department of Environmental Protection, to undertake a study of alternative transportation and heating fuels, alternatively fueled vehicles and biofuels and to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters with interim findings and recommendations by January 31, 2004 and with final recommendations by January 31, 2005. The reports must recommend production and usage goals for alternative transportation fuels and biofuels and recommend strategies for achieving those goals.

Enacted Law Summary

Resolve 2003, chapter directs the Energy Resources Council, in consultation with the Department of Environmental Protection, to undertake a study of alternative transportation and heating fuels, alternatively fueled vehicles and biofuels and to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters with interim findings and recommendations by January 31, 2004 and with final recommendations by January 31, 2005. The reports must recommend production and usage goals for alternative transportation fuels and biofuels and recommend strategies for achieving those goals.

LD 1187

An Act To Establish Minimum Energy Efficiency Standards for Products Sold in the State

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL O'NEIL	ONTP	

LD 1187 proposed to set minimum energy efficiency standards for products in Maine, including exit signs, traffic signals and ceiling fans. LD 1187 proposed to authorize the Public Utilities Commission to establish higher energy efficiency standards and to adopt standards for additional products and to direct the Public Utilities Commission to monitor and enforce compliance with the standards. (See LD 1261.)

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LD 1188

An Act To Control Unsolicited Commercial E-mail

ONTP

<u>Sponsor(s)</u> SHOREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1188 proposed to prohibit certain forms of computer trespass such as using a computer or computer network without authority and with the intent to disable or damage computer software, data, or programs; to make an unauthorized copy of computer software, data or programs; to falsify e-mail transmission information in connection with unsolicited bulk e-mail; or to possess with the intent to distribute software designed to facilitate the falsification of e-mail transmission information. The bill proposed to address matters addressed in current law (17-A MRSA ch. 18) and by LD 255 (see summary of that bill).

LD 1201

An Act To Require the Owner or Operator of a Casino To Improve or Replace Utilities and Infrastructure in the Vicinity of the Casino **CARRIED OVER**

<u>Sponsor(s)</u> COLLINS WESTON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1201 proposes to provide that an owner or operator of a facility at which casino-style gambling is conducted is responsible for the costs to improve or replace utilities, including, but not limited to, water, sewer and electrical service, and infrastructure, including, but not limited to, roads, intersections and highway exits, located within a 25-mile radius of the facility at which casino-style gambling is conducted. The decision whether to make such improvements or refinements would be made by the municipality in which the utilities or infrastructure was located.

LD 1212

An Act To Create the Bayside Utilities District

P & S 9

<u>Sponsor(s)</u> ASH HATCH PH		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1212 proposed to create the Bayside Utilities District and allow the Northport Village Corporation to convey its water-related and sewer-related assets to the Bayside Utilities District.

Enacted Law Summary

Private and Special Law 2003, chapter 9, if approved by local referendum, creates the Bayside Utilities District and allows the Northport Village Corporation to convey its water-related and sewer-related assets to the Bayside Utilities District.

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LD 1252

An Act To Authorize Water and Wastewater Districts To Lease Their Assets

PUBLIC 267

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN MAYO	OTP-AM MAJ ONTP MIN	H-316

LD 1252 proposed to provide that a consumer-owned water or wastewater district may enter into lease and leaseback or sale and leaseback transactions and to provide certain property tax exemptions for property subject to such transactions.

Committee Amendment "A" (H-316), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. It proposed to remove references to property tax exemptions, eliminate references to sale and leaseback transactions, limit leaseback transactions to property other than land and define leases to include leases of any length, including leases that may be defined as sales for income tax purposes.

Enacted Law Summary

Public Law 2003, chapter 267 provides that a consumer-owned water or wastewater district may enter into lease and leaseback transactions with respect to property other than land. It also defines leases to include leases of any length, including leases that may be defined as sales for income tax purposes.

LD 1261

An Act To Support Clean and Efficient Energy for the Future of Maine's Economy and Environment

CARRIED OVER

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

LD 1261 proposed to:

1. Establish minimum energy efficiency standards for certain products, such as ceiling fans, illuminated exit signs, traffic signal lights and digital cable television boxes. The bill proposed that, beginning January 1, 2005, the sale of a product that does not meet the energy efficiency standards would be prohibited and, beginning January 1, 2006, installation of such a product would be prohibited. (This portion of the bill is substantively identical to the provisions of LD 1187);
2. Increase the assessment imposed by the Public Utilities Commission on transmission and distribution utilities to 0.2¢ per kilowatt-hour to fund energy conservation programs;
3. Impose an additional assessment on transmission and distribution utilities of 0.1¢ per kilowatt-hour to fund a Clean Energy Fund in the Public Utilities Commission to encourage the development, construction and operation of new renewable energy resources projects, defined as electrical generation powered by fuel cells using renewable fuels; tidal, ocean or wave power; solar arrays and installations; wind power; and geothermal power. (See LD 1312);

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4. Establish progressively higher goals for new renewable energy generation installed in the State ranging from 50 mw by the end of 2006 to 500 mw by the end of 2015. (See LD 1312);
5. Establish the Clean Energy Advisory Committee to review and assess the progress of the State in promoting the development of new renewable energy and in meeting the goals set for increasing new renewable energy generation; and
6. Direct the Energy Resources Council, in consultation with the PUC, to develop recommendations for means of encouraging renewable energy and, in consultation with the PUC and the DECD, to study the need for revisions to building codes used in Maine (See LDs 233 & 1321).

LD 1312

Resolve, Relating to Renewable Resources

RESOLVE 45

<u>Sponsor(s)</u> COLWELL WESTON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-317
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LD 1312 proposed to amend the laws governing electric industry restructuring as they relate to the 30% renewable portfolio standard. The bill proposed to define "eligible renewable resource" to mean an electrical generator facility that relies on certain specific fuel sources. The bill proposed to require that, beginning March 1, 2005, no less than 0.5% of supply sources for retail electricity sales in this State is accounted for by eligible renewable resources that are constructed after January 1, 2002. This percentage would increase 0.5% per year until it reached 5% in 2014. The bill proposed to direct the Public Utilities Commission to establish the Maine Renewable Resource Fund to support eligible renewable resources in this State, renewable resource research and development and to fund demonstration community projects using renewable energy technologies.

Committee Amendment "A" (H-317) proposed to replace the bill. This amendment proposed to direct the Public Utilities Commission to examine mechanisms designed to ensure a secure, adequate and reliable supply of electricity for state residents and to maintain and increase the State's use of renewable and indigenous resources. The commission would be directed to submit the results of its examination to the Joint Standing Committee on Utilities and Energy by December 31, 2003 and the committee would be authorized to report out legislation in response to the commission's examination.

Enacted Law Summary

Resolve 2003, chapter 45 directs the Public Utilities Commission to examine mechanisms designed to ensure a secure, adequate and reliable supply of electricity for state residents and to maintain and increase the State's use of renewable and indigenous resources. The commission is directed to submit the results of its examination to the Joint Standing Committee on Utilities and Energy by December 31, 2003 and the committee is authorized to report out legislation in response to the commission's examination.

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LD 1317

An Act To Strengthen Maine's "Do Not Call" List

ONTP

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

LD 1317 proposed to regulate telephone solicitation by consolidating various laws regarding telemarketers found in different sections of the Maine Revised Statutes. The bill also proposed the following:

1. To change the scope of the application of telemarketing laws to include all telemarketers, regardless of their place of business. Calls made by nonprofit charitable organizations and political organizations would be exempt;
2. To prohibit a telemarketer from blocking the display of its phone number from the consumer being called (See LD 331);
3. To continue the current restrictions on the use of automated telephone calling devices to make telemarketing calls;
4. To require telemarketers making solicitations via facsimile to provide the name and address of the person making the solicitation, as well as a toll-free telephone number that must be answered by an individual on weekdays between the hours of 9 a.m. and 5 p.m. or that automatically deletes the specified telephone number of the caller from the telemarketer's database;
5. To require the Attorney General to establish, either in-house or through a contract with a private vendor, the Maine do-not-call list, a database of names, addresses and telephone numbers of consumers in this State who object to receiving unsolicited telemarketing or telephone calls;
6. To allow telemarketers to purchase the Maine do-not-call list from the Attorney General for a fee not to exceed \$75 and prohibit telemarketers from calling consumers listed on the Maine do-not-call list;
7. To allow an action to be brought against a telemarketer by the Attorney General, by a state agency that licenses the telemarketer or by the affected consumer. A violation would be punishable by a civil penalty or administrative penalty of up to \$3,000 for each violation; and
8. To require the Attorney General to report to the Legislature every 2 years regarding the Maine do-not-call list, complaints and enforcement actions and any suggested changes for improving the regulation of telemarketing.

(See LD 1360.)

LD 1321

An Act Regarding Energy Efficiency Standards

PUBLIC 151

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS HALL	OTP-AM	H-179

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LD 1321 proposed to update references to ASHRAE standards in Maine laws pertaining to energy efficiency and indoor air quality in new construction or substantial renovation of conditioned space in commercial or industrial buildings and residential buildings of more than 2 dwelling units.

Committee Amendment "A" (H-179) proposed to make technical corrections to the bill to make the effective date of the ASHRAE standards consistent (January 1, 2004).

Enacted Law Summary

Public Law 2003, chapter 151 updates Maine law pertaining to energy efficiency standards and indoor air quality. After January 1, 2004 new construction or substantial renovations of conditioned space in residential buildings of more than 2 dwelling units must conform to the 2001 ASHRAE standards.

LD 1359

An Act To Establish the Locally Governed Water District Act

INDEF PP

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

LD 1359 proposed to create a 4-year pilot program under which the Public Utilities Commission would designate up to 10% of the state's consumer-owned water utilities, including at least one large district, one medium-sized district, and one small district, to opt out of regulation by the Public Utilities Commission with respect to their rates, terms of service and most other affairs. The pilot program would expire on June 1, 2007. The bill proposed to require the Public Utilities Commission to submit a report on the success of the pilot program by October 31, 2006 to the joint standing committee of the Legislature having jurisdiction over public utilities matters.

Committee Amendment "A" (S-131) proposed to make the following changes to the bill. It proposed to:

1. Clarify that municipal water departments may participate in the local governance pilot project;
2. Require participants in the pilot project to continue to pay Public Utilities Commission and Public Advocate assessments;
3. Provide that sale of land by a pilot project participant remains subject to Public Utilities Commission oversight;
4. Remove the provision of the bill authorizing a pilot project participant to adopt a local appeal process and replace it with a directive that the Public Utilities Commission establish procedures to review customer complaints concerning denial or termination of service, terms and conditions of service, billing, metering or collection for service and any other matters the commission determines appropriate; and
5. Provide that a pilot project participant may take advantage of any authorization under existing law for a consumer-owned water utility to enter a lease and leaseback transaction, subject to Public Utilities Commission approval. (See LD 1252.) (Not adopted)

House Amendment "A" to Committee Amendment "A" (H-536) proposed to prohibit a consumer-owned water utility from participating in the pilot project unless participation in the pilot project has been approved by the consumers of the utility's service territory at a local referendum. (Not adopted)

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House Amendment "B" to Committee Amendment "A" (H-541) proposed to require a water utility district that wishes to participate in the local governance pilot project to first undergo an independent management audit. (Not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-248) proposed to change the service size requirement under the provision requiring inclusion of a large water district in the pilot project from a service size of more than 100,000 people to a service size of more than 25,000 people. It proposed to reduce the number of participants in the pilot project from 10% of the consumer-owned water utilities operating in the State to 8 utilities. The amendment proposed, in the case of a locally governed water district's selling water to an adjacent water utility at wholesale, to maintain the Public Utilities Commission jurisdiction to establish fair rates for the sale of water by the locally governed water districts. (Not adopted)

LD 1360 An Act To Create a No-contact List and Prohibit Unsolicited E-mail CARRIED OVER

<u>Sponsor(s)</u> DOUGLASS	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1360 proposes to regulate telephone solicitation by consolidating various laws regarding telemarketers found in different sections of the Maine Revised Statutes and do the following:

1. Change the scope of the application to include all telemarketers, regardless of their place of business. Calls made by nonprofit charitable organizations and political organizations would be exempt;
2. Prohibit a telemarketer from blocking the display of its phone number from the consumer being called. (see LD 331);
3. Continue the current restrictions on the use of automated telephone calling devices to make telemarketing calls. (see LD 392);
4. Require telemarketers making solicitations via facsimile to provide the name and address of the person making the solicitation, as well as a toll-free telephone number that must be answered by an individual on weekdays between the hours of 9 a.m. and 5 p.m. or that automatically deletes the specified telephone number of the caller from the telemarketer's database. (current law prohibits unsolicited fares);
5. Require the Attorney General to establish, either in-house or through a contract with a private vendor, the Maine no-contact list, a database of names, addresses, telephone numbers and e-mail addresses of consumers in this State who object to receiving unsolicited telemarketing or telephone calls or commercial e-mail. The Attorney General would be required to provide information about the list and forms for enrolling on the list. The Attorney General would be permitted to charge a fee of no more than \$3 for inclusion on the list; a consumer would remain on the list for 3 years or until the consumer is assigned a new number or e-mail address;
6. Allow telemarketers and commercial e-mail senders to purchase the Maine no-contact list from the Attorney General for a fee not to exceed \$75 and prohibit telemarketers from calling consumers listed on the Maine no-contact list;

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7. Allow an action to be brought against a telemarketer by the Attorney General, by a state agency that licenses the telemarketer, or by the affected consumer. A violation would be punishable by a civil penalty or administrative penalty of up to \$3,000 for each violation;
8. Require the Attorney General to report to the Legislature every 2 years regarding the Maine no-contact list, complaints and enforcement actions and any suggested changes for improving the regulation of telemarketing; and
9. Restrict unsolicited commercial e-mail, defined as e-mail that is sent for the purpose of advertising or conveying information about real property, goods or services or extending credit or soliciting contributions, by requiring the e-mail to contain a valid toll-free telephone number, physical postal address and a return e-mail address maintained by the sender to which the recipient may respond indicating that the recipient does not wish to receive further unsolicited commercial e-mail from the sender. The restriction would not apply to e-mail sent to persons with whom the sender has a prior relationship or who have requested the information from the sender. Unsolicited commercial e-mail would need to include in the subject line a label, as specified, so that recipients are made aware of the nature of the e-mail. Each unsolicited commercial e-mail sent to a recipient in violation would be considered an unfair trade practice. (see LDs 255 and 1317.)

LD 1373 **Resolve, To Establish the Commission on Comprehensive Energy Planning** **ONTP**

<u>Sponsor(s)</u> ADAMS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1373 proposed to establish the Commission on Comprehensive Energy Planning. (See LDs 669, 352, 233, 1312 and 1184.)

LD 1423 **An Act To Facilitate the Implementation, Maintenance and Operation of the E-9-1-1 Emergency System** **PUBLIC 359**

<u>Sponsor(s)</u> BLISS STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-451
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LD 1423 proposed to remove a "sunset" provision that would reduce the surcharge for Enhanced 9-1-1 service from 50¢ to 32¢, and proposed to increase the surcharge to 66¢. It also proposed to amend a provision of law relating to the Emergency Service Communication Bureau's responsibilities in cases in which a local government chooses not to participate in the E 9-1-1 system.

Committee Amendment "A" (H-451) proposed to:

1. Move the Emergency Services Communication Bureau from the Department of Public Safety to the Public Utilities Commission;

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2. Keep the current surcharge at 50¢ per month per line or number by removing the "sunset" provision in current law that reduces the surcharge to 32¢ 90 days after the adjournment of the First Regular Session of the 121st Legislature; and
3. Direct the Emergency Services Communication Bureau to seek to reduce the total number of public service answering points to between 16 and 24.

Enacted Law Summary

Public Law 2003, chapter 359:

1. Moves the Emergency Services Communication Bureau from the Department of Public Safety to the Public Utilities Commission;
2. Keeps the current surcharge at 50¢ per month per line or number by removing the "sunset" provision in current law that reduces the surcharge to 32¢ 90 days after the adjournment of the First Regular Session of the 121st Legislature; and
3. Directs the Emergency Services Communication Bureau to seek to reduce the total number of public service answering points (currently 48) to between 16 and 24.

LD 1444

An Act To Facilitate E-9-1-1 for Multiline Telephone Systems

PUBLIC 478

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP-AM	H-425

LD 1444 proposed to require privately owned or leased multiline telephone systems to provide to end users the same level of E-9-1-1 service that nonmultiline end users receive, which include: automatic number identification signaling, station identification data and updates to E-9-1-1 databases. This bill proposed to require multiline telephone systems that are newly installed or replaced to be compliant with routine technical rules adopted by the Department of Public Safety, Emergency Services Communication Bureau.

Committee Amendment "A" (H-425) proposed to replace the bill. This amendment proposed to permit the Emergency Services Communications Bureau to adopt rules to establish requirements for locating emergency calls, and initiating emergency responses to such calls, made from within multiline telephone systems, including network-based or premises-based systems, whether owned or leased by a public or private entity, such as private branch exchanges or Centrex systems. The amendment proposed to establish parameters for any such rules, to make them major substantive rules subject to legislative approval and require them to be approved by the Public Utilities Commission prior to their submission to the Legislature.

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Enacted Law Summary

Public Law 2003, chapter 478 permits the Emergency Services Communications Bureau to adopt rules to establish requirements for locating emergency calls, and initiating emergency responses to such calls, made from within multiline telephone systems, including network-based or premises-based systems, whether owned or leased by a public or private entity, such as private branch exchanges or Centrex systems. The amendment establishes parameters for any such rules, makes them major substantive rules subject to legislative approval and requires them to be approved by the Public Utilities Commission prior to their submission to the Legislature.

LD 1483 An Act To Improve the Ability of the Public Utilities Commission PUBLIC 505
To Enforce State Laws, Rules and Requirements

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM MAJ	H-342
HALL	ONTP MIN	

LD 1483 proposed to change most of the penalty provisions that apply to violations of laws administered by the Public Utilities Commission. It proposed:

1. To repeal a variety of specific penalties related to violations of certain laws administered by the PUC (ranging from a \$500/day civil forfeiture for a utility that fails to pay the PUC assessment to a Class B crime for a utility officer that knowingly makes a false statement regarding the issuance of stocks and bonds) and to make such violations subject to a new set of general penalties (see below);
2. To leave in place current administrative penalties for certain violations (violations of T&D codes of conduct and marketing restrictions, violations of the “slamming” law, violations of the “cramming” law, violations of the “dig safe” law, and violations of the E-911 law);
3. To increase penalties that apply to violations by gas utilities and gas pipelines of safety laws, make them administrative rather than civil, and add more specificity to the factors to be weighed in determining amount of the penalty;
4. To amend the “slamming” law to allow the PUC to order a telephone utility acting as billing agent to withhold payments to a suspected slammer pending administrative penalty proceedings;
5. To amend the “cramming” law to expand and change provisions relating to revocation of registration of a company that violates that law;
6. To allow the PUC to issue cease and desist orders under the “dig safe” law to prevent damage to underground facilities (currently the PUC can seek a temporary restraining order in court);
7. To repeal the current general penalty provision (civil forfeiture of up to \$1,000/offense) that applies in cases in which a specific penalty for a violation is not otherwise specified;
8. To create a class C crime for knowingly making a false or misleading statement in PUC proceeding;

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9. To enact new general penalty provisions that: create administrative penalties (imposed and collected by the PUC) for violations of Title 35-A, PUC rules or PUC orders, in cases in which a specific penalty for a violation is not otherwise specified, of up to \$25,000/violation/day to a maximum of \$500,000 for violations by a public utility or competitive electricity provider and up to \$1,000/violation/day to a maximum of \$25,000 for violations by any person; and require the PUC to “take into account” various factors in determining the amount of a penalty (severity of violation, intent, history of prior violations, good faith attempts to comply after notification, other matters as justice requires);
10. To authorize the PUC to suspend or revoke the authority of a public utility to provide service on a finding that the utility is unfit to provide adequate service and authorize the PUC to order a person to cease and desist from providing service if the person hasn’t obtained necessary PUC approvals; and
11. To require that all administrative penalties collected by the PUC be deposited in a reimbursement fund to pay the PUC’s costs of enforcement; excess funds to go to the general fund.

Committee Amendment "A" (H-342) was the majority report of the Joint Standing Committee on Utilities and Energy. The amendment proposed to change the section of the bill that authorizes the Public Utilities Commission to impose administrative penalties, in cases in which no other penalty is provided, for violations of the Maine Revised Statutes, Title 35-A or commission rules or orders. It proposed to provide that in the case of a violation by a public utility or a competitive electricity provider, the violation must be willful, and to lower the maximum per violation amount to the lesser of \$5,000 or .25% of the annual gross in-state revenue of the violator. It proposed to clarify that the provision allowing the commission to impose administrative penalties of a lower amount (\$1,000/violation/day) applies to persons that are not public utilities or competitive electricity providers. It proposed to add an additional standard to those to be considered by the commission in setting the amount of administrative penalties: the reasonableness of the violator’s belief that the act was not a violation. It proposed to add a provision providing that in addition to the administrative penalties, the commission may require disgorgement of profits or revenues realized as a result of the violation.

The amendment also proposed to limit the portion of the bill that creates a Class C crime for making false or misleading statements in a PUC proceeding to only false statements and to remove reference to misleading statements.

The amendment also proposed to add a provision authorizing the commission to condition its approval of a public utility to provide service on the submission of a bond to ensure the utility has the financial ability to meet its obligations.

Enacted Law Summary

Public Law 2003, chapter 505 changes most of the penalty provisions that apply to violations of laws administered by the Public Utilities Commission.

It repeals a variety of specific penalties related to violations of certain laws administered by the PUC; such violations, under the law, fall under new general penalties (see below). The law leaves in place current administrative penalties for certain violations. The law increases penalties that apply to violations by gas utilities and gas pipelines of safety laws, makes them administrative rather than civil, and adds more specificity to the factors to be weighed in determining the amount of a penalty. The law amends the “slamming” law to allow the PUC to order a telephone utility acting as billing agent to withhold payments to a suspected slammer pending administrative penalty proceedings. It also amends the “cramming” law to expand and change provisions relating to revocation of registration of a company that violates that law. The law allows the PUC to issue cease and desist

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orders under the dig safe law to prevent damage to underground facilities (currently the PUC can seek a temporary restraining order in court).

The law repeals the current general penalty provision (civil forfeiture of up to \$1,000/offense) that applies in cases in which a specific penalty for a violation is not otherwise specified. The law creates new general penalty provisions. It establishes a new Class C crime for knowingly making a false statement in a PUC proceeding. It establishes new and much more substantial administrative penalties (imposed and collected by the PUC) for violations of Title 35-A, PUC rules or PUC orders in cases where no other specific penalty is provided. The PUC is also authorized to order disgorgement of any profit or revenue resulting from any such violations. The law directs the PUC to take into account various factors in determining the amount of a penalty (e.g., severity of violation, intent, history of prior violations, etc.)

The law authorizes the PUC to suspend or revoke the authority of a public utility to provide service on a finding that the utility is unfit to provide adequate service, authorizes the PUC to order a person to cease and desist from providing service if person hasn't obtained necessary PUC approvals, and allows the PUC to require an applicant to submit a bond as a condition for PUC approval of the applicant to provide public utility service

The law requires that all administrative penalties collected by the PUC are deposited in a reimbursement fund to pay the PUC's costs of enforcement; excess funds go to the general fund.

LD 1494 **Resolve, Regarding Legislative Review of Chapter 306: Information Disclosure Rule Amendment, a Major Substantive Rule of the Public Utilities Commission** **RESOLVE 46 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-294

LD 1494 proposed to provide for legislative review of Chapter 306: Information Disclosure Rule Amendment, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-294) proposed to authorize the adoption of Chapter 306: Information Disclosure Rule Amendment, a provisionally adopted major substantive rule of the Public Utilities Commission, if a provision is removed that provides that fuel cells and geothermal, solar, tidal and wind power are separately identified on the label only if contained in the competitive electricity provider's actual fuel mix. With this amendment, the rule would require separate identification of these fuel sources on the label, even if no such fuel sources are in the provider's actual fuel mix.

Enacted Law Summary

Resolve 2003, chapter 46 authorizes the adoption of Chapter 306: Information Disclosure Rule Amendment, a provisionally adopted major substantive rule of the Public Utilities Commission, if a provision is removed that provides that fuel cells and geothermal, solar, tidal and wind power are separately identified on the label only if contained in the competitive electricity provider's actual fuel mix. With this amendment, the rule will require separate identification of these fuel sources on the label, even if no such fuel sources are in the provider's actual fuel mix.

Resolve 2003, chapter 46 was enacted as an emergency measure effective May 23, 2003.

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LD 1495 **Resolve, Regarding Legislative Review of Chapter 311: Eligible Resource Portfolio Requirements Rule Amendment, a Major Substantive Rule of the Public Utilities Commission** **RESOLVE 22 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1495 proposed to approve Chapter 311: Eligible Resource Portfolio Requirements Rule Amendment, a major substantive rule of the Public Utilities Commission.

Enacted Law Summary

Resolve 2003, chapter 22 approves Chapter 311: Eligible Resource Portfolio Requirements Rule Amendment, a major substantive rule of the Public Utilities Commission.

Resolve 2003, chapter 22 was enacted as an emergency measure effective May 15, 2003.

LD 1594 **An Act Repealing the Charter of the Brewer Water District** **P & S 26**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> S-176
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LD 1594, required by Private and Special Law 2001, chapter 66, proposed to dissolve the Brewer Water District. All powers, property and obligations of the Brewer Water District have been transferred to the City of Brewer pursuant to Private and Special Law 2001, chapter 66. Section 3 of the bill proposed to establish 3 sources of supply for use by the City of Brewer that were mentioned in a 1909 Brewer Water District charter that failed to be approved in a referendum (Private and Special Law 1909, chapter 265).

Committee Amendment "A" (S-176), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to make the following changes to the bill.

1. It proposed to make a technical change to clarify the extent of the repeal of the law creating the Brewer Water District.
2. It proposed to remove section 3 of the bill, which would have authorized the City of Brewer to take water from several ponds from which the former Brewer Water District did not have authority to take water.
3. It proposed to preserve a provision from the charter of the former Brewer Water District relating to the water quality of Hatcase Pond.

Enacted Law Summary

Private and Special 2003, chapter 26, as required by Private and Special Law 2001, chapter 66, dissolves the Brewer Water District. All powers, property and obligations of the Brewer Water District have been transferred to

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the City of Brewer pursuant to Private and Special Law 2001, chapter 66. The law preserves a provision from the charter of the former Brewer Water District relating to the water quality of Hatcase Pond.

LD 1595 **An Act To Enhance Electric Utility Consumer Protections** **PUBLIC 412**

<u>Sponsor(s)</u> COLWELL HALL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-426
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LD 1595 proposed to require a transmission and distribution utility providing electricity to its customers to read and record on a monthly basis the reasonably accessible meters furnished to that utility's customers.

Committee Amendment "A" (H-426) proposed to replace the bill. This amendment proposed to require an investor-owned transmission and distribution utility to adopt and ordinarily follow as a general operating policy a schedule of reading customer meters on a monthly basis. Any investor-owned transmission and distribution utility that proposed to adopt a different policy, such as bimonthly meter reading, would be required to receive prior approval of the commission.

Enacted Law Summary

Public Law 2003, chapter 412 requires an investor-owned transmission and distribution utility to adopt and ordinarily follow as a general operating policy a schedule of reading customer meters on a monthly basis. Any investor-owned transmission and distribution utility that plans to adopt a different policy, such as bimonthly meter reading, must receive prior approval of the commission.

LD 1608 **An Act To Amend the Charter of the Baileyville Utilities District** **P & S 25
EMERGENCY**

<u>Sponsor(s)</u> PERRY A		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-424
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The Baileyville Utilities District is currently empowered to operate only water and electric utilities within the Town of Baileyville. This bill proposed to empower the district to manage the town's sewer department, currently managed by an outside independent contractor. LD 1608 also proposed to allow the district to acquire the sewer system if the town and district determine that this arrangement would better serve the 2 entities and the residents.

Committee Amendment "A" (H-424) proposed to remove portions of the bill, but proposed to preserve the portion that would permit the Baileyville Utilities District to contract with the Town of Baileyville for the management, oversight and billing related to the town's sewer department.

Enacted Law Summary

Private and Special Law 2003, chapter 28 permits the Baileyville Utilities District to contract with the Town of Baileyville for the management, oversight and billing related to the town's sewer department.

Private and Special Law 2003, chapter 28 was enacted as an emergency measure effective June 3, 2003.

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LD 1620

An Act to Amend the Charter of the New Portland Water District

P & S 28
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGLOCKLIN HATCH PH	OTP-AM	H-530

LD 1620 proposed to amend the territorial limits of the New Portland Water District.

Committee Amendment "A" (H-530) proposed to make clarifying changes to the description of the expanded territory of the New Portland Water district and add a referendum clause to the bill.

Enacted Law Summary

Private and Special Law 2003, chapter 28 expands the territorial limits of the New Portland Water District, subject to local referendum approval.

Private and Special Law 2003, chapter 28 was enacted as an emergency measure effective June 5, 2003.