

Utilities and Energy

PUBLIC 526 **An Act To Streamline the Time-share Rate Collection Process** **LD 1659**
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	OTP-AM MAJ	H-669
MAYO	ONTP MIN	

Public Law 2003, chapter 526:

1. Allows utilities to require the managing entity of time-share estates to collect and pay a unified utility bill. The procedures mirror those currently in law for collection of municipal taxes; and
2. Allows utilities and managing entities to make other mutually acceptable arrangements and preserves the authority utilities may have under other law to collect and recover assessments.

Public Law 2003, chapter 526 was enacted as an emergency and took effect on March 3, 2004.

PUBLIC 529 **An Act To Improve the Ability of Water Utilities To Maintain a** **LD 1750**
Contingency Allowance

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	H-676
HALL		

Public Law 2003, chapter 529 eliminates the requirement that consumer-owned water utilities establish a separate fund to collect contingency allowance collections. It permits a contingency allowance of up to 10% of revenues for small utilities with total annual revenues of no more than \$85,000 (it preserves the current 5% limit for larger utilities). It specifies that amounts collected through the allowance may be spent only for purposes for which other revenues may lawfully be spent and clarifies that all such expenditures are subject to Public Utilities Commission review. It preserves a provision of existing law that if a utility collects amounts that the Public Utilities Commission determines to be inconsistent with just and reasonable rates, the commission may require rate reductions or credits. It preserves the current law's requirement that if a utility over-collects under its allowance for 3 consecutive years, it must notify its ratepayers and hold a public hearing. It provides that such notice to ratepayers must be provided no later than July 1st of the calendar year following the 3rd consecutive year of over-collection. It also removes or changes, as appropriate, references to the contingency fund in other sections of law.

PUBLIC 530 **An Act To Create Consistency between State and Federal** **LD 1751**
Telephone Consumer Protection Laws

Utilities and Energy

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

Public Law 2003, chapter 530 amends the so-called “slamming law” that protects consumers from the unauthorized initiation (change) of service by a local or intrastate interexchange carrier. It corrects a cross reference to telemarketing laws that were reallocated by Public Law 2001, chapter 324 to a new subchapter in Title 32; clarifies that electronic authorization of service initiation is allowed (Title 10 section 9407 allows this -- it is also consistent with federal “slamming” rules); requires carriers to retain records for 24 months rather than 12 months, consistent with recent changes to federal rules; removes a requirement that an interexchange carrier who slams a customer transfer that customer back to the customer’s original carrier (this function is in fact carried out by the original carrier or through the PUC); and removes reference to a federal rule repealed in 1999.

PUBLIC 553 An Act To Implement the Recommendations of the Study Group To LD 1819 Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	S-396

Public Law 2003, chapter 553 is based on certain legislative recommendations of the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals.

Public Law 2003, chapter 553 amends the law relating to the Telecommunications Equipment Fund administered by the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness. It expands the use of the fund to include equipment used to provide or facilitate notice of emergencies to deaf and hard-of-hearing persons and for training related to such equipment. It also changes the name of the fund to the Communications Equipment Fund to reflect this expansion. It transfers the funding source for the Communications Equipment Fund from an assessment on telecommunications service providers made by the Department of Labor, Bureau of Rehabilitation Services to the universal service fund administered by the Public Utilities Commission (which is also funded by an assessment on telecommunications service providers). It preserves the current \$85,000 annual total collections from telecommunications service providers to support the Communications Equipment Fund but permits the commission to transfer amounts that may otherwise be available in the universal service fund to the Communications Equipment Fund, up to a total of \$122,500 in any year, if the Communications Equipment Fund fails to receive adequate funding from federal or other sources to carry out its purposes.

Public Law 2003, chapter 553 requires the Department of Labor, Bureau of Rehabilitation Services to apply for grants of federal homeland security funds administered by the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to support the purposes of the Communications Equipment Fund. It requires the Maine Emergency Management Agency to provide a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2005 detailing the amount of homeland security funding that has been provided to support the purposes of the Communications Equipment Fund and access to emergency alert and news services for persons with disabilities, including persons who are blind.

Utilities and Energy

Public Law 2003, chapter 553 repeals an obsolete provision relating to the provision of up to 50% of the cost of specialized customer telecommunications equipment under certain circumstances to an organization or municipality.

Finally, it establishes as the policy of the State the encouragement of a communications system that involves seamless, integrated, robust and redundant means of communication that enable rapid contact with first responders, ensure emergency alert notification to all affected persons in the State, including at-risk populations such as the hearing or visually impaired, and enhance homeland security.

PUBLIC 555 An Act To Facilitate the Development of Cost-effective Distributed LD 671
Electricity Generation in the State

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ ONTP MIN	S-399

Public Law 2003, chapter 555 requires standard-offer service providers that serve areas of this State within the New England independent system operator control area to purchase the output of generators with a capacity of 5 megawatts or less at a price that is financially neutral to the standard-offer service providers. The commission is directed to require standard-offer service providers that serve the northern region of the State to purchase the output of such generators if it finds that the market design in that region will accommodate such purchases.

PUBLIC 558 An Act To Amend the Laws Relating To Requirements for LD 1741
Competitive Electricity Providers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP-AM	H-718

Public Law 2003, chapter 558 replaces the requirement that a competitive electricity provider annually provide information disclosures to all consumers with a requirement that the provider annually provide the information to all residential and small commercial consumers. It also replaces the special statutory limitations on telemarketing by competitive electricity providers, which require the Public Utilities Commission to maintain a "do-not-call list," with a reference to the general federal and state "do-not-call" telemarketing limitations (this provision was drawn from LD 1740 to avoid a technical conflict).

PUBLIC 606 An Act To Create the Position of Director of Energy Programs at LD 1730
the Public Utilities Commission

Utilities and Energy

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM MAJ	H-761
HALL	ONTP MIN	

Public Law 2003, chapter 606 creates 3 positions within the Public Utilities Commission. The new positions, a director, an analyst and a secretary, are created to oversee and carry out activities related to energy efficiency activities. Funds for these positions are allocated from the Conservation Administration Fund.

PUBLIC 610 An Act To Enhance Pine Tree Development Zones LD 1692

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ	H-831 RINES
BLISS	OTP-AM MIN	S-446

Public Law 2003, chapter 610 changes the procedures relating to the designation and amendment of Pine Tree Development Zones and associated development plans by local units of government to provide that municipal officers may act on behalf of each local unit of government and that a local unit of government may arrange with a public or private organization to administer the local Pine Tree Development Zone activities and to act as the lead administrative entity.

It also adds provisions that authorize transmission and distribution utilities to offer discounted rates to qualified Pine Tree Development Zone businesses; authorize the Public Utilities Commission to take into account the overall benefits to ratepayers resulting from state efforts to promote economic development within Pine Tree Development Zones when approving discount rates, line extension terms and conditions or special conservation program benefits for qualified Pine Tree Development Zone businesses; and exempt sales of electricity to qualified Pine Tree Development Zone businesses from certain renewable portfolio requirements. These provisions are repealed on December 31, 2009.

PUBLIC 647 An Act Concerning Advertising of Business Names in Telephone Directories LD 1711

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	ONTP MAJ	H-737 CRESSEY
CLOUGH	OTP-AM MIN	H-827 BLISS S-398

Public Law 2003, chapter 647 prohibits businesses offering consumer goods for sale in this State (except a foreign corporation with gross annual revenues over \$100 million) from advertising or causing to be listed in a telephone directory a business name that is intentionally designed to misrepresent where the business is located or

Utilities and Energy

operating or falsely identifies the business as being located or operating in the area covered by the telephone directory. Each day that the number listed is not disabled constitutes a separate offense.

PUBLIC 665 An Act To Promote Economic Development in the State by LD 1929
Encouraging the Production of Electricity from Renewable and
Indigenous Resources

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUNDEEN KNEELAND	OTP-AM	H-886

Public Law 2003, chapter 665 accomplishes the following.

1. It directs the Public Utilities Commission to inform consumers in this State of the benefits of electricity generated in this State using renewable resources and authorizes the commission to create a brand or logo to identify such resources.
2. It directs the Public Utilities Commission to adopt major substantive rules establishing standards and procedures for incorporating renewable resources that are constructed after March 1, 2004 into standard-offer service. The rules must be submitted for legislative review by March 1, 2005.
3. It establishes legislative findings with regard to wind energy production in this State.
4. It directs the Public Utilities Commission to monitor markets and sale opportunities accessible to wind power installations in this State to determine whether such markets and opportunities are available for the sale of wind energy and authorizes the commission, in consultation with the Attorney General, to initiate regulatory and other legal action to protect access to markets by wind power facilities located in Maine.
5. It directs the Public Utilities Commission to conduct a study of the viable potential for wind power facilities in the State and to review what qualifies as renewable resources under Title 35-A, section 3210 to determine whether changes may be appropriate and to issue a report of its findings and recommendations by March 15, 2005.

PUBLIC 678 An Act Relating to the Establishment of a Central Maine Regional LD 1683
Public Safety Communication Center

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT MOODY	OTP-AM	S-454

Public Law 2003, chapter 678 establishes the Maine Communications System Policy Board within the Department of Public Safety. The purpose of the board is to establish policies, procedures and standards for the

Utilities and Energy

cooperative use of the department's communication systems by municipal, county and state governmental entities. The board is also directed to develop an implementation plan for the voluntary consolidation of the various governmental communication systems in Kennebec County with the department's communication systems and for the design of an appropriate communications unit within the department. The board is composed of representatives of the state and of local governments and emergency service providers who participate in the cooperative use of the department's communication systems, as well as representatives of employees, users of the system and the public. Public Law 2003, chapter 678 also directs the Commissioner of Public Safety, within existing resources, to appoint a department employee to supervise the department's communications systems and to carry out policy and procedures established by the board pending establishment of a communications unit within the department. Upon establishment of a communications unit in the department, the commissioner is directed, to the extent resources are available and with the approval of the board, to appoint a director to administer the unit, plan, direct and supervise the day-to-day operations of the unit and carry out the policies and procedures of the board. The director may be dismissed by the commissioner for cause with the approval of the board.

P & S 39 **An Act Concerning the Charter of the Dover and Foxcroft Water** **LD 1672**
EMERGENCY **District**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANNIS	OTP-AM	H-734

Private and Special Law 2003, chapter 39:

1. Generally makes the charter of the Dover and Foxcroft Water District conform with the standard water district model charter;
2. Preserves the following provisions of the current charter: provisions granting the district the franchise, property and rights of the Dover and Foxcroft Village Fire Company, which became the water district in 1903; provisions granting the district rights to sell for manufacturing purposes power on its dam at Pratt's rips; provisions granting the district rights to take water from Garland Pond and to regulate the dam on it; and provisions relating to the district's authorization to refinance some debt through the Maine Municipal Bond Bank;
3. Changes some provisions of the existing charter: removes the authority to create a pond by damming Meadow Brook; increases the number of trustees from 3 to 5; expands the territory of the district within the town to include the existing service territory, to accommodate a possible mill expansion, and to include an area for a proposed standpipe; and sets the district's debt limit at \$1,500,000 and allows the district to hold a referendum if it wishes to establish a higher debt limit; and
4. Authorizes the district to take water from Salmon Stream Pond. Since 1926, the district has been using water from that pond as its water source.

Private and Special Law 2003, chapter 39 is not subject to referendum approval, was enacted as an emergency, and took effect March 24, 2004.

Utilities and Energy

P & S 40 An Act To Amend the Charter of the South Berwick Water District LD 1874
EMERGENCY

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

Private and Special Law 2003, chapter 40 amends the charter of the South Berwick Water District by increasing the current debt limit of the district from \$4,000,000 to \$5,200,000. The change is not subject to referendum approval. Public and Special Law 2003, chapter 40 was enacted as an emergency and took effect April 6, 2004.

P & S 47 An Act To Create the Starboard Water District LD 1935
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY	OTP-AM MAJ	S-484
BUNKER	ONTP MIN	

Private and Special Law 2003, chapter 47 creates the Starboard Standard Water District, subject to local referendum approval.

Private and Special Law 2003, chapter 47 was enacted as an emergency and took effect April 22, 2004.

RESOLVE 119 Resolve, To Direct the Public Utilities Commission To Examine LD 1261
Certain Issues Relating to Energy Efficiency

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	S-424
BLISS	OTP-AM MIN	

Resolve 2003, chapter 119 directs the Public Utilities Commission to undertake an examination of the feasibility and possible design of a program that would provide incentives for residential and commercial consumers to purchase and install energy-efficient appliances or that would establish energy efficiency standards. The commission is directed to submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 30, 2005.

RESOLVE 127 Resolve, Regarding Legislative Review of Portions of Chapter 895: LD 1846

Utilities and Energy

EMERGENCY Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-776
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Resolve 2003, chapter 127 authorizes final adoption of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission, provided certain changes are made. The required changes will:

1. Clarify language regarding the facilities about which members of the Dig Safe System are required to provide location information to the Dig Safe System for mapping purposes, remove a requirement that members of the Dig Safe System provide such information in a particular format, and add a requirement that the information locate facilities with a certain degree of accuracy;
2. Add a provision specifying that telephone utilities are not required to provide to the Dig Safe System for mapping purposes the location of service drops from a main line to customer premises;
3. Add a provision requiring the Public Utilities Commission to grant a waiver from the mapping requirements for any water utility transmission mains that are downstream of a treatment plant or underground water source and permitting the Public Utilities Commission to require the utility to provide an alternative method of facility location specification;
4. Add a provision specifying that the mapping requirements do not take effect until May 1, 2005; and
5. Modify language governing the handling of facility information in the possession of the Dig Safe System to ensure the security of that information.

Resolve 2003, chapter 127 was enacted as an emergency and took effect April 9, 2004.