

Joint Standing Committee on Utilities and Energy

PUBLIC 534 **An Act Regarding Energy Efficiency Standards for Residential
Rental Properties**

LD 2074

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2005, chapter 534 does the following:

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

PUBLIC 556 **An Act Relating to Community Sanitary Districts**

LD 635

<u>Sponsor(s)</u> KOFFMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-908
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Public Law 2005, chapter 556 amends the Maine Sanitary District Enabling Act to authorize the creation of community sanitary districts to manage one or more subsurface wastewater collection, treatment and disposal systems to accommodate residential development. These districts are established in the same manner as sanitary districts, except that the Board of Environmental Protection must make certain findings before approving the creation of a community sanitary district. A community sanitary district has many of the powers and duties of a sanitary district, with certain modifications to achieve the limited purposes of a community sanitary district.

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

PUBLIC 569 **An Act To Encourage Energy Independence for Maine**

LD 1931

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<u>Sponsor(s)</u> BARTLETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-523
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Public Law 2005, chapter 569 does the following:

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

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

PUBLIC 582 **An Act To Protect the Privacy of Cellular Telephone Customers** **LD 2038**
EMERGENCY

<u>Sponsor(s)</u> BRAUTIGAM BARTLETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-892 H-956 BLISS
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Public Law 2005, chapter 582 prohibits a person without permission or lawful authorization from selling or disclosing customer proprietary network information relating to the wireless telephone service account of any wireless telephone customer or user in this State. It also prohibits a person without permission or lawful authorization from selling or disclosing any information loaded, installed or otherwise placed on a wireless telephone or transmitted from a wireless telephone by a wireless telephone customer. A person who violates any of these provisions is subject to civil penalties; a person who knowingly violates these provisions, commits a Class D crime.

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

PUBLIC 646 **An Act To Amend the Maine Wind Energy Act** **LD 1379**

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

Public Law 2005, chapter 646 does the following:

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

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PUBLIC 665 **An Act To Accelerate Private Investment in Maine's Wireless and
Broadband Infrastructure**

LD 2080

<u>Sponsor(s)</u> PINGREE BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1018
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Public Law 2005, chapter 665 does the following.

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

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10. It provides for repeal of all provisions relating to the authority and advisory council on January 31, 2009 and directs the authority to submit a year prior to that date a plan with implementing legislation for winding up its affairs. The Joint Standing Committee on Utilities and Energy may report out legislation to the 2nd Regular Session of the 123rd Legislature legislation providing for the winding up of the affairs of the authority or the repeal of the sunset.
11. It allows a reimbursement for taxes paid on the purchase of machinery and equipment to develop an advanced communications technology infrastructure in a qualifying zones designated by the authority. The total amount reimbursed in any fiscal year may not exceed \$500,000. This tax reimbursement provision is repealed January 31, 2009.

PUBLIC 677 An Act To Enhance Maine's Energy Independence and Security

LD 2041

<u>Sponsor(s)</u> FLETCHER BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1024 S-628 GAGNON
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Public Law 2005, chapter 677 does the following.

1. It provides for a one-year reduction in the sales and use tax on biofuels. It directs the State Controller to transfer \$20,000 from the General Fund unappropriated surplus to the Highway Fund unappropriated surplus no later than June 30, 2007 (to reimburse the Highway Fund for lost fuel tax revenue). It also directs the Department of the Secretary of State, Bureau of Motor Vehicles to convene a study group to consider the revenue impacts of a differential tax on biodiesel, the impacts on tax administration and compliance and alternatives to a differential tax including a refund process. The joint standing committee of the Legislature having jurisdiction over utilities matters is authorized to report out legislation on this matter to the First Regular Session of the 123rd Legislature.
2. It makes various changes to the Public Utilities Commission's authority to manage standard-offer service. It allows the commission to incorporate cost-effective demand-side measures into the supply of standard-offer service. It authorizes the commission to enter into various standard-offer service contract lengths and terms for residential and small commercial customers and directs the commission to report on its use of this authority by January 15, 2008. The joint standing committee of the Legislature having jurisdiction over utilities matters is authorized to report out legislation on this matter to the Second Regular Session of the 123rd Legislature. The amendment also directs the commission to consider developing one or more demand response programs for medium nonresidential customers.
3. It establishes state policies to increase new renewable capacity resources, reduce electric prices and volatility and mitigate the effects of regional or federal capacity resource mandates. It authorizes the Public Utilities Commission to direct large transmission and distribution utilities to enter into long-term contracts for capacity resources and, under certain circumstances, for related energy. The commission is authorized to enter into long-term contracts for interruptible, demand response or energy efficiency capacity resources. Only those capacity resources that are competitive and lowest priced, considering both the cost of the capacity and related energy when compared to other available offers, may be contracted under this provision. It directs the commission by major substantive rule to adopt a long-term electric resource adequacy plan to ensure grid reliability and the availability of electricity to consumers at the lowest price. The rules are required to be submitted for legislative review by March 1, 2008. It also adds to the

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Governor's powers when the Governor declares a state of emergency relating to an energy shortage by authorizing the Governor to take appropriate action to secure capacity resources.

4. It establishes a study group called the Maine Energy Council to undertake an examination of the feasibility and appropriate means of studying the impacts of electric industry restructuring in this State. The Council is also authorized to monitor and evaluate matters affecting electricity supply and costs to consumers in this State and to provide recommendations to the Governor, the Public Utilities Commission, other agencies and the Legislature on these matters. The Council must report its recommendations, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over utilities matters by January 15, 2007. The committee is authorized to report out legislation on these matters to the First Regular Session of the 123rd Legislature.

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

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-444
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Private and Special Law 2005, chapter 32 establishes the Athens Standard Water District, subject to approval by referendum vote of the voters within the territory of the district.

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

<u>Sponsor(s)</u> JACKSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-746
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Private and Special Law 2005, chapter 33 amends the charter of the St. Francis Water District to allow one member of the board of trustees to be a municipal officer of the Town of St. Francis. This trustee is required to abstain as a municipal officer from voting pursuant to Title 35-A, section 6410, subsection 7, on the compensation of trustees.

P & S 34 An Act To Amend the Charter of the Boothbay Harbor Sewer LD 1736
EMERGENCY District

<u>Sponsor(s)</u> BISHOP		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-745
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Private and Special Law 2005, chapter 34 extends the territory of the Boothbay Harbor Sewer District to include all of the territory of the Town of Boothbay. The bill also increases the debt limit of the Boothbay Harbor Sewer District from \$5,500,000 to \$8,500,000. This law was enacted with a mandate preamble exempting the state from reimbursing the district for any costs it incurs as a result of the law.

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

P & S 40 An Act To Allow the Buckfield Village Corporation To Be LD 1708

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EMERGENCY Dissolved and Combined with the Town of Buckfield

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

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

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

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

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

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

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

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

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

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

P & S 46 An Act To Amend the Charter of the Kennebunk Light and Power LD 2019 EMERGENCY District

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BABBIDGE SULLIVAN	OTP-AM	H-835

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

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

P & S 49 **An Act To Establish the Island Falls Water District** **LD 2078**

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

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

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

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

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

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

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

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

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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-601

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

**P & S 63
EMERGENCY**

An Act To Amend the Charter of the Starboard Water District

LD 2117

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

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

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

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

LD 637

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

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

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

LD 2088

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

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

