

MAINE STATE LEGISLATURE

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L.D. 2041

DATE: 4-26-06

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STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1439, L.D. 2041, Bill, "An Act To Enhance Maine's Energy Independence and Security"

Amend the amendment by striking out all of Part D and inserting in its place the following:

PART D

Sec. D-1. Maine Energy Council.

1. **Council established.** The Maine Energy Council, referred to in this section as "the council," is established to evaluate matters affecting electricity supply and costs to consumers in this State and to provide recommendations to the Governor, the Public Utilities Commission, other appropriate state agencies and the Legislature regarding these matters.

2. **Membership.** The council consists of 17 members. Appointing authorities shall seek to ensure representation of all areas of the State. Members are appointed as follows:

A. Two members of the Senate, appointed by the President of the Senate, one of whom must be a member of the political party holding the largest number of seats in the Senate and one of whom must be a member of the political party holding the 2nd-largest number of seats in the Senate;

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2 B. Two members of the House of Representatives, appointed
by the Speaker of the House of Representatives, one of whom
4 must be a member of the political party holding the largest
number of seats in the House and one of whom must be a
6 member of the political party holding the 2nd-largest number
of seats in the House;

8 C. The chair of the Public Utilities Commission or the
chair's designee;

10 D. The Public Advocate or the Public Advocate's designee;

12 E. The Commissioner of Environmental Protection or the
14 commissioner's designee;

16 F. One member representing the Governor's office, appointed
by the Governor; and

18 G. Nine persons appointed by the Governor, including:

20 (1) One member from the University of Maine System who
22 has expertise in energy issues;

24 (2) One member representing electricity generators
with a capacity in excess of 100 megawatts;

26 (3) One member representing electricity generators
28 that rely on renewable energy resources;

30 (4) One member representing competitive electricity
providers;

32 (5) One member representing residential users of
34 electricity;

36 (6) One member representing large industrial users of
electricity;

38 (7) One member representing small commercial users of
40 electricity;

42 (8) One member representing investor-owned transmission
and distribution utilities; and

44 (9) One member representing consumer-owned transmission
46 and distribution utilities.

48 The Governor shall request a list of names from organizations or
50 entities identified in paragraph G from which to make
appointments.

2 **3. Chairs.** The first-named Senate member and the
first-named House member serve as cochairs of the council.

4
6 **4. Appointments; convening of council.** All appointments
must be made no later than 30 days following the effective date
of this Act. The appointing authorities shall notify the
8 Executive Director of the Legislative Council once all
appointments have been completed. Within 15 days after
10 appointment of all members, the chairs shall call and convene the
first meeting of the council.

12
14 **5. Compensation.** The legislative members of the council
are entitled to receive the legislative per diem, as defined in
the Maine Revised Statutes, Title 3, section 2, and reimbursement
16 for travel and other necessary expenses related to their
attendance at authorized meetings of the council. Public members
18 not otherwise compensated by their employers or other entities
that they represent are entitled to receive reimbursement of
20 necessary expenses and, upon a demonstration of financial
hardship, a per diem equal to the legislative per diem for their
22 attendance at authorized meetings of the council.

24 **6. Staffing.** The staff of the Public Utilities Commission
shall, within existing resources, provide assistance to the
26 council in carrying out its functions and duties.

28 **7. Duties.** The council shall:

30 A. Advise the Governor, the Public Utilities Commission,
other appropriate state agencies and the Legislature on
32 matters affecting electricity supply and costs to consumers
in this State;

34 B. As resources permit, undertake studies, develop findings
and make recommendations to the Governor and to the joint
36 standing committee of the Legislature having jurisdiction
over utilities matters on issues affecting electricity
38 supply or costs to consumers in this State; and

40 C. Undertake an examination of the feasibility and
appropriate means of studying the impacts of electric
42 industry restructuring in this State.

44 **8. Authority.** As resources permit, the council may:

46 A. Conduct public hearings, conferences, workshops and other
48 meetings to obtain information about and discuss and
publicize the needs of and solutions to issues facing
50 electricity consumers in this State; and

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2 B. At the request of the joint standing committee of the
Legislature having jurisdiction over utilities matters,
4 examine specific issues affecting electricity consumers in
this State.

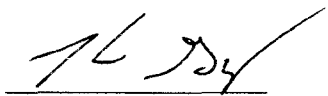
6 **9. Report.** No later than January 15, 2007, the council
shall submit a report that includes its findings and
8 recommendations, including suggested legislation, for
presentation to the joint standing committee of the Legislature
10 having jurisdiction over utilities matters and the Legislative
Council. The council is not authorized to introduce
12 legislation. Following receipt and review of the report, the
joint standing committee of the Legislature having jurisdiction
14 over utilities matters may report out a bill to the First Regular
Session of the 123rd Legislature.

16 **10. Extension.** If the council requires a limited extension
of time to complete its study and make its report, it may apply
18 to the Legislative Council, which may grant an extension.

20 **11. Council budget.** The chairs of the council, with
22 assistance from the council staff, shall administer the council's
budget. Within 10 days after its first meeting, the council
24 shall present a work plan and proposed budget to the Legislative
Council for its approval. The council may not incur expenses
26 that would result in the council's exceeding its approved
budget. Upon request from the council, the Executive Director of
28 the Legislative Council shall promptly provide the council chairs
and staff with a status report on the council budget,
30 expenditures incurred and paid and available funds.'

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34 **SUMMARY**

36 This amendment amends Committee Amendment "A" to establish
the Maine Energy Council as a one-year study council.

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44 SPONSORED BY: 
(Senator GAGNON)

46 COUNTY: Kennebec

48 FISCAL NOTE REQUIRED
(See attached)



Approved: 04/25/06 *MAC*

122nd MAINE LEGISLATURE

LD 2041

LR 3152(04)

An Act to Enhance Maine's Energy Independence and Security

Fiscal Note for Senate Amendment "A" to Committee Amendment "A"

Sponsor: Sen. Gagnon

Fiscal Note Required: Yes

Fiscal Note

Limits study to one year

Legislative Study

This amendment eliminates any future ongoing legislative costs by changing this from an ongoing Title 5 Commission to a one year study. The projected General Fund cost for four legislators to serve one year as members of the Maine Energy Council is \$1,680 in fiscal year 2006-07 and will be funded within the Legislature's current study budget.