

MAINE STATE LEGISLATURE

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SMG
R. of S.

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L.D. 640

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Date: 5/9/19

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STATE OF MAINE

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SENATE

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129TH LEGISLATURE

7

FIRST REGULAR SESSION

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 202,
9 L.D. 640, "Resolve, To Require a Study of Greenhouse Gas Emissions Reductions from
10 the Proposed Central Maine Power Company Transmission Corridor"

11

Amend the amendment in section 1 in the 6th to 8th lines (page 1, lines 19 to 21 in
12 amendment) by striking out the following: "total greenhouse gas emissions across all
13 jurisdictions interconnected with electricity generation and distribution systems operated
14 by the Hydro-Quebec company" and inserting the following: 'Maine and other New
15 England states, New York, Ontario and New Brunswick greenhouse gas emissions'

16

Amend the amendment in section 1 by striking out all of subsections 1 and 2 (page 1,
17 lines 30 to 38 and page 2, lines 1 to 17 in amendment) and inserting the following:

18

'1. Except as provided in subsection 3, the department shall enter into an agreement
19 with an independent, nongovernmental organization with expertise in energy and
20 environmental policy and analysis, referred to in this section as "the consultant," to
21 conduct the study described in this section. The consultant shall submit to the department
22 a final report regarding its findings no later than July 31, 2019. The selection of the
23 consultant and the agreement to produce the study as required by this section are not
24 subject to the competitive bid requirements of the Maine Revised Statutes, Title 5,
25 chapter 155. The agreement must specify that, as necessary, the consultant is required to
26 enter into agreements, subject to approval of the department, with other entities to
27 conduct modeling or other analyses required for the study. The agreement must also
28 require the consultant, with input from any entities that have been secured by the
29 consultant to assist with modeling and analyses and with the approval of the department,
30 to develop a scope of work and modeling assumptions to guide the study and to submit
31 that scope of work and those modeling assumptions to the department to be submitted to
32 the Joint Standing Committee on Environment and Natural Resources and to be posted on
33 the department's publicly accessible website for a period of no less than 10 days. Within
34 that period of time, a person may submit to the department written comments regarding
35 the scope of work and modeling assumptions. The department shall submit all comments
36 received to the consultant and consider the comments in determining whether or not to
37 approve the scope of work.

38

2. Except as otherwise provided in this subsection, the department may accept funds
39 from any source, public or private, to fund the costs of the study and report described in

SENATE AMENDMENT

1 subsection 1, including, but not limited to, costs of the consultant in entering into
2 agreements with other entities to conduct modeling or other analyses required for the
3 study, and may only fund the costs of the study and report using outside funding received
4 under this subsection. The department may use the outside funding for administrative
5 costs associated with the study, including, but not limited to, costs associated with staff
6 time expended on the study. The department may not accept funds that create an
7 apparent or an actual conflict of interest or that otherwise violate the law. The
8 department must deposit all funds received for these purposes into the Maine
9 Environmental Protection Fund established in the Maine Revised Statutes, Title 38,
10 section 351, and those funds must be segregated from other funds in that account and may
11 be used only for these purposes.'

12 Amend the amendment in section 1 by inserting after subsection 4 the following:

13 '5. In the department's review of the consultant's proposed scope of work and
14 modeling assumptions under subsection 1 and in its review of the completed study report,
15 the department shall consult with the Public Utilities Commission staff on factors that are
16 within the commission's jurisdiction, such as load growth, fuel costs, variation in dispatch
17 of electricity among electricity markets, electricity transmission constraints, addition and
18 retirement of electric generation facilities and technology development.

19 6. The department may not consider the study or the results of the study described in
20 subsection 1 in the department's decisions on applications for permits from the NECEC
21 project under the laws governing site location of development or the Natural Resources
22 Protection Act.'

23 SUMMARY

24 This amendment, which amends Committee Amendment "A," adds a requirement
25 that the Department of Environmental Protection review and approve entities the selected
26 consultants seek to engage for assistance with the study and adds a requirement that the
27 department review and approve the consultant's proposed scope of work and modeling
28 assumptions.

29 The amendment also prohibits the department from accepting funding for the study
30 that creates an apparent or actual conflict of interest.

31 The amendment narrows the geographic scope of the study to Maine and other New
32 England states, New York, Ontario and New Brunswick. It specifies that the department
33 may not consider the study or the results of the study in the department's decisions on
34 applications for permits from the New England Clean Energy Connect project under the
35 laws governing site location of development or the Natural Resources Protection Act.

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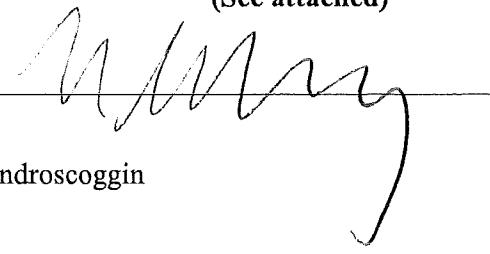
SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 202, L.D. 640 (S-91)

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Finally, the amendment requires the department to consult with the Public Utilities Commission staff on issues that are typically within the jurisdiction of the commission and not the department.

FISCAL NOTE REQUIRED

(See attached)

SPONSORED BY: 
(Senator LIBBY)
COUNTY: Androscoggin



129th MAINE LEGISLATURE

LD 640

LR 2042(04)

**Resolve, To Require a Study of Greenhouse Gas Emissions Reductions from the Proposed Central
Maine Power Company Transmission Corridor**

Fiscal Note for Senate Amendment "1" to Committee Amendment "A" (S-91)

Sponsor: Sen. Libby of Androscoggin

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Department of Environmental Protection (DEP) to review and approve various aspects of the proposed study are anticipated to be minor and can be absorbed within existing budgeted resources. Any additional costs to the PUC from the amendment's requirement that the DEP consult with the commission on certain matters are anticipated to be minor and can be absorbed within existing budgeted resources. Whether the amendment's provision that prohibits the DEP from accepting funds from certain entities interested in the study will reduce the amount of funding available for the study cannot be determined at this time.