

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES  
AND TECHNOLOGY**

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

***Joint Standing Committee on Energy, Utilities and Technology***

This bill contains legislative findings regarding the failure of Stored Solar, LLC to achieve in-state economic benefits and to continually operate its biomass resource facilities at least at 50% capacity except for planned and forced outages as required by law and contract.

This bill prohibits the Public Utilities Commission from providing any funds from the cost recovery fund to pay the above-market costs for energy supplied from the biomass resources of Stored Solar, LLC pursuant to a contract entered into between Central Maine Power Company and Stored Solar, LLC. It requires the commission to distribute funds from the cost recovery fund that are designated for Stored Solar, LLC to contractors that have not received payment for services provided to Stored Solar, LLC to run its biomass resource facilities in Jonesboro and West Enfield. It requires the commission to direct a transmission and distribution utility to enter into a contract for no more than 40 megawatts of biomass resources with a biomass facility that serves the ISO-NE region and that was the next-highest conforming bid after Stored Solar, LLC in a competitive solicitation issued by the Public Utilities Commission on June 17, 2016. It requires the above-market costs of the contract to be paid from any funds remaining in the cost recovery fund after payments are made to contractors and subject to meeting contract terms.

This bill requires the Public Utilities Commission to request that the Attorney General investigate Stored Solar, LLC and institute any proceedings against Stored Solar, LLC to recover from Stored Solar, LLC an amount equal to the amount of those funds distributed to contractors by the commission pursuant to this legislation. It specifies that any money recovered by the Attorney General must be transferred to the Maine Budget Stabilization Fund established under the Maine Revised Statutes, Title 5, section 1532.

**Committee Amendment "A" (S-464)**

This amendment is the majority report and it replaces the bill. It adds an emergency preamble and emergency clause. It specifies that, if the Public Utilities Commission finds that an entity awarded a contract for biomass resources pursuant to Public Law 2015, chapter 483 is not meeting contract requirements and therefore is not qualified to receive the full contract payment or any contract payment, those funds that would have been paid had contract requirements been met must be transferred to the wood energy fund. It also specifies that any funds remaining in the cost recovery fund established in Public Law 2015, chapter 483, section 1, subsection 5 that are not needed to pay above-market costs for biomass resources must also be transferred by the Public Utilities Commission to the wood energy fund.

It establishes the wood energy fund and creates the Wood Energy Program within the Efficiency Maine Trust. It requires the trust to use funds, if there are any, to provide incentives and low-interest or no-interest loans for new wood-derived thermal energy or cogeneration projects. It requires that the trust consult with the Finance Authority of Maine, when appropriate, in the development of any Wood Energy Program incentives and the distribution of money from the wood energy fund. It prohibits the use of funds for incentives or loans for the refurbishment or maintenance of existing facilities.

The amendment also adds an appropriations and allocations section.

**LD 1746**

**An Act To Ensure That Low-income Residents of the State Have Access to Telephone Services**

**PUBLIC 422**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D BERRY S	OTP-AM	S-390 S-524 HAMPER J

This bill was reported out during the Second Regular Session and carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

This bill clarifies that telephone services available to income-eligible Maine consumers that are supported by

***Joint Standing Committee on Energy, Utilities and Technology***

federal universal service support funds are not subject to the state service provider tax and that federal support for such services is not subject to fees assessed under the state universal service fund, the state telecommunications education access fund and the statewide E-9-1-1 surcharge.

**Committee Amendment "A" (S-390)**

This amendment amends the sales and use tax laws to specify that federal universal service support funds paid directly to the seller are not included in the definition of "sale price." It removes language regarding rulemaking by the Public Utilities Commission, and it clarifies language regarding adjusting the prepaid wireless telecommunications service fee.

**Senate Amendment "A" (S-524)**

This amendment adds an effective date of January 1, 2019 to the bill.

**Enacted Law Summary**

Public Law 2017, chapter 422 clarifies that telephone services available to income-eligible Maine consumers that are supported by federal universal service support funds are not subject to the state service provider tax, that federal universal service support funds paid directly to the seller are not included in the definition of "sale price," and that federal support for such services is not subject to fees assessed under the state universal service fund, the state telecommunications education access fund and the statewide E-9-1-1 surcharge.

It provides that notwithstanding the prohibitions under the Maine Revised Statutes, Title 35-A, section 7104, subsection 3-A and Title 35-A, section 7104-B, subsection 2-A on the Public Utilities Commission's adjusting the prepaid wireless telecommunications service fee more than once every 24 months, the Public Utilities Commission may adjust the prepaid wireless telecommunications service fee if needed to conform to this law.

This law takes effect January 1, 2019.

**LD 1785 An Act To Amend the Greater Augusta Utility District Charter**

**Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C KATZ R		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to make technical changes to the charter of the Greater Augusta Utility District to accommodate the district's growth and change in services and to change its voting membership.

**LD 1798 Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority**

**RESOLVE 44 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-633

This resolve provides for legislative review of portions of Chapter 101: ConnectME Authority, a major substantive rule of the ConnectME Authority.