

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-862)
109TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT"^A" to H.P. 1764, L.D. 1896, Bill,
"AN ACT to Expand the Kinds of Projects Eligible for Financing
under the Maine Guarantee Authority Revenue Obligations Securities Act."

Amend the bill in section 1, in that part designated
"§862." subsection 1, by striking out in paragraph F the
k ——— underlined word "private"

Further amend the bill in section 2 by striking out in
the 6th line (same in LD) the —————→ underlined word
"private"

Further amend the bill in section 3 by striking out in
the 5th line (same in LD) the ←———— underlined word
"private"

Further amend the bill by striking out all of section 4
and inserting in its place the following:

'Sec. 4.10 MRSA §863, sub-§§ 2-A and 2-B are enacted to
read:

2-A. Energy generating system project. "Energy generating
system project" means:

A. For a system which does not generate electricity, an
energy generating system owned, in whole or in part, by a
municipality, corporation or firm, and which system uses
biomass, peat, solar, waste, water and related dams, wind,

wood or coal, or which is an energy conservation project including a transportation project consistent with the United States Internal Revenue Service guidelines;
or

B. For a system which does generate electricity, an energy generating system which uses biomass, peat, solar, waste, water and related dams, wind, wood or coal, and which is owned, in whole or in part, by a public utility or a municipality, corporation or firm which qualifies as a cogenerator or small power producer under Title 35, chapter 172.

2-B. Energy distribution system project. "Energy distribution system project" means an energy distribution system owned, in whole or in part, by a municipality, corporation or firm and which uses biomass, peat, solar, waste, water and related dams, wind, wood, coal or natural gas.'

Further amend the bill in section 5 by striking out everything after the amending clause and inserting in its place the following:

'4. Industrial-commercial project. "Industrial-commercial project" means any building, structure, dam, machinery, equipment or facilities, including-transportation, communication, fishing or agricultural equipment or facilities, which may be deemed necessary for manufacturing, processing, assembling, storing, distributing, retailing or receiving raw materials or manufactured products, including hydroelectric facilities for the

production of electricity; and those for transportation, communication, fishing, agriculture or, research or for public accommodation and facilities related thereto, including, but not limited to, lodging, dining or conventions, together with all lands, property, rights, rights-of-way, franchises, easements, and interests in lands which may be acquired by the authority or a user for the construction or operation of such project.'

Further amend the bill in section 6 by striking out in the 6th line (5th line in LD) the ~~←~~underlined word "private"

Further amend the bill by inserting after section 6 the following:

'Sec. 7 10 MRSA §863, sub-§6, as enacted by PL 1977, c. 489, §12, is amended by adding at the end the following new paragraph:

Any municipality, firm or corporation producing electricity by means of any such project may, without the approval of and regulation by the Public Utilities Commission, generate and distribute electricity solely for its own use or the use of its tenants, but may not sell electricity to other than an electric public utility corporation or cooperative authorized to make, generate, sell and distribute electricity.

Sec. 8. 10 MRSA §864, sub-§2-A is enacted to read:

2-A. Other requirements. In the case of an energy generating system, an energy distribution system or an industrial-

includes
commercial project which / hydroelectric facilities which
may be deemed necessary for the production of electricity,
no project may be approved unless it complies with the require-
ments of this subsection. First, the Public Utilities Commis-
sion shall certify to the authority that all licenses required
from that commission have been issued or none are required.
Second, when the authority has received a proposed project for
consideration, it shall so notify and send a copy of the pro-
ject proposal to the Director of the Office of Energy Resources.
Not later than 30 days after receipt of the notice and proposal,
the director shall send his comments on the project to the au-
thority. The authority shall take the comments into considera-
tion in its consideration of the project. No director, agent
or employee of the Office of Energy Resources may divulge or
disclose any information obtained from the authority concerning
the name of any applicant, lessee, ~~or tenant or informa-~~
tion supplied by any applicant, lessee, tenant, mortgagee, financial
institution, municipality or local development corporation in
relation to any project proposal.'

Further amend the bill in section 7 by striking out
in the 7th line (5th line in LD) the underlined
word "private"

Further amend the bill by renumbering section 7 to be
section 9.

Statement of Fact

This amendment makes the following changes to the bill.

1. New authority in the bill for "multi-level private parking facilities" is changed to "multi-level parking facilities." (Sections 1, 6 and 7 of the bill.)

2. The definitions of "energy generating" and "energy distribution" system projects are changed to include projects which use nuclear fuel sources and oil. In addition, the definition of "energy generating system" is broadened to include:

- a For systems that do not generate electricity, dams and energy conservation systems, including certain public transportation projects; and
- b Electricity generating systems, as defined in the Small Power Production Facilities and Cogeneration Facilities Act. (Section 4 of the bill.)

3. The definition of "industrial-commercial project" currently in the statutes is clarified to include dams and hydro-electric facilities, consistent with the public utility laws. (Section 5 of the bill.)

4. In the case of energy generating and energy distribution projects and industrial-commercial projects which include hydroelectric facilities, the Public Utilities Commission is required to certify to the authority that all licenses required from the Public Utilities Commission have been issued. In addition, the Office of Energy Resources

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is given an opportunity to send comments to the authority
on these projects. (New Section 7 of the bill.)

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