

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
New Draft of: H. P. 865, L. D. 1026  
FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1632**

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H. P. 1513

House of Representatives, May 20, 1981

Reported by The Majority from the Committee on Public Utilities. Printed  
under Joint Rules No. 2.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Authorize the Public Utilities Commission to Purchase Electric  
Energy for Resale on a Nonprofit Basis to Electric Utilities Serving this State.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become  
effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the State currently has no ability to negotiate for the purchase of  
electric energy from Canada; and

Whereas, such ability will greatly enhance the security of supply of electricity  
to the people of Maine and may, in some instances, result in lower electricity  
prices; and

Whereas, Canadian authorities have recently made clear their willingness to  
negotiate with the State of Maine for the sale of electric energy; and

Whereas, that opportunity could be lost by undue delay; and

Whereas, in the judgment of the Legislature, these facts create an emergency  
within the meaning of the Constitution of Maine and require the following  
legislation as immediately necessary for the preservation of the public peace,  
health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

**35 MRS § 2328** is enacted to read:

**§ 2328. Purchase and resale of electric energy or capacity by Public Utilities Commission**

The Public Utilities Commission, when authorized by the Governor, shall represent the State in negotiating, contracting for and purchasing electric energy generated outside of the State, and in reselling the purchased energy to electric companies serving this State, as defined in chapter 1, when the commission determines that the purchases and resales will serve the energy needs of the State in a manner consistent with the public interest. As used in this section, the term electrical energy shall include capacity. All resales of electric energy under this section shall be on a nonprofit basis without preference or discrimination, and may include, subject to the approval of the Governor, costs incurred by the commission in its negotiating, contracting and purchasing activities under this section. In the case where no purchase-sale agreement is made, the Governor shall be responsible for proposing a method of paying the costs he has approved in conjunction with the negotiations. The commission may resell purchased energy or capacity under this section to electric utilities operating outside of the State if the resale is reasonably incidental to the resale of power within the State. In addition, the commission may contract for the transmission of energy purchased under this section to the place of resale, and shall have all implied and incidental powers which are reasonably necessary and proper to enable it to carry out the purpose of this section. No electric company may refuse to transmit energy purchased under this section via its facilities at reasonable rates if it has capability to transmit the energy.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

**STATEMENT OF FACT**

This new draft restricts the bill to purchases from outside the State and allows capacity as well as energy purchases. It also provides for recovery of any costs which may be incurred by the commission. The new draft would only authorize the Public Utilities Commission to act as agent for the State in facilitating the sale of energy to utilities who want to buy it.