

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 1861, L.D. 1855)  
(New Title)  
SECOND REGULAR SESSION

5  
6

ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 2120**

9

H. P. 2273 House of Representatives, March 31, 1982  
Reported by Representative Weymouth from the Committee on  
Public Utilities and printed under Joint Rules No. 2.

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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-TWO

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**AN ACT to Provide for Improved Energy  
Policy Development and Electricity  
Demand Forecasts.**

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

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**Sec. 1. 5 MRSA §5004, sub-§3, ¶C, as repealed and replaced by PL 1975, c. 587, §1, is amended to read:**

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**C.** Be assisted by the New England Power Pool and by departments, agencies, authorities, boards, commissions and other instrumentalities of State Government in the gathering of information, reports and data which relate to state planning and development in the area of energy resources;

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**Sec. 2. 5 MRSA §5004, sub-§3, ¶I, as repealed and replaced by PL 1975, c. 587, §1, is amended to read:**

1 l. Be responsible for the formulation of a comprehensive  
2 biennial state energy resources plan and a state  
3 energy policy. ;

4 **Sec. 3. 5 MRSA §5004, sub-§4, last sentence,** as  
5 repealed and replaced by PL 1975, c. 587, §1, is amended to  
6 read:

7 The annual report shall include, but is not limited to, the  
8 following: The programs developed and implemented by the  
9 Office of Energy Resources, the stage of development of the  
10 programs, the stage of implementation of the state energy  
11 resources plan and the direction of programs planned for the  
12 ensuing year.

13 **Sec. 4. 5 MRSA §5005, sub-§1, ¶A,** as repealed and  
14 replaced by PL 1979, c. 388, §1, is repealed and the follow-  
15 ing enacted in its place:

16 A. Prepare an energy resources plan to be submitted to  
17 the Governor and the Legislature by September 15, 1983,  
18 and every 2 years thereafter.

19 (1) The plan shall include:

20 (a) A description of historical energy  
21 demand by end use sector and energy resources  
22 used to meet that demand;

23 (b) A forecast of energy demand by end use  
24 sector for the next 5, 10 and 20 years,  
25 including an electricity demand forecast and  
26 the unit cost of the resources that may be  
27 utilized to meet that demand. A description  
28 of the assumptions upon which the forecasts  
29 are based and the probability of error shall  
30 also be provided. This forecast shall  
31 include the electric and gas forecast from  
32 paragraph B;

33 (c) A description and quantification of  
34 potentially available energy resources for  
35 use in the State;

36 (d) A report on the progress of implementing  
37 the last energy resources plan; and

38 (e) Recommendations for energy policy,  
39 including specific recommendations for state  
40 action necessary to implement this

1                    policy. The recommendations shall include  
2                    proposals concerning the types and quantity  
3                    of resources that will meet the future energy  
4                    demand in the most desirable and feasible  
5                    manner. Preference shall be given to conser-  
6                    vation and renewable resources where they are  
7                    technically and economically feasible.

8                    (2) To the extent possible, the Office of Energy  
9                    Resources shall use existing data sources. When  
10                   more accurate or additional information is neces-  
11                   sary, the director may collect data from energy  
12                   producers and suppliers in the State.

13                   (3) The director shall hold a public hearing on  
14                   the report prior to submission to the Governor and  
15                   the Legislature.

16                   (4) The director shall assist the Governor in the  
17                   preparation of a state energy policy.

18                   Sec. 5. 5 MRSA §5005, sub-§1, ¶B, as repealed and  
19                   replaced by PL 1975, c. 587, §2, is repealed and the follow-  
20                   ing enacted in its place:

21                   B. Prepare a biennial electric and gas energy forecast  
22                   for use in preparing the biennial energy resources  
23                   plan. That forecast shall be prepared as follows.

24                   (1) Each electric company serving more than  
25                   20,000 customers within the State or gas company  
26                   serving within the State shall file with the  
27                   Office of Energy Resources a long-range forecast  
28                   of demand for the utility's service 5, 10 and 20  
29                   years ahead. A forecast prepared to meet this re-  
30                   quirement may also be filed by the utility in any  
31                   proceeding before the Public Utilities Commission.

32                   (2) The director shall prepare a draft forecast  
33                   based on the information received under  
34                   subparagraph (1) and any other information avail-  
35                   able to him, and hold a public hearing to receive  
36                   comments on the draft. The draft report shall  
37                   contain:

38                   (a) Projection of the demand for electrical  
39                   energy and natural gas in the State for the  
40                   succeeding 5-year, 10-year and 20-year  
41                   periods;

1                   (b) Identification of supplies and capacity  
2                   for meeting the electric and gas needs  
3                   including planned increases in supply and  
4                   capacity intended to meet that demand and  
5                   other options for meeting the electric and  
6                   gas needs, such as conservation or other sup-  
7                   plies; and

8                   (c) Such other information as the director  
9                   deems appropriate.

10                   (3) Within 60 days of the public hearing de-  
11                   scribed in subparagraph (2), the director shall  
12                   publish a final forecast. That forecast shall be  
13                   included in the biennial energy resources plan.

14                   (4) The director shall submit a copy of the elec-  
15                   tric and gas energy forecast to the Public Utili-  
16                   ties Commission. The commission may consider the  
17                   forecast in all relevant proceedings;

18                   **Sec. 6. 5 MRSA §5005, sub-§1, ¶B-1 is enacted to read:**

19                   B-1. Nothing in this section may prohibit the director  
20                   from preparing additional reports and forecasts in  
21                   order to carry out the responsibilities of the office;

22                   **Sec. 7. 5 MRSA §5005, sub-§1, ¶D-1, as enacted by PL**  
23                   **1979, c. 388, §3, is repealed.**

24                   **Sec. 8. 5 MRSA §5006, sub-§2 is enacted to read:**

25                   2. Expenditures requiring approval. For all programs  
26                   involving expenditures of \$10,000 or more, the director  
27                   shall recommend those expenditures to the Governor. If the  
28                   Governor approves, he shall recommend those expenditures to  
29                   the Legislature under the procedure authorizing the transfer  
30                   of funds set forth in section 1585, subsection 3.

31                   **STATEMENT OF FACT**

32                   This new draft combines the best features of Legis-  
33                   lative Documents 1855 and 1896. It simplifies the reporting  
34                   requirements of the Office of Energy Resources under Title 5  
35                   and introduces a systematic method of developing a state  
36                   energy resources plan with public review.

37                   The plan will include an energy demand forecast which  
38                   will be made available to the Public Utilities Commission,

1 which may consider it in all relevant proceedings, either  
2 through introduction to the record by the staff or any other  
3 party.

4 The energy resources plan would be prepared biennially  
5 by the Office of Energy Resources, and would include his-  
6 torical data, future projections, a description of resources  
7 to meet the energy needs and recommendations for energy  
8 policy. Although a formal energy report would no longer be  
9 required by statute in the even years, this Act is not  
10 intended to prevent the Office of Energy Resources from pre-  
11 paring additional reports as necessary to carry out the gen-  
12 eral duties of the office, including informational duties  
13 under Title 5, chapter 338.

14 The new draft retains the provisions of the original  
15 bill which delete the Office of Energy Resources responsi-  
16 bility for monitoring home oil deliveries and which require  
17 that expenditures from the Maine Energy Resources Develop-  
18 ment Fund in excess of \$10,000 must be approved by the Gov-  
19 ernor and the Legislature. Currently, the Director of the  
20 Office of Energy Resources is only required to report to the  
21 Legislature annually in regard to expenditures from this  
22 fund.

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