

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1998

---

Legislative Document

No. 2043

---

H.P. 1452

House of Representatives, January 15, 1998

**An Act to Preserve Certain Electric Utility Billing Arrangements until  
Competition is Implemented.**

(EMERGENCY)

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule  
203.

Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LaVERDIERE of Wilton.

Cosponsored by Representatives: SPEAR of Nobleboro, CHARTRAND of Rockland, JONES  
of Bar Harbor, O'NEAL of Limestone, TAYLOR of Cumberland, Senator: CLEVELAND of  
Androscoggin.

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

4           Whereas, the effect of recent changes in law creates  
6 problems that need to be addressed immediately; and

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

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

16           **Sec. 1. PL 1997, c. 316, §9** is amended to read:

18           **Sec. 9. New contracts.** Notwithstanding the Maine Revised  
Statutes, Title 35-A, chapter 33, except as provided in this  
20 section, an electric utility or transmission and distribution  
utility may not be required pursuant to Title 35-A, chapter 33 to  
22 enter into a contract to purchase power from a qualifying  
facility after the effective date of this Act. ~~Nothing in this~~  
24 ~~section abrogates existing law or rules that provide qualifying~~  
~~facilities with the right to sell energy to an electric utility~~  
26 ~~prior to March 1, 2000 on an as-available basis at the utility's~~  
~~short-term-only rate or to sell capacity and energy to an~~  
28 ~~electric utility at any time before or after March 1, 2000 on a~~  
~~basis voluntarily and mutually agreed to by the qualifying~~  
30 ~~facility and the electric utility.~~ Nothing in this section  
abrogates the following privileges, rights and duties.

32           1. Net billing. Prior to March 1, 2000, in accordance with  
34 law or rules in effect on January 1, 1997, an electric utility  
shall, at the request of a qualifying facility with installed  
36 capacity of 100 kilowatts or less, purchase power from the  
qualifying facility under a net billing arrangement.

38           2. Short-term-only rates. Prior to March 1, 2000, in  
40 accordance with law or rules in effect on January 1, 1997, an  
electric utility shall, at the request of a qualifying facility,  
42 purchase energy from a qualifying facility on an as-available  
basis at the utility's short-term-only rate.

44           3. Voluntary agreements. At any time before or after March  
46 1, 2000, a qualifying facility may sell capacity and energy to an  
electric utility on a basis voluntarily and mutually agreed to by  
48 the qualifying facility and the electric utility.

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

2

## SUMMARY

4

6 This bill rewrites one provision of the law enacted during  
the First Regular Session of the 118th Legislature known as the  
"electric industry restructuring" law. The provision had the  
8 apparent effect of abrogating a net billing requirement  
applicable to electric utility arrangements with very small  
10 qualifying facilities. The requirement appears in Public  
Utilities Commission rules that implement the Maine Revised  
12 Statutes, Title 35-A, chapter 33. This bill reinstates the right  
of small qualifying facilities to sell power to electric  
14 utilities under net billing arrangements. The requirement is  
reinstated only until the advent of retail competition, which  
16 will occur on March 1, 2000.