

# MAINE STATE LEGISLATURE

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M  
R. O. S.

L.D. 270

DATE: 4-15-99

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UTILITIES AND ENERGY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 192, L.D. 270, Bill, "An Act to Create the Washington County Electricity Agency"

Amend the bill by striking out the title and substituting the following:

**'An Act to Enable Counties to Establish Electricity Agencies'**

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 30-A MRSA §903-A is enacted to read:

**§903-A. Electricity services**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

**A. "Aggregator" has the same meaning as defined in Title 35-A, section 3201.**

**B. "Competitive electricity provider" has the same meaning as defined in Title 35-A, section 3201.**

**C. "Retail access" has the same meaning as defined in Title 35-A, section 3201.**

**2. Establishment.** County commissioners may establish a county electricity agency, referred to in this section as an "agency," to serve as a public aggregator for any electricity consumers, public or private, located within a county.

**COMMITTEE AMENDMENT**

R. & S.

COMMITTEE AMENDMENT "A" to H.P. 192, L.D. 270

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**3. Powers.** An agency is authorized to:

A. Enter into agreements with electricity consumers located within a county to aggregate their electric service needs within that county for the purpose of purchasing electricity on a group basis on or after the beginning date of retail access; and

B. Exercise any other powers or authority that county commissioners are authorized to exercise and that the county commissioners expressly delegate to the agency.

An agency may not require any electricity consumer to join or be served by the agency.

**4. Agency board; appointment; terms; vacancy.** The affairs of an agency are managed by a board of 9 persons appointed by the county commissioners. All board members must be residents of the county and no more than 3 may reside in any one commissioner district established under section 66. Board members serve for a 3-year term of office and may be reappointed, except that members of the first board have the following staggered terms chosen by lot at the board's first meeting.

A. Three members serve a 1-year term.

B. Three members serve a 2-year term.

C. Three members serve a 3-year term.

When a vacancy occurs on the board as a result of death, resignation, removal from the county, permanent incapacity or for any other reason, the county commissioners shall appoint a person to fill the vacancy for the unexpired term of office.

**5. Funding; expenses; liabilities.** All funding of and expenditures by an agency, including compensation of board members, must be authorized in the county budget. In order to raise revenues to fund its operations, an agency may impose a charge on consumers served by the agency, as long as any such charges are clearly identified and disclosed to consumers. All revenues and expenses of an agency must be segregated from other county revenues and expenses and separately accounted.

Nothing in this section may be construed to authorize an agency or a county through an agency to incur any indebtedness or liability on behalf of or payable by the State. Any debt or liability created or incurred by an agency or a county through an agency pursuant to this section is the responsibility of the agency or the county and does not constitute or create in any way

# COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 192, L.D. 270

2 a debt or liability of the State. An action taken by an agency  
3 or a county pursuant to any authority granted under this section  
4 may not be construed to constitute a pledge of the faith and  
5 credit of the State. All contracts entered into by an agency or  
6 a county pursuant to this section must contain a statement to the  
7 effect that the agency or county is solely responsible for all  
8 liabilities arising from the contract and that neither the faith  
9 and credit nor the taxing power of the State is pledged to the  
10 payment of any such liabilities.

11 6. Conflict of interest. A person may not hold office as an  
12 agency board member if the person owns, controls or otherwise has  
13 a direct financial interest in any competitive electricity  
14 provider.

15 7. Reservation of powers. Nothing in this section limits  
16 any other power or authority that county commissioners or others  
17 may have to provide services, including services related to the  
18 purchase and sale of electricity.

19 8. Subject to applicable law. Nothing in this section  
20 exempts an agency from the provisions of Title 35-A, including  
21 provisions relating to aggregators.'

22 Further amend the bill by inserting at the end before the  
23 summary the following:

28 **FISCAL NOTE**

29 The Public Utilities Commission will incur some minor  
30 additional regulatory costs if county commissioners establish  
31 county electricity agencies. These costs can be absorbed within  
32 the commission's existing budgeted resources.'

36 **SUMMARY**

37 This amendment replaces the bill. This amendment authorizes  
38 the county commissioners of a county to establish a county  
39 electricity agency to serve as a public aggregator for any  
40 electricity consumers, public or private, located in that  
41 county. An agency may not require a consumer to join or be  
42 served by the agency. All debts and liabilities incurred by an  
43 agency or a county through an agency are the responsibility of  
44 the agency or county and are not a liability of the State. The  
45 amendment also adds a fiscal note to the bill.

**COMMITTEE AMENDMENT**