

# MAINE STATE LEGISLATURE

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R. d. S.

L.D. 1185

DATE: 4/23/99

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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. 851, L.D. 1185, "Resolve, to Establish the Renewable Energy Policy Commission"

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

**'Resolve, to Establish the Energy Policy Commission'**

Further amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

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

**Whereas,** the restructuring of the electric utility industry will be consummated on March 1, 2000, and it is important that the State begin to develop an energy policy as far prior to that date as possible; 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

**Sec. 1. Commission created; members; appointment. Resolved:** That the Energy Policy Commission, referred to in this Act as the "commission," is established to formulate and articulate state policy related to use and promotion of energy in the context of electric industry restructuring. The commission consists of 13 members as follows:

**COMMITTEE AMENDMENT**

2           A. The President of the Senate shall appoint 5 members, 3 of  
4           whom must be members of the Senate, and of these, one member  
6           must serve on the Joint Standing Committee on Utilities and  
8           Energy;

10           B. The Speaker of the House shall appoint 6 members, 4 of  
12           whom must be members of the House of Representatives, and of  
14           these, 2 members must serve on the Joint Standing Committee  
16           on Utilities and Energy;

18           C. The Director of the State Planning Office or the  
20           director's designee; and

22           D. The Public Advocate or the advocate's designee.

24           Appointment and designation of members must be completed no  
26           later than August 1, 1999; and be it further

28           **Sec. 2. Convening; chair. Resolved:** That, when the appointment  
30           and designation of all members of the commission is completed,  
32           the chair of the Legislative Council shall call and convene the  
34           first meeting no later than August 15, 1999. At its first  
36           meeting, the commission shall select a chair from among its  
38           members who are Legislators. Notice of the selection of the  
40           chair must be given to the Executive Director of the Legislative  
42           Council; and be it further

44           **Sec. 3. Duties. Resolved:** That the commission shall formulate  
46           and articulate a state policy related to use of energy in the  
48           context of restructuring the electric industry, including the use  
of renewable energy resources and energy conservation. The  
commission, in developing a state energy policy, shall consider  
and evaluate the costs and benefits of at least the following:

1           A. Increasing Maine's self-reliance on power generation;

2           B. Self-generation of electricity by consumers;

3           C. Policies that enhance use of energy conservation;

4           D. Encouraging ecological sustainability and identifying  
5           priorities for generation sources to promote such  
6           sustainability;

7           E. Creating incentives for use of renewable technologies  
8           that will support small business development;

9           F. Encouraging development of energy cooperatives;

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2 G. Removing or modifying regulatory disincentives for the  
development of renewable energy technologies, including  
4 environmental siting regulation and tax policies;

6 H. Promoting the viability of renewable technologies;

8 I. Promoting the exporting of energy produced from the  
sustainable use of renewable Maine resources;

10 J. Modifying or enhancing the portfolio requirement for  
12 competitive providers of retail electric service; and

14 K. Defining and classifying renewable resources and  
technologies; and be it further

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**Sec. 4. Authority. Resolved:** That, in examining these matters,  
18 the commission may hold up to 5 meetings, including public  
hearings and informational sessions; and be it further

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**Sec. 5. Staff. Resolved:** That, upon approval of the  
22 Legislative Council, the Office of Policy and Legal Analysis  
shall provide necessary staffing assistance to the commission;  
24 and be it further

26 **Sec. 6. Compensation of members. Resolved:** That legislative  
members are entitled to receive the legislative per diem and  
28 reimbursement of necessary expenses for their attendance at  
authorized meetings of the commission. Public members not  
30 otherwise compensated by their employers or other entities whom  
they represent are entitled to receive reimbursement of necessary  
32 expenses and a per diem equal to the legislative per diem for  
their attendance at authorized meetings of the commission; and be  
34 it further

36 **Sec. 7. Report. Resolved:** That the commission shall submit a  
report that must include its findings, together with any  
38 recommended legislation, to the First Regular Session of the  
120th Legislature no later than December 20, 2000. Upon  
40 submission of its report, the commission shall terminate. The  
commission may submit an interim report to the Second Regular  
42 Session of the 119th Legislature by December 20, 1999. In the  
commission's report, the commission shall identify the steps that  
44 must be taken to accomplish the energy policy that is developed  
by the commission; and be it further

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**Sec. 8. Budget. Resolved:** That, with the assistance of staff,  
48 the chair of the commission shall administer the budget of the  
commission. Within 10 days after its first meeting, the  
50 commission shall present a work plan and proposed budget to the

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Legislative Council for approval. The commission may not incur expenses that would result in the commission exceeding its approved budget. Upon request of the commission, the Executive Director of the Legislative Council or the executive director's designee shall provide the commission chair and staff with a status report on the commission budget, expenditures incurred and paid and available funds; and be it further

Sec. 9. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1999-00

LEGISLATURE

Energy Policy Commission

Personal Services \$3,025
All Other 5,750

Provides funds for the per diem and expenses of legislative and other eligible members of the Energy Policy Commission and funds to hold 2 public hearings and print the required reports.

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TOTAL \$8,775

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.'

Further amend the resolve by inserting at the end before the summary the following:

FISCAL NOTE

1999-00

APPROPRIATIONS/ALLOCATIONS

General Fund \$8,775

This resolve includes an additional General Fund appropriation of \$8,775 in fiscal year 1999-00 for the

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2 Legislature for the per diem and expenses of legislative members  
and other eligible members of the Energy Policy Commission, as  
4 well as funds for 2 public hearings and to print the interim  
report and the final report.

6 The additional costs associated with providing staffing  
assistance to the commission during the interim between  
8 legislative sessions can be absorbed by the Legislature utilizing  
existing budgeted resources. If the commission requires staffing  
10 assistance during the legislative session, the Legislature may  
require an additional General Fund appropriation to contract for  
12 staff services.

14 The State Planning Office and the Office of the Public  
Advocate will incur some minor additional costs to participate as  
16 members of the commission. These costs can be absorbed within  
the agencies' existing budgeted resources.'

18

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**SUMMARY**

22 This amendment replaces the resolve and establishes the  
Energy Policy Commission. The purpose of the commission is to  
24 develop a state energy policy in the context of the restructuring  
of the electric industry. The amendment also adds an  
26 appropriation section and a fiscal note to the resolve.