

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1148

H.P. 841

House of Representatives, March 7, 2007

### An Act To Protect Electric Ratepayers

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Reference to the Committee on Taxation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BRAUTIGAM of Falmouth.  
Cosponsored by Senator PERRY of Penobscot and  
Representatives: ADAMS of Portland, CONOVER of Oakland, MILLS of Farmington,  
TREAT of Farmingdale, Senator: STRIMLING of Cumberland.

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

2 Sec. 1. 36 MRSA c. 723 is enacted to read:

3 **CHAPTER 723**

4 **ELECTRICAL GENERATION EXCISE TAX**

5 **§4951. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms  
7 have the following meanings.

8 1. Capacity. "Capacity" means the generating capacity of a generator, as  
9 determined by the commission.

10 2. Commission. "Commission" means the Public Utilities Commission.

11 3. Generator. "Generator" means a producer of electricity having more than 20  
12 megawatts of capacity.

13 **§4952. Excise tax imposed**

14 An excise tax is imposed annually on every generator in this State equal to \$12 per  
15 kilowatt of capacity.

16 **§4953. Reports, payment and administration**

17 By the 20th day of each January, April, July and October, each generator subject to  
18 the excise tax imposed pursuant to this chapter, on forms provided by the State Tax  
19 Assessor, shall report and pay the excise tax due under this chapter. The excise tax  
20 imposed by this chapter is administered as provided in chapter 7. The assessor shall  
21 transfer the funds to the Ratepayers Capacity Fund established in section 4954.

22 **§4954. Ratepayers Capacity Fund; distribution of funds**

23 There is established the Ratepayers Capacity Fund, into which all funds received  
24 from the excise tax collected pursuant to section 4953 must be deposited for the benefit of  
25 electricity ratepayers. The commission shall distribute the funds to individual electricity  
26 ratepayers based on the amount paid for the generation of electricity by those ratepayers.

27 **§4955. Rulemaking**

28 The commission shall adopt rules to implement the provisions of this chapter. In  
29 determining a definition of "capacity" pursuant to section 4951, subsection 1, the  
30 commission shall consider standards developed by a regional transmission organization.  
31 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,  
32 chapter 375, subchapter 2-A.

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## **SUMMARY**

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This bill imposes an excise tax on the capacity of electricity producers with more than 20 megawatts of capacity. Revenue from the tax is distributed by the Public Utilities Commission to individual electricity ratepayers based on the amount paid for the generation of electricity by those ratepayers.