

# MAINE STATE LEGISLATURE

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Date: 4-4-08

(Filing No. S-562)

**UTILITIES AND ENERGY**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**123RD LEGISLATURE**

**FIRST SPECIAL SESSION**

**Minority**

COMMITTEE AMENDMENT "B" to S.P. 885, L.D. 2255, Bill, "An Act To Protect Maine's Energy Sovereignty through the Designation of Energy Infrastructure Corridors and Energy Plan Development"

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

**'An Act To Promote Maine's Energy Sovereignty through Energy Plan Development'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 2 MRSA §9 is enacted to read:

**§9. Governor's Office of Energy Independence and Security**

**1. Office established.** The Governor's Office of Energy Independence and Security, referred to in this section as "the office," is established in the Executive Department to carry out responsibilities of the State relating to energy resources, planning and development. The office is directly responsible to the Governor.

**2. Director.** The office is under the control and supervision of the Director of the Governor's Office of Energy Independence and Security, referred to in this section as "the director." The director is appointed by the Governor and serves at the pleasure of the Governor.

**3. Duties.** The director is responsible for the execution of the duties of the office. The director shall:

A. Chair the Energy Resources Council, established under Title 5, section 3327;

B. In collaboration with the Energy Resources Council and other relevant state agencies, coordinate state energy policy;

**COMMITTEE AMENDMENT**

RMS

1 C. Prepare and submit a comprehensive state energy plan to the Governor and the  
2 Legislature by January 15, 2009 and every 2 years thereafter;

3 D. In collaboration with other relevant state agencies, private industry and nonprofit  
4 organizations, collect and analyze energy data, including, but not limited to, data on  
5 energy supply, demand and costs in this State with consideration of all available  
6 energy sources;

7 E. Coordinate the dissemination of energy information to the public and the media;

8 F. Provide technical assistance and information to the Governor and the Legislature  
9 regarding the State's short-range and long-range energy needs and the resources to  
10 meet those needs;

11 G. Seek funds and partnerships with public and private sources to support the goals  
12 of the office, including, but not limited to, promoting energy efficiency, demand-side  
13 management and distributed generation;

14 H. Work with transmission and distribution utilities, state agencies involved in the  
15 permitting of energy generation facilities and other relevant entities to negotiate  
16 agreements that create value for electricity consumers with developers of renewable  
17 generation who are interested in building energy generation facilities or developing or  
18 utilizing energy transmission infrastructure in this State. This paragraph does not  
19 authorize the director to be a signatory to any such agreement unless that authority is  
20 otherwise granted by law. The director shall report on activities undertaken pursuant  
21 to this paragraph by February 1, 2009, and annually thereafter, to the joint standing  
22 committee of the Legislature having jurisdiction over utilities and energy matters;

23 I. Monitor energy transmission capacity planning and policy affecting this State and  
24 make recommendations to the Governor and the Legislature as necessary for changes  
25 to the relevant laws and rules to facilitate energy infrastructure planning and  
26 development; and

27 J. Take action as necessary to carry out the goals and objectives of the state energy  
28 plan prepared pursuant to paragraph C.

29 **Sec. 2. 5 MRSA §3304, sub-§3, ¶K, as enacted by PL 1989, c. 501, Pt. DD, §7,**  
30 **is repealed.**

31 **Sec. 3. 5 MRSA §3327, sub-§1, as amended by PL 2005, c. 425, §2, is further**  
32 **amended to read:**

33 **1. Council established; membership.** In order to facilitate more effective  
34 interagency coordination of the State's activities regarding energy issues, the Energy  
35 Resources Council, referred to in this chapter as the "council," is established. The chair  
36 of the council is the Director of the ~~State Planning Office~~ Governor's Office of Energy  
37 Independence and Security within the Executive Department, who is responsible for  
38 ensuring that the council carries out its responsibilities under this chapter. The  
39 membership of the council ~~is as follows~~ also includes:

40 A. The Director of the State Planning Office or the director's designee;

41 B. The chair of the Public Utilities Commission or the chair's designee;

COMMITTEE AMENDMENT "B" to S.P. 885, L.D. 2255

- 1 C. The Commissioner of Environmental Protection or the commissioner's designee;  
2 D. The Public Advocate or the Public Advocate's designee;  
3 E. The Commissioner of Transportation or the commissioner's designee;  
4 F. The Commissioner of Administrative and Financial Services or the  
5 commissioner's designee;  
6 G. The Commissioner of Economic and Community Development or the  
7 commissioner's designee;  
8 H. The Director of the Maine State Housing Authority or the director's designee; and  
9 I. The Commissioner of Conservation or the commissioner's designee.

10 **Sec. 4. 5 MRSA §3327, sub-§3**, as amended by PL 2003, c. 487, §1, is further  
11 amended to read:

12 **3. Quarterly meetings; staff; funding.** The council shall meet at least quarterly.  
13 The council shall prepare a work ~~program plan~~ plan for each year ~~establishing that outlines~~  
14 anticipated activities and establishes priorities among its efforts. ~~The State Planning~~  
15 ~~Office, within the Executive Department, Governor's Office of Energy Independence and~~  
16 Security shall provide staff support to the council. Funding to support the work of the  
17 council and its staff is as follows.

18 A. A state agency applying for funds under the State Energy Program of the United  
19 States Department of Energy pursuant to 10 Code of Federal Regulations, Part 420  
20 shall, as directed by the council, apply for funds to support the work of the council  
21 and its staff.

22 B. To the extent funds available pursuant to paragraph A are insufficient to fund  
23 fully staff support for the council, each member of the council shall enter into an  
24 agreement with the ~~State Planning Office~~ Executive Department, Governor's Office  
25 of Energy Independence and Security to share in the cost of providing the staff  
26 support.

27 C. The council may seek, and the Public Utilities Commission may provide, funds to  
28 the council pursuant to Title 35-A, section 3211-A, subsection 5-A.

29 **Sec. 5. 5 MRSA §3327, sub-§4**, as enacted by PL 2001, c. 630, §1, is amended to  
30 read:

31 **4. Report; legislative oversight.** By January 15th of each year, the chair of the  
32 council shall prepare and submit to the Governor and to the joint standing committee of  
33 the Legislature having jurisdiction over utilities and energy matters an annual report  
34 describing the council's activities during the previous calendar year and ~~an outline of~~  
35 ~~anticipated activities~~ the council's work plan for the current calendar year. The report  
36 must also include an evaluation of the council's effectiveness in meeting the requirements  
37 of this chapter and the adequacy of available staffing resources. The report may include  
38 recommendations for changes to law regarding energy policy. ~~After receiving a receipt~~  
39 and review of the annual report required under this subsection, the joint standing  
40 committee of the Legislature having jurisdiction over utilities and energy matters may  
41 ~~report out~~ submit legislation relating to energy policy.

R.O.S.

1       **Sec. 6. National electric transmission congestion and national interest**  
2 **corridors; monitoring and report.** The Public Utilities Commission, in  
3 collaboration with the Executive Department, Governor's Office of Energy Independence  
4 and Security and the Office of the Public Advocate, referred to in this section collectively  
5 as "the agencies," shall monitor proceedings and developments at the federal level and in  
6 other states related to the United States Department of Energy's National Electric  
7 Transmission Congestion Study and the designation of national interest electric  
8 transmission corridors pursuant to the federal Energy Policy Act of 2005. No later than  
9 January 31, 2009, the agencies shall submit a summary of their findings and  
10 recommendations, including policy options available to the State with respect to electric  
11 transmission infrastructure, along with suggested legislation to the joint standing  
12 committee of the Legislature having jurisdiction over utilities and energy matters. After  
13 receipt and review of the report, the joint standing committee of the Legislature having  
14 jurisdiction over utilities and energy matters may submit legislation to the First Regular  
15 Session of the 124th Legislature relating to the subject matter of this section.

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### SUMMARY

17       This amendment is the minority report of the committee. The amendment strikes the  
18 portions of the bill relating to the designation of energy infrastructure corridors and long-  
19 term contracting for capacity resources and associated energy. The amendment preserves  
20 the portion of the bill regarding the Executive Department, Governor's Office of Energy  
21 Independence and Security, as amended in the majority report. The amendment adds a  
22 provision to the bill to require the Public Utilities Commission, the Governor's Office of  
23 Energy Independence and Security and the Office of the Public Advocate to monitor  
24 proceedings and developments related to the United States Department of Energy's  
25 National Electric Transmission Congestion Study and the designation of national interest  
26 electric transmission corridors pursuant to the federal Energy Policy Act of 2005 and  
27 submit a report, including findings, recommendations and suggested legislation, to the  
28 joint standing committee of the Legislature having jurisdiction over utilities and energy  
29 matters by January 31, 2009. The committee is authorized to submit legislation on this  
30 subject after receipt and review of the report.

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### FISCAL NOTE REQUIRED

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(See attached)



Approved: 04/02/08 *MAC*

# 123rd MAINE LEGISLATURE

LD 2255

LR 3411(03)

**An Act To Protect Maine's Energy Sovereignty through the Designation of Energy Infrastructure  
Corridors and Energy Plan Development**

**Fiscal Note for Bill as Amended by Committee Amendment "B"**

**Committee: Utilities and Energy**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

The additional costs associated with this legislation can be absorbed by the Public Utilities Commission, the Governor's Office of Energy Independence and Security and the Public Advocate utilizing existing budgeted resources.