

MAINE STATE LEGISLATURE

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L.D. 640

MAJORITY

Date: 5/31/19

(Filing No. S-82)

ENVIRONMENT AND NATURAL RESOURCES

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

STATE OF MAINE

SENATE

129TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 202, L.D. 640, "Resolve, To Require a Study of Greenhouse Gas Emissions Reductions from the Proposed Central Maine Power Company Transmission Corridor"

Amend the resolve by striking out everything after the emergency preamble and before the emergency clause and inserting the following:

'Sec. 1. Greenhouse gas emissions reductions study of NECEC project.

Resolved: That, except as otherwise provided in this section, the Department of Environmental Protection, referred to in this section as "the department," shall commission a study in accordance with this section regarding the potential effect of the New England Clean Energy Connect project, as proposed by Central Maine Power Company and referred to in this section as "the NECEC project," on total greenhouse gas emissions across all jurisdictions interconnected with electricity generation and distribution systems operated by the Hydro-Quebec company. The study must be based on a modeling analysis over the proposed NECEC project contract period 2023 to 2042, with and without construction of the NECEC project, that incorporates appropriate assumptions on factors such as load growth, fuel costs, variation in dispatch of electricity among electricity markets, rainfall, electricity transmission constraints, addition and retirement of electric generation facilities and technology development. The findings of the study must be in a form that allows for comparison of greenhouse gas emissions effects, with and without construction of the NECEC project, to a benchmark of reducing greenhouse gas emissions in New England by 3.6 million metric tons per year.

1. Except as provided in subsection 3, the department shall enter into an agreement with an independent, nongovernmental organization with expertise in energy and environmental policy and analysis, referred to in this section as "the consultant," to conduct the study described in this section. The consultant shall submit to the department a final report regarding its findings no later than July 31, 2019. The selection of the consultant and the agreement to produce the study as required by this section are not subject to the competitive bid requirements of the Maine Revised Statutes, Title 5, chapter 155. The agreement must specify that, as necessary, the consultant is required to enter into agreements with other entities to conduct modeling or other analyses required

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1 for the study. The agreement must also require the consultant, with input from any
2 entities that have been secured by the consultant to assist with modeling and analyses, to
3 develop a scope of work and modeling assumptions to guide the study and to submit that
4 scope of work and those modeling assumptions to the department to be submitted to the
5 Joint Standing Committee on Environment and Natural Resources and to be posted on the
6 department's publicly accessible website for a period of no less than 10 days. Within that
7 period of time, a person may submit to the department written comments regarding the
8 scope of work and modeling assumptions. The department shall submit all comments
9 received to the consultant.

10 2. The department may accept funds from any source, public or private, to fund the
11 costs of the study and report described in subsection 1, including, but not limited to, costs
12 of the consultant in entering into agreements with other entities to conduct modeling or
13 other analyses required for the study, and may only fund the costs of the study and report
14 using outside funding received under this subsection. The department must deposit all
15 funds received for these purposes into the Maine Environmental Protection Fund
16 established in the Maine Revised Statutes, Title 38, section 351, and those funds must be
17 segregated from other funds in that account and may be used only for these purposes.

18 3. On or before August 15, 2019, the department shall submit the final report
19 prepared by the consultant under subsection 1 to the Joint Standing Committee on
20 Environment and Natural Resources, except that, if the department, by August 15, 2019,
21 fails to receive sufficient outside funding under subsection 2 to fund all costs necessary
22 for completion of the study and report described in subsection 1, the department is not
23 required to enter into an agreement with a consultant pursuant to subsection 1 or to
24 submit a final report under this subsection and the 45-day prohibition on issuance of a
25 permit, license or other approval relating to the NECEC project under subsection 4 does
26 not apply. At least 7 days before submitting the report to the committee, the department
27 shall post the report on the department's publicly accessible website. Within that period
28 of time, a person may submit to the department written comments regarding the report.
29 The department shall submit all comments received to the committee with the report.

30 4. Notwithstanding any other provision of law to the contrary, the department may
31 not issue a permit, license or other approval relating to the NECEC project until at least
32 45 days after the department submits the final report prepared by the consultant in
33 accordance with subsection 3, except that this subsection does not apply if the
34 department, by August 15, 2019, fails to receive sufficient outside funding under
35 subsection 2 to fund all costs necessary for completion of the study and report described
36 in subsection 1 or, by August 15, 2019, fails to submit the final report to the Joint
37 Standing Committee on Environment and Natural Resources in accordance with
38 subsection 3.

39 For the purposes of this section, "greenhouse gas" has the same meaning as in the
40 Maine Revised Statutes, Title 38, section 574, subsection 1.'

41 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or
42 section number to read consecutively.

COMMITTEE AMENDMENT

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SUMMARY

This amendment, which is the majority report of the committee, replaces the resolve and directs the Department of Environmental Protection to commission a study regarding the potential effect of the New England Clean Energy Connect, or NECEC, project, as proposed by Central Maine Power Company, on total greenhouse gas emissions across all jurisdictions interconnected with electricity generation and distribution systems operated by the Hydro-Quebec company. The findings of the study regarding greenhouse gas emissions effects, with and without construction of the NECEC project, must be presented in relation to a benchmark of reducing greenhouse gas emissions in New England by 3.6 million metric tons per year. The study, which is to be prepared by a consultant that is an independent, nongovernmental organization with expertise in energy and environmental policy and analysis, must be based on a modeling analysis that incorporates appropriate assumptions regarding load growth, fuel costs, variation in dispatch of electricity among electricity markets, rainfall, electricity transmission constraints, addition and retirement of electric generation facilities and technology development.

On or before August 15, 2019, the department is required to submit the final report prepared by the consultant to the Joint Standing Committee on Environment and Natural Resources. The department may not issue a permit, license or other approval relating to the NECEC project until at least 45 days after it submits to the committee the final report prepared by the consultant, except that this 45-day prohibition does not apply if the department fails to submit the final report to the committee on or before August 15, 2019.

The department may accept funds from any source, public or private, to fund the costs of the study and report and may only fund the costs of the study and report using outside funding received for those purposes. If the department, by August 15, 2019, fails to receive sufficient outside funding for the study, the department is not required to enter into an agreement with the consultant to complete the study or to submit a final report to the committee and the 45-day prohibition does not apply.

FISCAL NOTE REQUIRED

(See attached)



129th MAINE LEGISLATURE

LD 640

LR 2042(02)

Resolve, To Require a Study of Greenhouse Gas Emissions Reductions from the Proposed Central
Maine Power Company Transmission Corridor

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-82)

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

This resolve requires the Department of Environmental Protection (DEP) to hire a consultant to complete a study regarding the potential impact of the New England Clean Energy Connect (NECEC) project. The cost of the study must be funded with unspecified outside funding. The DEP is required to report the findings of the study by August 15, 2019 and may not issue a permit, license or other approval relating to the NECEC until 45 days after reporting the findings. If sufficient funding is not received by August 15, 2019 the DEP is not required to hire a consultant, or to complete the study or to delay the issuance of any permit, license or other approval relating to the NECEC.