

MAINE STATE LEGISLATURE

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Date: 5/30/19 Majority

L.D. 1282
(Filing No. H- 4/3)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 924, L.D. 1282, Bill, "An Act To Establish a Green New Deal for Maine"

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

Sec. 1. 26 MRSA c. 43 is enacted to read:

CHAPTER 43

APPRENTICESHIP IN ENERGY FACILITY CONSTRUCTION

§3501. Definitions

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

- 1. Apprentice.** "Apprentice" has the same meaning as in section 3201, subsection 1.
- 2. Construction employer.** "Construction employer" means a person constructing a generation facility in this State who hires any person to construct that generation facility.
- 3. Department.** "Department" means the Department of Labor.
- 4. Generation facility.** "Generation facility" means a facility for the generation of electricity that has an installed capacity of 2 megawatts or more, other than a facility located on the customer side of an electric meter.

§3502. Requirements

A construction employer constructing a generation facility shall employ apprentices in accordance with this section.

- 1. Percentages.** A construction employer shall, to the extent qualified apprentices are determined to be available in accordance with rules adopted by the department, employ a number of apprentices that equals at least:

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1 A. If construction of the generation facility begins on or after January 1, 2021 and
2 before January 1, 2025, 10% of all persons employed in the construction;

3 B. If construction of the generation facility begins on or after January 1, 2025 and
4 before January 1, 2027, 17.5% of all persons employed in the construction; and

5 C. If construction of the generation facility begins on or after January 1, 2027, 25%
6 of all persons employed in the construction.

7 **2. Rules.** The department shall adopt rules to implement the provisions of this
8 section. Rules adopted pursuant to this subsection are routine technical rules as defined
9 in Title 5, chapter 375, subchapter 2-A.

10 **3. Penalties.** The following provisions apply to a violation of this section.

11 A. A construction employer who violates this section commits a civil violation for
12 which a fine of not less than \$50 nor more than \$200 may be adjudged.

13 B. A construction employer who discharges or in any other manner discriminates
14 against an employee because the employee makes a complaint to the department or to
15 the district attorney concerning a violation of this section commits a civil violation
16 for which a fine of not less than \$50 nor more than \$200 may be adjudged.

17 C. In the event a construction employer is adjudged to have violated this section, the
18 Attorney General may institute injunction proceedings in the Superior Court to enjoin
19 any further violations.

20 **Sec. 2. 35-A MRSA §10123,** as enacted by PL 2013, c. 366, §1, is amended by
21 adding at the end a new paragraph to read:

22 The trust, in collaboration with the Department of Education, shall identify and
23 provide incentives for cost-effective electric and natural gas conservation projects in
24 school construction projects designated by the State Board of Education for funding
25 pursuant to rules adopted under Title 20-A, section 15905.

26 **Sec. 3. 35-A MRSA §10124** is enacted to read:

27 **§10124. School solar energy program**

28 The trust shall arrange power purchase agreements for solar capacity for new school
29 construction in accordance with this section.

30 **1. Competitive solicitation; bids.** After construction has begun on a school
31 construction project approved for funding by the State Board of Education, the trust shall
32 conduct a competitive solicitation for a power purchase agreement for solar capacity to be
33 installed on the school property. The solicitation must specify the capacity of the solar
34 installation to be installed, which may not exceed the estimated annual electricity
35 consumption by the school or 100 kilowatts, whichever is less, and specify the price per
36 kilowatt hour to be paid by the school to the bidder for the term of the power purchase
37 agreement, which must approximate, so far as possible, the price of electricity that the
38 school would otherwise pay to acquire the electricity from the retail market.

39 **2. Bid evaluation; power purchase agreement.** The trust shall establish by rule
40 qualifications for bidders and requirements for bids for power purchase agreements

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submitted under subsection 1. All bids must specify the price to the school to buy the solar installation at the end of the term of the power purchase agreement.

3. Award and administration. The trust shall award a power purchase agreement to the qualified bidder that offers the lowest price for the school to purchase the solar installation at the end of the term of the power purchase agreement pursuant to subsection 2. The trust shall ensure that the power purchase agreement is commercially reasonable and commits all parties to commercially reasonable behavior. The trust shall provide the final power purchase agreement to the commission and the commission shall, in accordance with rules adopted by the commission, direct the transmission and distribution utility serving the school to administer the power purchase agreement on behalf of the school in a manner, so far as possible, consistent with section 3210-C.

4. Rules. Rules adopted by the trust under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted by the commission under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

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

SUMMARY

This amendment replaces the bill. This amendment:

1. Requires construction employers constructing grid scale generation facilities to hire certain percentages of apprentices to work on the construction beginning in 2021;
2. Requires that the Efficiency Maine Trust, in collaboration with the Department of Education, identify and provide incentives for cost-effective electric and natural gas conservation projects in new school construction projects; and
3. Requires the Efficiency Maine Trust to establish, through a competitive solicitation process, a power purchase agreement for solar capacity to be installed on school property when a new school is being constructed.

FISCAL NOTE REQUIRED

(See attached)



129th MAINE LEGISLATURE

LD 1282

LR 1034(02)

An Act To Establish a Green New Deal for Maine

Fiscal Note for Bill as Amended by Committee Amendment *A (H-413)*
Committee: Energy, Utilities and Technology
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund
Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine revenue will increase General Fund and dedicated revenue by minor amounts.

Fiscal Detail and Notes

Any additional costs to the Efficiency Maine Trust and the Department of Education to collaborate to identify and provide incentives for cost-effective electric and natural gas conservation projects or to arrange power purchase agreements for solar capacity installations in new school construction projects are anticipated to be minor and can be absorbed within existing budgeted resources.