

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2015

the Maine Revised Statutes, Title 35-A, section 3209-A. To the maximum extent possible, the recommendations from this group must reflect consensus among the stakeholders. In developing an alternative, the commission shall:

1. Ensure the alternative includes fixed, long-term compensation mechanisms for distributed generation that, when feasible, obtain the best price for ratepayers using market-based competition or capacity-based step downs, as described in the Office of the Public Advocate's white paper entitled "A Ratepayer Focused Strategy for Distributed Solar in Maine," and ensure the maximum level of compensation for a given technology does not exceed the ratepayer benefits as determined by a commission evaluation of the specific benefits of that technology;

2. Develop at least 3 aggregate market size scenarios representing low, medium and high estimates of the total installed capacity that would be developed under existing rate structures if net energy billing were to continue through 2021;

3. Ensure the alternative provides opportunities for meaningful participation by all market segments identified in the Office of the Public Advocate's white paper, including residential, commercial, industrial, community and wholesale or grid-scale solar distributed generation;

4. Include a method to aggregate, capture and monetize for ratepayers the benefits of distributed generation assets, including, but not limited to, benefits related to energy supply, capacity and renewable energy credits, in order to maximize revenues for aggregation to all ratepayers and identify the appropriate entity to initially serve as an aggregator, while providing for the opportunity for 3rd-party aggregation at a future date; and

5. Develop a process and timeline for transition from current net energy billing policies to the alternative that address the following:

A. The continued availability of net energy billing pending an assessment of the alternative, or until such date as the commission may recommend;

B. Options for participation by existing net energy billing customers in the alternative; and

C. Continuing opportunities for self-consumption by distributed generation customers once the alternative is fully implemented; and be it further

Sec. 2. Report. Resolved: That the Public Utilities Commission shall submit a report to the Joint Standing Committee on Energy, Utilities and Technology by January 30, 2016 that includes an overview of the stakeholder discussions; an overview of the alternative under section 1; any areas in which stakeholders were unable to reach consensus; technical

specifications, rules or policies needed to carry out the alternative; a proposed timeline for implementation of the alternative; technical or legal barriers to implementation of the alternative; and any other recommendations. The committee may report out a bill to the Second Regular Session of the 127th Legislature related to the report.

See title page for effective date.

CHAPTER 38

H.P. 582 - L.D. 851

Resolve, Regarding Legislative Review of Portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a provisionally adopted major substantive rule of the Maine Commission on Indigent Legal Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized only if the following change is made:

1. The rule must be amended in section 2, subsection 1, paragraph c) to provide that an attorney must

inform the commission in writing within 5 days of the filing of any criminal charge against the attorney.

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

Effective June 30, 2015.

CHAPTER 39

H.P. 649 - L.D. 946

Resolve, To Establish a Moratorium on the Assessment of Large Volume Consumers by Gas Utilities and To Evaluate Cost-effective Natural Gas Conservation and Efficiency Improvements for Large Volume Consumers

Preamble. Whereas, the Legislature, with Public Law 2013, chapter 369, established an expanded natural gas conservation program for consumers during the First Regular Session of the 126th Legislature; and

Whereas, all consumers benefit from investing in cost-effective energy efficiency projects and from other utility consumers investing in such projects; and

Whereas, questions have arisen during the planning for implementation of the expanded program regarding the most effective way of achieving energy efficiency for the largest consumers of Maine's natural gas utilities; and

Whereas, the largest of Maine's natural gas consumers use significantly greater volumes of natural gas than other consumers; and such uses include electricity generation and industrial process applications; and many of these consumers have only recently converted to, or invested in equipment for use of, natural gas; now, therefore, be it

Sec. 1. Moratorium on assessments by gas utilities of large volume consumers. Resolved: That, notwithstanding the Maine Revised Statutes, Title 35-A, section 10111, until 90 days after the adjournment of the Second Regular Session of the 127th Legislature:

1. Large volume consumers of a gas utility are not eligible to participate in any Efficiency Maine Trust natural gas conservation programs;

2. The Public Utilities Commission may not allow a gas utility to collect an assessment under Title 35-A, section 10111 through its rates from large vol-

ume consumers and may not make a final decision regarding the appropriateness of or size of such collections from large volume consumers; and

3. The commission may not order or authorize a gas utility assessed under Title 35-A, section 10111 to exempt any consumers other than large volume consumers from the collection of that assessment through its rates.

Notwithstanding Title 35-A, section 10111, prior to 90 days after the adjournment of the Second Regular Session of the 127th Legislature, any assessment by the commission under Title 35-A, section 10111 must be in an amount necessary to capture all cost-effective energy efficiency that is achievable and reliable only for consumers who are eligible under this section to receive funds from the natural gas conservation fund.

For the purposes of this section, "large volume consumer" means a consumer of a gas utility that uses 1,000,000 centum cubic feet or more of natural gas per year; and be it further

Sec. 2. Stakeholder discussions. Resolved: That the Efficiency Maine Trust shall, using existing resources, meet with representatives of large volume consumers of gas utilities, as defined in section 1, and other interested stakeholders to examine alternatives for promoting and securing cost-effective natural gas conservation and efficiency improvements for large volume consumers of gas utilities. The trust shall submit a report of these meetings, together with any recommendations, by December 31, 2015 to the Joint Standing Committee on Energy, Utilities and Technology, which may report out a bill to the Second Regular Session of the 127th Legislature.

See title page for effective date.

CHAPTER 40

H.P. 612 - L.D. 893

Resolve, Directing the Secretary of State, Maine State Library and Law and Legislative Reference Library To Make the Articles of Separation of Maine from Massachusetts More Prominently Available to Educators and the Inquiring Public

Sec. 1. Articles of Separation more prominently available. Resolved: That the Secretary of State, Maine State Library and Law and Legislative Reference Library, within existing resources, shall make the Articles of Separation of Maine from Massa-