

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON UTILITIES AND  
ENERGY**

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i> .....	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i> .....	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124<sup>th</sup> Legislature is Monday, July 12, 2010. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

# Joint Standing Committee on Utilities and Energy

LD 1647

An Act To Enhance Maine's Clean Energy Opportunities

PUBLIC 518  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY BARTLETT	OTP-AM	H-675

This bill requires the Public Utilities Commission to direct investor-owned transmission and distribution utilities to enter into long-term contracts for capacity resources and any available energy associated with such resources to the extent necessary to meet the energy efficiency targets articulated in the Efficiency Maine Trust's triennial plan. It specifies when the commission need not conduct a competitive solicitation for contracts for energy efficiency capacity resources and amends the laws governing contracts for capacity resources and related energy. It defines "heating fuel" and "liquid fossil fuel" for purposes of the targets of the triennial plan. It includes in the Efficiency Maine Trust's triennial plan an examination of the national and regional carbon markets and the appropriate participation of the State in these markets. It allows the trust to consult with or retain independent legal counsel. It provides that the commission may not charge any assessment under the triennial plan until the plan has been reviewed by the joint standing committee of the Legislature having jurisdiction over energy matters and approved by the commission. It specifies when electricity customers receiving service at transmission and subtransmission voltage levels are eligible for new conservation programs. It amends the laws governing the administration by the trust of certain federally funded energy programs.

### Committee Amendment "A" (H-675)

This amendment makes the following changes to the bill:

1. It adds a provision to the bill to allow long-term contracts for renewable energy credits associated with capacity resources.
2. It removes the requirement contained in the bill that the Public Utilities Commission direct investor-owned transmission and distribution utilities to enter into long-term contracts for capacity resources and associated energy. It replaces it with permissive language that authorizes the commission to direct utilities to enter into long-term contracts for energy efficiency capacity resources and associated energy if the commission determines that the assessments on transmission and distribution utilities for conservation and energy efficiency will not provide sufficient funds to meet the energy efficiency program budget allocations in the triennial plan of the Efficiency Maine Trust or an annual update to the triennial plan. It also clarifies that energy efficiency capacity resources contracted under this provision may not exceed what is necessary to implement the energy efficiency program budget allocations in the triennial plan. The amendment also adds language to clarify that the commission may direct utilities to enter into long-term contracts only when such contracts are in the best interest of customers.
3. It changes the provision of the bill regarding competitive solicitation for contracts for energy efficiency capacity resources to require the commission to conduct a competitive solicitation for energy efficiency capacity resources and related energy or to contract with the Efficiency Maine Trust to deliver those resources through a competitive solicitation process.
4. It changes the provision of the bill that exempts contracts for energy efficiency capacity resources from the requirement that payment be made only after contracted amounts of capacity and energy are provided. The amendment allows contracts with the Efficiency Maine Trust for energy efficiency capacity resources and related energy to provide a 20% up-front payment at the start of the contract, but otherwise requires payments only after contracted amounts of capacity and energy have been substantiated.

## *Joint Standing Committee on Utilities and Energy*

5. It removes the requirement in the bill that the triennial plan include an examination of national and regional carbon markets and instead requires that the plan specify the appropriate participation of the State in those carbon markets.
6. It removes the provision of the bill that eliminated the \$3 to \$1 savings target for cost-effective heating and cooling measures in the triennial plan of the Efficiency Maine Trust.
7. It removes the provision of the bill that authorizes the Efficiency Maine Trust to consult with or retain independent legal counsel.
8. It amends the provision of the bill regarding the imposition and review of additional assessments on transmission and distribution utilities to realize energy efficiency and demand response resources. The amendment specifies that the commission may not increase these assessments until the Legislature has approved the budget of the Efficiency Maine Trust and requires the commission to present any recommended increases in the assessment after its approval of the triennial plan or any annual update plan.
9. It replaces the provision of the bill regarding participation of electricity customers receiving service at transmission and subtransmission voltage levels in new conservation programs with a directive to the Efficiency Maine Trust to convene a working group to examine options regarding the participation of such customers in conservation programs and to submit a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 31, 2011 on this subject. The committee is authorized to submit a bill.
10. It adds a provision that requires the Public Utilities Commission to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters, by January 15, 2012, on long-term contracts for capacity resources, including the number, types and lengths of contracts.

### **Enacted Law Summary**

Public Law 2009, chapter 518 includes the following provisions related to long-term contracting for energy efficiency capacity resources and associated energy.

1. It authorizes the Public Utilities Commission to direct transmission and distribution utilities to enter into long-term contracts for energy efficiency capacity resources and associated energy if, after July 1, 2011, the commission determines that the assessments on transmission and distribution utilities for conservation and energy efficiency will not provide sufficient funds to meet the energy efficiency program budget allocations in the triennial plan of the Efficiency Maine Trust or an annual update to the triennial plan. It provides that energy efficiency capacity resources contracted under this provision of law may not exceed what is necessary to implement the energy efficiency program budget allocations in the triennial plan, and it clarifies that the commission may direct utilities to enter into long-term contracts only when such contracts are in the best interest of customers.
2. It requires the commission to conduct a competitive solicitation for energy efficiency capacity resources and related energy or to contract with the Efficiency Maine Trust to deliver those resources through a competitive solicitation process.
3. It allows contracts with the Efficiency Maine Trust for energy efficiency capacity resources and related energy to provide a 20% up-front payment at the start of the contract, but otherwise requires payments only after contracted amounts of capacity and energy have been substantiated.

With respect to long-term contracts for capacity resources more generally, this law permits the Public Utilities Commission to direct investor-owned transmission and distribution utilities to enter into long-term contracts for any available renewable energy credits associated with capacity resources under long-term contracts to the extent the cost of the renewable energy credits is below market value or the purchase of renewable energy credits adds value to the transaction. It also requires the Public Utilities Commission to report to the joint standing committee of the

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Legislature having jurisdiction over utilities and energy matters, by January 15, 2012, regarding long-term contracts for capacity resources that have been implemented, including the number, types and lengths of contracts.

This law defines "heating fuel" and "liquid fossil fuel" for purposes of the targets of the triennial plan of the Efficiency Maine Trust and requires that the plan specify the appropriate participation of the State in national and regional carbon markets. It also amends the laws governing the administration by the trust of certain federally funded energy programs.

This law specifies that the Public Utilities Commission may not increase assessments on transmission and distribution utilities to realize energy efficiency and demand response resources until the Legislature has approved the budget of the Efficiency Maine Trust, and it requires the commission to present to the joint standing committee of the Legislature having jurisdiction over public utilities matters any recommended increases in the assessment following the approval of the Efficiency Maine Trust's triennial plan or any annual update plan.

It directs the Efficiency Maine Trust to convene a working group to examine options regarding the participation of electricity customers receiving service at transmission and subtransmission levels in the energy efficiency programs of the trust, particularly those programs funded by assessments on transmission and distribution utilities. It requires the trust to submit a report of the findings and recommendations of the working group to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 31, 2011.

Public Law 2009, chapter 518 was enacted as an emergency measure effective March 17, 2010.

### **LD 1652     An Act To Provide More Information to the Public Advocate**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	ONTP	

This bill authorizes the Public Advocate to make written information requests of utilities subject to the jurisdiction of the Public Utilities Commission on any matter related to the rates, charges, tariffs, books or service quality of the utility. The utility has a reasonable period of time, not to exceed 30 days, in which to respond to the inquiries. If the utility refuses to respond, the Public Advocate may request enforcement by the Public Utilities Commission.

### **LD 1660     An Act To Reallocate Funds for a Position at the Public Utilities Commission**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	ONTP	

This bill reallocates funds for a Staff Accountant position at the Public Utilities Commission. Funds for this position are allocated from the Public Utilities - Administrative Division program and the Emergency Services Communication Bureau program. The reallocations proposed by this bill were included in the Supplemental Budget, LD 1671.