

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON UTILITIES AND
ENERGY**

April 2010

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STATE OF MAINE

124TH 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 124th 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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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 124th 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.

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during the review of a wind energy development; allow the commission to extend the processing time with the consent of the applicant; and clarify that, in certain circumstances, associated facilities are not subject to the same time limits. The law clarifies that the provisions of law regarding a development's effects on scenic character apply to all wind energy developments, as defined in the Maine Revised Statutes, Title 35-A, of 100 kilowatts or greater in the expedited areas of the commission's jurisdiction, including wind energy developments that do not qualify as grid-scale. It specifies that in the jurisdiction of the commission, all wind energy developments are subject to fee provisions as extraordinary projects, allowing the commission to recover costs associated with processing of the applications, including the cost of noise or other studies.

Public Law 2009, chapter 492 was enacted as an emergency measure effective March 5, 2010.

LD 1682

An Act To Amend the Electric Utility Industry Laws as They Relate to Renewable Resources

PUBLIC 542

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-372 S-414 HOBBS

This bill amends various definitions in the Maine Revised Statutes, Title 35-A relating to renewable resources. Specifically, this bill amends the law in the following ways.

1. The bill amends definitions of "eligible resource," "new renewable capacity resources," "renewable energy credit" and "renewable resource" in the law governing electrical generation portfolio requirements. These changes:
 - a. Limit all eligible resources qualifying under the basic 30% portfolio requirement, including cogeneration facilities, to those resources not exceeding 100 megawatts;
 - b. Add a new 100-megawatt limit on all new renewable resources that can qualify for the new renewable resource portfolio requirement above 30%;
 - c. Add a requirement that hydroelectric generators, other than those that qualify as small power production facilities under federal regulations, must meet state and federal fish passage requirements in order to qualify for the basic 30% portfolio requirement; and
 - d. Specify that biomass generators that qualify as renewable resources under the basic 30% portfolio requirement include those fueled by anaerobic digestion of agricultural products, by-products and wastes.
2. The bill clarifies the definition of "renewable capacity resource" in the law governing capacity resource adequacy and removes from the definition facilities that qualify as small power production facilities that do not otherwise qualify as renewable resources under Title 35-A, section 3210, subsection 2, paragraph C.
3. The bill modifies the law governing green power options to clarify that 100-megawatt capacity limits do not apply to resources that qualify as "green power supply" or for "renewable energy credit." Under current law, because of certain cross-references, it is unclear whether the 100-megawatt capacity limits apply to qualifying resources other than wind power or to all qualifying resources.
4. The bill amends the definition of "eligible renewable resource" in the law governing the community-based renewable energy pilot program to make it consistent with the changes to the definition of "renewable resource" in

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the law relating to electrical generation portfolio requirements.

5. The bill, by changing the definition of "renewable resource" in the law governing electrical generation portfolio requirements, also affects the definition of that term as it is used in Title 5, section 1766-A relating to renewable energy usage requirements for state buildings and in Title 35-A, section 3201, subsection 8-A and section 3210-A giving transmission and distribution utilities authority to administer purchase and sale agreements between competitive electricity providers and small generators, including those relying on renewable resources. In each case the changes result from these laws cross-referencing the definition of "renewable resource" in the law governing electrical generation portfolio requirements. The changes in each case:

- a. Remove from qualifying as a renewable resource federally qualified small power production facilities that do not otherwise qualify as a renewable resource and generators fueled by municipal solid waste in conjunction with recycling;
- b. Add landfill gas as qualifying as a renewable resource;
- c. Require hydroelectric generators to meet federal and state fish passage requirements in order to qualify as a renewable resource; and
- d. Provide that biomass generators fueled by anaerobic digestion of agricultural products, by-products and wastes qualify as a renewable resource.

The changes also allow renewable resources over 100 megawatts to be used to meet the renewable energy usage required for state buildings under Title 5, section 1766-A.

Committee Amendment "A" (S-372)

This amendment replaces the bill. The amendment:

1. Clarifies which resources are subject to the 100-megawatt capacity limit on new renewable capacity resources in order to qualify for the new renewable resource portfolio requirement above 30% and related renewable energy credits under that law and the law governing green power options. Specifically, the amendment clarifies that all new renewable capacity resources except for wind power installations are subject to the 100-megawatt limit;
2. Adds definitions of "new" and "renewable capacity resources" to the law governing renewable resources portfolio requirements rather than relying on cross-references to those terms as used in the capacity resource adequacy laws;
3. Specifies types of biomass generators included within the definitions of "renewable resource" and "renewable capacity resource." This clarifies that generators fueled by wood or wood waste, landfill gas or anaerobic digestion of agricultural products, by-products or wastes qualify under the basic portfolio requirement, the new renewable resource portfolio requirement, the law governing green power options and the community-based renewable energy pilot program; and
4. Amends the definition of "renewable capacity resource" in the law governing capacity resource adequacy, the definitions of "green power supply" and "renewable energy credit" in the law governing green power options and the definition of "eligible renewable resource" in the law governing the community-based renewable energy pilot program to make them consistent with the definition of "renewable capacity resource" now provided in the law governing renewable resource portfolio requirements.

Senate Amendment "A" To Committee Amendment "A" (S-414)

This amendment provides that "renewable energy credit" includes a tradable instrument that represents an amount of electricity generated from eligible resources.

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Enacted Law Summary

Public Law 2009, chapter 542 amends the laws governing renewable resources. This law:

1. Clarifies which resources are subject to the 100-megawatt capacity limit on new renewable capacity resources in order to qualify for the new renewable resource portfolio requirement above 30% and related renewable energy credits under that law and the law governing green power options. Specifically, the amendment clarifies that all new renewable capacity resources except for wind power installations are subject to the 100-megawatt limit;
2. Adds definitions of "new" and "renewable capacity resources" to the law governing renewable resources portfolio requirements rather than relying on cross-references to those terms as used in the capacity resource adequacy laws;
3. Specifies types of biomass generators included within the definitions of "renewable resource" and "renewable capacity resource." This clarifies that generators fueled by wood or wood waste, landfill gas or anaerobic digestion of agricultural products, by-products or wastes qualify under the basic portfolio requirement, the new renewable resource portfolio requirement, the law governing green power options and the community-based renewable energy pilot program;
4. Amends the definition of "renewable capacity resource" in the law governing capacity resource adequacy, the definitions of "green power supply" and "renewable energy credit" in the law governing green power options and the definition of "eligible renewable resource" in the law governing the community-based renewable energy pilot program to make them consistent with the definition of "renewable capacity resource" now provided in the law governing renewable resource portfolio requirements; and
5. Clarifies that "renewable energy credit" includes a tradable instrument that represents an amount of electricity generated from eligible resources.

LD 1695 Resolve, Directing the Public Utilities Commission To Address Public Safety Issues Relating to Disconnection of Certain Utilities

**RESOLVE 168
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS CRAVEN	OTP-AM	H-680

This bill requires the Public Utilities Commission to adopt rules that require the notification of the owner of multiunit residential rental property when utilities are disconnected or terminated and provide the tenant whose service is being disconnected or terminated with information about utility payment assistance programs.

Committee Amendment "A" (H-680)

This amendment replaces the bill with a resolve that directs the Public Utilities Commission, in consultation with representatives of transmission and distribution utilities, gas utilities and water utilities as well as representatives of owners of rental units and representatives of tenants and other interested persons, to seek to develop appropriate and reasonable procedures to allow owners of rental units to receive notice of disconnection of electric, gas or water service to a tenant. The commission is directed to examine a variety of issues related to this matter and is authorized to take action pursuant to existing laws and rules or to adopt rules as necessary to achieve the goals of the resolve. The commission is required to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2011 the results of its examination as well as any procedures established. The amendment also adds an emergency preamble and an emergency clause.

Enacted Law Summary