

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES
AND TECHNOLOGY**

July 2011

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Energy, Utilities and Technology

This bill does the following.

1. It directs the Department of Environmental Protection to take all necessary steps to withdraw the State from all memoranda of understanding and state contracts with other states relating to the regional greenhouse gas initiative authorized pursuant to Maine law. Upon successful completion of the withdrawal, the department is required to submit legislation to the Legislature making necessary changes to laws relating to the regional greenhouse gas initiative.
2. It directs the Public Utilities Commission to order Maine's 3 investor-owned transmission and distribution utilities to take all steps necessary to end membership in Independent System Operator New England and to file with the commission a plan to form an alternative structure to hold, manage and dispatch the transmission assets of the investor-owned transmission and distribution utilities and to oversee the wholesale electricity market. The plan must, to the maximum extent possible, ensure that electricity is provided to Maine consumers at the lowest available cost.
3. It removes the authority of the Public Utilities Commission to order transmission and distribution utilities to contract for capacity resources.

Committee Amendment "A" (S-194)

This amendment replaces the bill and requires the State to withdraw from the regional greenhouse gas initiative if other states that participate in the regional greenhouse gas initiative and in the same wholesale electricity market administered and overseen by the regional transmission organization as Maine have a total carbon dioxide emissions budget for the calendar year 2009 that totals less than 35,000,000 tons.

Enacted Law Summary

Public Law 2011, chapter 277 requires the State to withdraw from the regional greenhouse gas initiative if other states that participate in the regional greenhouse gas initiative and in the same wholesale electricity market administered and overseen by the regional transmission organization as Maine have a total carbon dioxide emissions budget for the calendar year 2009 that totals less than 35,000,000 tons.

LD 795 An Act To Expand Net Energy Billing

PUBLIC 262

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE	OTP-AM	S-216

Under current rules of the Public Utilities Commission, eligible customers may elect net energy billing under which the eligible customer is billed on the basis of net energy used by that eligible customer. This bill defines "eligible customer" for the purposes of net energy billing and requires the commission to permit net energy billing of any eligible customer that has legal rights to energy generated by an eligible generator located within the same transmission and distribution utility service territory as the eligible customer.

Committee Amendment "A" (S-216)

This amendment modifies the definition of net energy billing to more closely reflect the definition already in rules of the Public Utilities Commission. It deletes definitions that are not needed for this section. It also adds unallocated language that directs the commission to amend its rule to require that the length of contracts for interconnection agreements is sufficient for the purpose of securing financing.

Joint Standing Committee on Energy, Utilities and Technology

Enacted Law Summary

Public Law 2011, chapter 262 defines net energy billing. Unallocated language directs the commission to amend its Chapter 313 rule governing net energy billing to require that the length of contracts for interconnection agreements is sufficient for the purpose of securing financing.

LD 801 An Act To Authorize the Public Utilities Commission To Require That ONTP
Transmission or Distribution Lines Be Placed Underground

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

This bill requires the Public Utilities Commission, on petition of a customer of a transmission and distribution utility, to open a proceeding to determine whether to order a transmission or distribution line to be placed underground. The commission must order that a transmission or distribution line be placed underground if the commission finds that the public health, safety or welfare would be enhanced by such placement. The commission is required to allow a transmission and distribution utility to recover the actual costs of complying with the commissions order to place a line underground.

LD 802 An Act To Amend the Requirements for Electric Transmission Lines PUBLIC 281

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM MAJ OTP-AM MIN	S-197

This bill amends the statute governing the issuance of certificates of public convenience and necessity for transmission lines. This bill provides that the Public Utilities Commission may not approve a certificate of public convenience and necessity for a transmission line unless it finds that the construction and operation of the proposed transmission line either reduces costs for consumers or is necessary to meet the reliability requirements imposed by the Federal Energy Regulatory Commission or its designated electric reliability organization.

The bill also corrects a conflict that was created by Public Law 2009, chapter 615 and chapter 655 by incorporating the changes made by both chaptered laws.

Committee Amendment "B" (S-197)

This amendment is the majority report of the Energy, Utilities and Technology Committee. The amendment strikes the requirement that a proposed transmission line either reduce the costs for consumers or be necessary to meet reliability requirements for a certificate of public convenience and necessity to be issued by the Public Utilities Commission.

Committee Amendment "A" (S-196)

This amendment is the minority report of the Energy, Utilities and Technology committee. The amendment reorganizes provisions related to certificates of public convenience and necessity and provides that in addition to the Federal Energy Regulatory Commission or its designated electric reliability organization's standards determining if a transmission line is being constructed for the purpose of reliability, the Public Utilities Commission may make an