

# MAINE STATE LEGISLATURE

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



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

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

May 2014

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**STATE OF MAINE**  
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**LEGISLATIVE DIGEST OF BILL SUMMARIES AND**  
**ENACTED LAWS**

The *Digest* is arranged 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.

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 Second Regular Session of the 126<sup>th</sup> Legislature is August 1, 2014. 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*

**LD 1147**

**An Act To Protect Maine's Scenic Character**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	ONTP OTP-AM	

This bill was reported out of the Joint Standing Committee on Environment and Natural Resources during the First Regular Session of the 126th Legislature with a majority report to refer the bill to the Joint Standing Committee on Energy Utilities and Technology. The bill was referred to the Joint Standing Committee on Energy, Utilities and Technology and carried over from the First Regular Session of the 126th Legislature.

This bill makes several changes to the scenic impact provisions of the laws governing expedited permitting of grid-scale wind energy development enacted in 2008. It offers the possibility of protecting scenic resources that have been identified as significant by municipalities in their comprehensive plans and the scenic resources of certain great ponds on which there are commercial sporting camps; increases from 8 miles to 15 miles the jurisdictional distance for requiring visual impact assessments; and creates a rebuttable presumption that proposed grid-scale wind energy development projects within 15 miles of Acadia National Park, Baxter State Park, the Appalachian Trail, a federally designated wilderness area or the Allagash Wilderness Waterway will have an unreasonable adverse effect on a scenic resource. It requires the Department of Environmental Protection to consider the cumulative impacts of development when permitting grid-scale wind energy development projects under the laws governing expedited permitting of grid-scale wind energy development. It requires the Department of Environmental Protection to undertake rulemaking with respect to required decommissioning plans and directs updates of the great ponds studies done in 1987 and 1989.

**Committee Amendment "A" (H-550)**

This amendment is the minority report of the Joint Standing Committee on Environment and Natural Resources during the First Regular Session of the 126th Legislature and replaces the bill. It adds a new definition of "cumulative scenic impact or effect" to address potential cumulative impacts related to multiple wind energy generating facilities that are observed from a scenic resource of state or national significance. It changes the size of the area in which an analysis of visual impact must be undertaken from 3 and 8 miles currently to 8 and 15 miles. It creates a rebuttable presumption of unreasonable adverse effect on scenic character if the generating facility is located within 15 miles of Acadia National Park, the Appalachian Trail, a federally designated wilderness area, Baxter State Park or the Allagash Wilderness Waterway.

**Committee Amendment "B" (H-738)**

This amendment is the minority report of the Joint Standing Committee on Energy, Utilities and Technology during the Second Regular Session of the 126th Legislature. It makes changes to the bill, including:

1. Creating several new definitions relating to the scenic impact of a wind energy development;
2. Adding to the definition of "scenic resource of state or national significance" great ponds that were not studied for their scenic values in 1987 or 1989 and that the Department of Environmental Protection finds have outstanding or significant scenic quality using the assessment criteria in the 1989 Maine's Finest Lakes study;
3. Removing from current law a requirement that judicial appeals of final action by the Board of Environmental Protection or the Commissioner of Environmental Protection regarding an expedited wind energy development be taken directly to the Supreme Judicial Court sitting as the Law Court;
4. Removing the provisions of the bill that apply the scenic impact laws to scenic resources of local significance;

*Joint Standing Committee on Energy, Utilities and Technology*

and

5. Creating a rebuttable presumption of unreasonable adverse effect on scenic character if a generating facility is located within 15 miles from certain scenic resources of state or national significance.

**LD 1252 An Act To Improve Maine's Economy and Energy Security with Cost-effective Technologies**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORRISON	OTP-AM	H-650
GRATWICK	OTP-AM ONTP	H-744 HARVELL

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill reinstates the solar and wind energy rebate program to provide rebates for the purchase of certain solar and wind energy equipment until June 30, 2018. The program expired December 31, 2010. This bill also increases the limit on the total amount of renewable capacity allowed under the community-based renewable energy pilot program from 50 megawatts to 60 megawatts and requires the Public Utilities Commission to reserve 10 megawatts in that program for solar-powered generating systems. The bill increases the limit on the contract price the commission can authorize for eligible solar-power generation under the community-based renewable energy pilot program and indexes the price limit to the Consumer Price Index. It also extends the repeal date for the Community-based Renewable Energy Act from December 31, 2015 to December 31, 2017. The bill requires the commission to submit to the Legislature by January 15, 2014 a report on options for establishing setting an amount of energy purchased that must be solar within the State's renewable portfolio standard.

**Committee Amendment "A" (H-650)**

This amendment is the majority report of the Joint Standing Committee on Energy, Utilities and Technology. This amendment replaces the bill. It establishes the Renewable Energy Rebate Program Fund under the Efficiency Maine Trust. The trust is required to provide rebates for the purchase of certain solar energy equipment until December 31, 2016. The rebate program is funded by an assessment of .011¢ per kilowatt-hour on electricity bills. The amendment also adds an appropriations and allocations section.

**Committee Amendment "B" (H-651)**

This amendment is the minority report of the Joint Standing Committee on Energy, Utilities and Technology and replaces the bill. This amendment establishes a sales tax exemption for solar photovoltaic and solar thermal systems purchased for the purpose of generating energy for personal or private use. The sales tax exemption is repealed December 31, 2016. The amendment allows the joint standing committee of the Legislature having jurisdiction over energy and utilities matters to report out legislation to change the repeal date if the federal tax credit for residential energy efficient property is extended beyond December 31, 2016.

**House Amendment "C" To Committee Amendment "A" (H-744)**

This amendment changes the name of the fund established in Committee Amendment "A" to the Solar Energy and Heat Pump Rebate Program Fund and expands the permitted use of the fund to include rebates for heat pumps. The amendment requires the Efficiency Maine Trust to establish, by routine technical rules, criteria for eligibility of technology and entities. Only persons who are residents of this State or that are domiciled in this State are eligible for rebates. In addition, only individuals who qualify for the Low-income Home Energy Assistance Program are eligible to receive rebates for both solar technologies and heat pumps. Other persons, including individuals and commercial, nonprofit or government entities that do not qualify for the Low-income Home Energy Assistance Program may qualify for rebates only for solar technologies and only if the solar technologies are installed on facilities located in this State.