

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH 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
126TH LEGISLATURE
SECOND REGULAR SESSION
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 HOUSESHouse & 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
EMERGENCYenacted 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 126th 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

This amendment also replaces the appropriations and allocations section in Committee Amendment "A" to effect the changes made in this amendment.

LD 1278 An Act To Ensure Equitable Support for Long-term Energy Contracts

PUBLIC 454

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
YOUNGBLOOD CAMPBELL R	OTP-AM	S-384

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

This bill ensures that consumers of investor-owned transmission and distribution utilities in the State equitably share in the costs and direct benefits of long-term capacity resource contracts and community-based renewable energy projects. The bill provides that eligible costs and benefits related to these contracts are determined annually based on a forecast and reconciled the following year. The recovery mechanism established in this bill applies to existing long-term contracts and replaces any other recovery mechanism currently in place.

Committee Amendment "A" (S-384)

This amendment clarifies that the Act is to apply to investor-owned transmission and distribution utilities rather than all transmission and distribution utilities. The amendment removes the prescriptive requirements of how the benefit and cost mechanism is to be created in order to provide the Public Utilities Commission with the flexibility to identify the best process. This amendment clarifies that the Act is meant to equally distribute the benefits and costs of long-term energy contracts more equitably among those that currently receive the benefits and pay the costs of long-term energy contracts and that it is not intended to make classes or certain bodies of ratepayers who do not currently receive the benefits or pay the costs of long-term energy contracts do so. This amendment removes the 25-megawatt cap under the community-based renewable energy pilot program. This amendment does not change the total 50-megawatt statewide cap.

Enacted Law Summary

Public Law 2013, chapter 454 requires that customers of investor-owned transmission and distribution utilities in the State equitably share in the costs and direct benefits of long-term capacity resource contracts and community-based renewable energy projects. Chapter 454 provides that eligible costs and benefits related to these contracts are determined annually by the Public Utilities Commission. The recovery mechanism established in chapter 454 applies prospectively to existing long-term contracts and replaces any other recovery mechanism currently in place. Chapter 454 is meant to equally distribute the benefits and costs of long-term energy contracts more equitably among those that currently receive the benefits and pay the costs of long-term energy contracts and is not intended to make classes or certain bodies of ratepayers who do not currently receive the benefits or pay the costs of long-term energy contracts do so. Chapter 454 removes the 25-megawatt cap per utility territory under the community-based renewable energy pilot program but does not change the total 50-megawatt statewide cap.

LD 1323 An Act Regarding Wind Power Siting in the Unorganized Territory

**Died Between
Houses**

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

Joint Standing Committee on Energy, Utilities and Technology

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 provides that before the Department of Environmental Protection may approve a proposal for a grid-scale wind energy development in the unorganized or deorganized area of the State, the Maine Land Use Planning Commission must certify that the area where the development will be located has been zoned for planned development and removes a legislative finding regarding wind energy development in the unorganized and deorganized areas of the State.

Committee Amendment "A" (H-549)

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 repeals the provision of law specifying that an expedited wind energy development is a use requiring a permit but not a special exception. It repeals the requirement that the Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission make expedited wind energy development a use allowed with a permit in expedited permitting areas. The effect of the repeals is to require that, in order for a wind energy development in the unorganized or deorganized area of the State to receive a permit from the Department of Environmental Protection or the Maine Land Use Planning Commission, the development must be located in a subdistrict in which it is an allowed use. It also replaces a legislative finding regarding wind energy development in the unorganized and deorganized areas of the State and requires the Maine Land Use Planning Commission to amend its rules regarding allowed uses. This amendment adds an appropriations and allocations section.

Committee Amendment "B" (H-601)

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. This amendment adds an appropriations and allocations section. The amendment also changes the date by which the Maine Land Use Planning Commission needs to adopt rules from January 1, 2014 to January 1, 2015.

LD 1396 An Act To Create the Lisbon Water District

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T BEAVERS	ONTP	

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

This bill creates the Lisbon Water District.

LD 1434 An Act To Clarify the Laws Governing Noise from Wind Turbines

ONTP

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

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

This bill requires unregulated wind energy developments that buy and sell electricity to meet the same sound level