

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



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

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

May 2016

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STATE OF MAINE

127TH LEGISLATURE

SECOND REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 127th 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. An appendix provides a summary of relevant session statistics.

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 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 127th Legislature is July 29, 2016. 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 273

An Act To Encourage and Enhance the Future of Waste-to-energy Facilities by Establishing a Portfolio Requirement for Electricity from Waste Energy Resources

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R SAVIELLO T	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill does the following.

1. It amends the definition of renewable capacity resource to include waste energy resources.
2. It defines "waste energy resource" as a source of electrical generation that is fueled by municipal solid waste in conjunction with recycling and whose total power capacity does not exceed 35 megawatts. In addition, the waste energy resource would have to meet Maine's air emissions standards for resource recovery facilities and licensing standards for solid waste facilities and ensure that residuals from the waste energy resource are disposed of at a landfill meeting Maine's licensing standards.
3. It requires 3.5% of a competitive energy providers' portfolio to come from waste energy resources.
4. It allows competitive energy providers to satisfy the portfolio requirements for waste energy resources through an alternative compliance payment mechanism, the rate of which is to be established by rule yearly by the Public Utilities Commission. Payment made by providers is to fund the Efficiency Maine Trust and Renewable Resource Fund.

Committee Amendment "A" (H-519)

This amendment is the minority report of the committee and it replaces the bill and changes the title. This amendment differs from the bill in the following ways.

1. It changes the term "waste energy resources" to "waste-to-energy resources" to be consistent with other statutory provisions.
2. It removes the section that would have added waste energy resources to the definition of "renewable capacity resource" in order to clarify that waste-to-energy resources would create a separate class of renewable energy credits.
3. It amends the definition of "renewable energy credit" to include electricity generated from waste-to-energy resources.
4. It includes in the definition of "waste-to-energy resource" a provision that disqualifies any generator that is a party to a power purchase agreement under the federal Public Utility Regulatory Policies Act of 1978.
5. It lowers the proposed portfolio requirement for waste-to-energy resources from 3.5% to 1% from January 1, 2017 to February 14, 2018 and to 2.5% beginning February 15, 2018 to more accurately reflect the level of generation from the eligible waste-to-energy facilities in Maine and to lessen the impact on ratepayers.
6. It adds language to clarify that renewable energy credits from waste-to-energy resources used to satisfy the new portfolio requirement may not be used to satisfy eligible resources and new renewable capacity resources portfolio requirements.

Joint Standing Committee on Energy, Utilities and Technology

7. It sets the initial alternative compliance payment base rate at \$10 per megawatt-hour, to be adjusted for inflation on an annual basis and published annually by the Public Utilities Commission.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-376)

This amendment repeals on June 30, 2020 the changes to the law effectuated by Committee Amendment "A."

This amendment was not adopted.

**LD 466 An Act To Increase Competition and Ensure a Robust Information and PUBLIC 462
Telecommunications Market**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY L	OTP-AM	H-655
WHITTEMORE R	OTP-AM	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to determine public policy for provider of last resort telecommunications service in the State.

Committee Amendment "A" (H-655)

This amendment is the majority report of the committee. It replaces the bill, which is a concept draft.

The amendment does the following.

1. It defines the term "price cap incumbent local exchange carrier" or "price cap ILEC."
2. It provides that, 30 days after the applicable provision becomes effective, the price cap ILEC's provider of last resort service obligation will cease in Portland, Lewiston, Bangor, South Portland, Auburn, Biddeford and Sanford.
3. It provides that, every six months from the date the applicable provision becomes effective, the obligation of a price cap ILEC to provide provider of last resort service will be removed by issuance of a certificate by the Public Utilities Commission, in five of the additional 15 municipalities listed in the amendment, in order, as long as the price cap ILEC has met service quality requirements in the preceding two consecutive quarters.
4. It requires the price cap ILEC to continue to offer to each provider of last resort service customer to whom it was providing the service on the date the obligation to provide the service was removed, a telephone service with the same rates, terms and conditions as it provides to provider of last resort service customers to whom it is obligated to provide provider of last resort service, for one year from the date the obligation was removed.
5. It requires the commission to host a public meeting in each municipality affected by a proposed change in provider of last resort service to allow customers of a price cap ILEC to obtain information about the upcoming changes to service.
6. It requires that affected provider of last resort service customers be given advance notice of a change in provider of last resort service in the price cap ILEC's monthly billing statement, along with the date, time and location of a public meeting to be hosted by the commission.