

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

October 2018

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STAFF:

DEIRDRE SCHNEIDER, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th 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 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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

Session to the Second Regular Session of the 128th Legislature.

This bill amends the laws governing net energy billing. It prohibits a charge to a customer that elects to use net energy billing. It includes the following specific provisions related to net energy billing.

1. It provides that customers using net energy billing receive bill credits netted against delivery and supply charges on a one-to-one basis.
2. It provides that unused bill credits accumulate on a 12-month rolling basis.
3. It limits the installed capacity of an eligible facility to two megawatts in the territory of an investor-owned transmission and distribution utility and to 100 kilowatts in the territory of a consumer-owned transmission and distribution utility, except that the consumer-owned transmission and distribution utility may elect to allow an eligible facility with installed capacity up to two megawatts.
4. It allows an eligible facility with shared ownership or third-party ownership to be eligible for net energy billing and prohibits the Public Utilities Commission from limiting the number of participants in a shared ownership project, but allows the commission to set a minimum share size.
5. It requires a comprehensive review of ratepayer benefits and costs from net energy billing when any investor-owned transmission and distribution utility in the State enters into net energy billing agreements for a total generating capacity equal to 5% of the annual peak demand and again for every additional 3% of the utility's annual peak demand thereafter.

This bill also establishes a solar energy rebate program to be administered by the Efficiency Maine Trust. The program is to be funded through an assessment collected by the Public Utilities Commission from transmission and distribution utilities. Available funds are to be distributed in the following manner: 40% to eligible commercial customers, 20% to low-income or moderate-income residents and 40% to other eligible residents.

This bill requires the trust to adopt routine technical rules to administer the program and requires the trust to submit an annual report to the Legislature that describes the actions of the trust related to the rebate program.

House Amendment "A" (H-566)

This amendment strikes the bill, adds a new title and specifies that the rules adopted by the Public Utilities Commission regarding net energy billing relating to determining the reduction of the percentage of net energy included in determining a customer's transmission and distribution bill must allow that percentage to be applied only to the excess energy generation subject to the net energy billing arrangement.

This amendment was not adopted.

LD 1399 An Act To Encourage Broadband Coverage in Rural Maine

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S BERRY S	OTP-AM ONTP	S-223

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

Joint Standing Committee on Energy, Utilities and Technology

This bill repeals the provisions of law establishing and governing the ConnectME Authority and establishes the Maine Broadband Initiative as a nonprofit corporation with public and charitable purposes to encourage, promote, stimulate, invest in and support universal high-speed broadband to unserved and underserved areas of the State. The initiative is governed by a board of directors. The bill establishes the Maine Broadband Initiative Fund, which is funded by assessments on communications service providers and tax assessments on qualified telecommunications equipment of telecommunications businesses. The bill provides for a transition from the ConnectME Authority to the new Maine Broadband Initiative.

Committee Amendment "A" (S-223)

This amendment makes the following changes to the bill.

1. It clarifies the process for the appointment and confirmation of the Maine Broadband Initiative director by requiring that the Governor appoint a person who has experience in the management of organizations that maximize partnerships and collaborations. The amendment also provides that the appointee is subject to review by the joint standing committee of the Legislature having jurisdiction over public utilities and technology matters rather than telecommunications and broadband matters and must be confirmed by the Legislature rather than the Board of Directors of the Maine Broadband Initiative.
2. It changes the definition of "unserved area" to mean an area within the State that has an actual broadband speed that is slower than ten megabits per second, rather than 25 megabits as in the bill.
3. It removes a policy and goal of the Maine Broadband Initiative from the bill.
4. It changes the criteria that the Governor must consider when making an appointment to the Board of Directors of the Maine Broadband Initiative.
5. It removes the provision in the bill that allows appointment of directors of the Board of Directors of the Maine Broadband Initiative by the Speaker of the House of Representatives and the President of the Senate.
6. It further changes the composition of the membership of the Board of Directors of the Maine Broadband Initiative.
7. It limits administrative costs of the Maine Broadband Initiative to no more than 10% of the annual funds received from the Maine Broadband Initiative Fund.
8. It changes the date from July 1st to September 1st as it relates to the crediting of the tax assessment by the State Tax Assessor to the Maine Broadband Initiative Fund.
9. It adds an appropriations and allocations section.

LD 1444 An Act To Prohibit Gross Metering

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D BERRY S	OTP-AM OTP-AM	S-359

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill directs the Public Utilities Commission to enter into long-term contracts with a duration of 20 years for the procurement of 120 megawatts of large-scale community solar distributed generation resources by 2022.