

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2017

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STATE OF MAINE

128TH LEGISLATURE
FIRST 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 First Regular Session 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 date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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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 10 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; and
- 9. It adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1444

An Act Regarding Large-scale Community Solar Procurement

CARRIED OVER

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

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.

The bill designates a standard buyer, which the bill specifies is the investor-owned transmission and distribution utility in its service territory. The bill allows the commission to designate another entity as the standard buyer if the commission determines it is in the best interest of ratepayers to do so. The purpose of the standard buyer is to purchase the output of large-scale community solar distributed generation resources, aggregate the portfolio of distributed generation resources procured and sell or use the output of these resources in a manner that maximizes the value of this portfolio of resources to all ratepayers.

The bill directs the commission to conduct an initial competitive solicitation for 30 megawatts of output of large-scale community solar distributed generation by March 1, 2018. The bill directs the commission and standard buyer to develop a contract prior to a solicitation that will ensure that projects proceed to commercial operation on a reasonable timeline and commits all parties to commercially reasonable behavior.

The bill gives the commission authority to establish requirements for bidder eligibility and standards to ensure competition in the bidding process. The bill also specifies that if the solicitation is determined competitive the commission must select one or more winning bids and direct the standard buyer to negotiate and enter into a

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contract with the winning bidder or bidders. If the commission concludes the solicitation is not competitive, no bidders may be selected and the capacity available in that solicitation must be deferred to a subsequent solicitation. The bill requires the commission to select bids that maximize the benefits or minimize the costs to all ratepayers.

The bill requires after the first solicitation that the highest bid rate awarded a contract is the standard solar rate. For each subsequent procurement for 30 megawatts of large-scale community solar distributed generation resources, the commission must establish a declining block rate by reducing the rate awarded in the previous procurement by up to 3%. Bidders in subsequent procurement must submit both a standard bid rate and a discounted bid rate. The bill specifies that if the total bids received in the aggregate is for less than 30 megawatts in subsequent solicitations, contracts will be awarded to all bidders at the applicable declining block rate; however, if the total bids received in the aggregate is for more than 30 megawatts, preference will be given to those bidders with the lowest discounted bid rate and contracts must be awarded to all selected bidders at the lowest qualified discounted bid rate. The bill requires that if there are multiple bids at the same discounted bid rate, preference will be given to the project that was submitted first, as determined by the time stamp showing when the bid was received by the commission.

The bill specifies that the bill credit allocated to a subscriber to a particular large-scale community solar distributed generation resource must be based on each subscriber's percentage interest of the total production of the large-scale community solar distributed generation resource for the previous month. The bill requires the project sponsor to provide to the transmission and distribution utility, on a monthly basis, the information required to calculate the bill credit to be provided to each subscriber. The bill includes provisions on how payments to a subscriber must be credited against the subscriber's monthly electricity bill.

The bill requires the Public Utilities Commission to adopt routine technical rules regarding the procurement of large-scale community solar distributed generation resources by January 1, 2018.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 1472 An Act To Lower the Costs of Broadband Service by Coordinating the CARRIED OVER
Installation of Broadband Infrastructure**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A		

This bill requires public entities constructing or causing to be constructed certain construction projects to install or cause to be installed broadband conduit as part of the construction project. Construction projects covered include projects to construct new or replace existing water or sewer lines in the right-of-way of a highway or public road; to construct a new highway or public road; or to construct or relocate an additional lane or shoulder for an existing highway or public road. The bill authorizes public entities to lease the installed broadband conduit to broadband providers to install fiber-optic or other cables that support broadband and wireless facilities for broadband service. The bill directs the ConnectME Authority, in collaboration with the Department of Transportation, to provide technical and educational assistance and requires the ConnectME Authority to maintain a map of broadband conduit installation in the State.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 1487 An Act To Control Electricity Transmission Costs through the CARRIED OVER
Development of Nontransmission Alternatives**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M		