

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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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

Committee Amendment "B" (S-360)

This amendment is the minority report of the committee, and it replaces the bill and changes the title. It does the following regarding net energy billing.

1. It allows an eligible customer to elect net energy billing until December 31, 2018, after which time no new net energy billing arrangements may be allowed.
2. It allows net energy billing arrangements entered into prior to January 1, 2019, to remain in effect until December 31, 2033.
3. It prohibits a transmission and distribution utility from requiring a customer to meter the gross output of an eligible facility in order to participate in net energy billing.
4. It limits to 50 the number of eligible customers that may participate in a single shared interest in an eligible facility or the number of meters associated with a single shared interest, except in the service territory of a transmission and distribution utility located in an area administered by the independent system administrator for northern Maine.

The amendment establishes a market-based crediting system for energy generated by eligible facilities. It requires the Public Utilities Commission to adopt rules to allow an eligible customer to receive a monetary credit for energy generated by an eligible facility in excess of the customer's usage and exported to the grid at the real-time wholesale market price of that energy. As in the provisions relating to net energy billing, a transmission and distribution utility is prohibited from requiring a customer to meter the gross output of an eligible facility in order to participate in the crediting system, and the number of eligible customers that may participate in a single shared interest in an eligible facility, or the number of meters associated with a single shared interest, is limited to 50. The amendment exempts a transmission and distribution utility located in an area administered by the independent system administrator for northern Maine, or any successor of the independent system administrator for northern Maine, from using this crediting system until the Public Utilities Commission determines the utility's billing system can perform the necessary functions to implement the system. It requires the commission to consider whether an alternative system to the crediting system for northern Maine could be developed and utilized in the interim period before the utility's billing system is modified to allow a market-based crediting system.

It requires the Public Utilities Commission to procure, to the maximum extent possible, 20 megawatts of large-scale community solar distributed generation resources. It requires that the contract rate be calculated annually and that no contract may be for more than 6¢ per kilowatt-hour or the average wholesale electricity rate over the preceding 12 months, whichever is less.

Lastly, it requires the Public Utilities Commission to conduct an analysis of the costs and benefits to ratepayers for both net energy billing and the market-based crediting system in an adjudicatory proceeding and to report those findings to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters no later than March 1, 2019.

LD 1472

An Act To Lower the Costs of Broadband Service by Coordinating the Installation of Broadband Infrastructure

PUBLIC 344

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A	OTP-AM	H-643

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

Joint Standing Committee on Energy, Utilities and Technology

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.

Committee Amendment "A" (H-643)

This amendment replaces the bill. It requires an applicant for a permit for a proposed underground facility in excess of 500 feet in length to provide notice to the ConnectME Authority. Notice must include a description and the location of the proposed project and must be provided within five business days of submitting an application with the applicable licensing authority. The ConnectME Authority is required to disseminate the information it receives regarding the underground facility in a manner that ensures all parties that may be interested in installing a broadband conduit have access to that information.

Enacted Law Summary

Public Law 2017, chapter 344 requires an applicant for a permit for a proposed underground facility in excess of 500 feet in length to provide notice to the ConnectME Authority. It specifies that notice must include a description and the location of the proposed project and must be provided within five business days of submitting an application with the applicable licensing authority. It requires the ConnectME Authority to disseminate the information it receives regarding the underground facility in a manner that ensures all parties that may be interested in installing a broadband conduit have access to that information.

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

**Died On
Adjournment**

Sponsor(s)

DION M

Committee Report

OTP-AM
ONTP

Amendments Adopted

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

This bill changes the requirement regarding the development, implementation, operation and management of nontransmission alternatives for proposed transmission lines and proposed transmission projects. This bill requires that a smart grid coordinator appointed by the Public Utilities Commission develop a nontransmission alternative to a proposed transmission line or proposed transmission project.

The bill provides that a smart grid coordinator must be an entity incorporated in the State; may not be a transmission and distribution utility located in the State or an affiliate of a transmission and distribution utility located in the State; and must have a demonstrated record of developing, operating and managing nontransmission alternatives.

Committee Amendment "A" (S-435)

This amendment replaces the bill and changes the title. It amends the legislative findings provision of the laws regarding declaration of policy on smart grid infrastructure to state that it is in the public interest to establish a single, independent smart grid coordinator. It directs the Office of the Public Advocate to convene a stakeholder