

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

August 2019

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# STATE OF MAINE

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## 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 129<sup>th</sup> 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 129<sup>th</sup> Legislature is Thursday, September 19, 2019. 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 13 An Act To Allow Microgrids That Are in the Public Interest**

**CARRIED OVER**

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

This bill directs the Public Utilities Commission to approve a petition to construct and operate a new microgrid if the commission finds the proposal to be in the public interest and the new microgrid meets other specified requirements. It provides the commission with the ability to impose such terms, conditions or requirements as, in its judgment, it considers necessary in approving a new microgrid and also gives the commission oversight to ensure reliability and security of the electrical system and consumer protections for new microgrid consumers. It specifies that a new microgrid does not become a public utility as a result of its furnishing electrical service to participating consumers. It provides that a new microgrid that has been approved by the commission may construct, maintain or operate its lines in, upon, along, over, across or under the roads and streets. The bill directs the Public Utilities Commission to submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utility matters by January 15, 2021.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 31 An Act Regarding Rules Adopted by the ConnectME Authority**

**PUBLIC 2**

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

This bill changes the designation of rules adopted by the ConnectME Authority from major substantive to routine technical.

**Enacted Law Summary**

Public Law 2019, chapter 2 changes the designation of rules adopted by the ConnectME Authority from major substantive to routine technical.

**LD 41 An Act To Replace Net Energy Billing with a Market-based Mechanism**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR B TIMBERLAKE J	ONTP OTP-AM	

This bill makes several changes regarding net energy billing. It allows an eligible customer to elect net energy billing until December 31, 2019, after which time no new net energy billing arrangements may be allowed. It allows net energy billing arrangements entered into prior to December 31, 2019 to remain in effect until December 31, 2034. 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. 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

## *Joint Standing Committee on Energy, Utilities and Technology*

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 bill also 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 bill 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 January 1, 2021.

### **Committee Amendment "A" (H-107)**

This amendment is the minority report of the committee. The amendment does the following.

1. It changes the end date of eligibility to elect net energy billing from December 31, 2019 to December 31, 2020.
2. It allows net energy billing arrangements entered into prior to December 31, 2020 to remain in effect until December 31, 2035.
3. It limits to 100, rather than 50 in the bill, 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 under net energy billing and under the market-based crediting system.
4. It clarifies the exceptions in the bill for northern Maine to specify that the exception applies to the portion of a transmission and distribution utility's service territory that is in an area administered by the independent system administrator for northern Maine.
5. It removes the cap in the bill of 6¢ per kilowatt-hour or the average wholesale electricity rate over the preceding 12 months, whichever is less, on the long-term contract rate for large-scale community solar distributed generation resources.
6. It requires the Public Utilities Commission to adopt rules to implement the long-term contracts for community solar distributed generation resources. It requires that these rules include provisions to protect electricity customers from any shift of responsibility for transmission and distribution utility costs between customers that arises as a result of community solar distributed generation resources.

**Joint Standing Committee on Energy, Utilities and Technology**

This amendment was not adopted.

**LD 68      An Act To Improve the Record Keeping of Utilities and the Public Utilities Commission**

**PUBLIC 26**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B	OTP-AM	S-12

This bill amends the law governing the record-keeping requirements of the Public Utilities Commission. Current law requires that the commission maintain a complete record of proceedings, investigations and formal public hearings. The bill adds the requirement to maintain a record of complaints. It also specifies that the required records be permanently maintained and include results and conclusions, including orders, findings, decisions and settlement agreements. Finally, the bill requires the commission, upon request of a public utility customer, to reconstruct, to the extent possible, the record of a proceeding, investigation, formal public hearing or complaint that was disposed of prior to the requirement that a permanent record be maintained.

**Committee Amendment "A" (S-12)**

This amendment makes two changes to the bill. First, it adds a provision to the bill to require public utilities to preserve records of customer complaints for a period of 10 years and to make records of customer complaints readily available to the Public Utilities Commission for examination. Second, the amendment removes the provision of the bill that requires the Public Utilities Commission to reconstruct past records of proceedings, investigations, public hearings and complaints.

**Enacted Law Summary**

Public Law 2019, chapter 26 amends the law governing the record-keeping requirements of the Public Utilities Commission to add the requirement that the commission maintain records of complaints and to specify that records must be permanently maintained and include results and conclusions, including orders, findings, decisions and settlement agreements. The law also requires public utilities to preserve records of customer complaints for a period of 10 years and to make records of customer complaints readily available to the Public Utilities Commission for examination.

**LD 91      An Act To Eliminate Gross Metering**

**PUBLIC 16**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S WOODSOME D	OTP ONTP	S-4    LAWRENCE M

This bill clarifies the definition of "net energy billing." It requires the Public Utilities Commission, within 60 days of this legislation becoming effective, to amend its net energy billing rules adopted pursuant to the Maine Revised Statutes, Title 35-A, section 3209-A to be substantively equivalent to the rules in effect on January 1, 2017. It provides that all customers that entered into a net energy billing arrangement on or after March 29, 2017 are governed by the rules that are to be adopted pursuant to this legislation.

**Senate Amendment "A" (S-4)**

This amendment removes the emergency preamble and emergency clause.

**Enacted Law Summary**

Public Law 2019, chapter 16 clarifies the definition of "net energy billing." It requires the Public Utilities