

# 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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## 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 1060 An Act To Authorize Consumers Located Adjacent to Electric Power Generators To Obtain Power Directly**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL D FOLEY R	ONTP OTP	

This bill allows an electricity generator to build an interconnection from the generator's facility to a consumer of the electricity located adjacent to the generator without becoming subject to regulation by the Public Utilities Commission as a transmission and distribution utility. The Public Utilities Commission is directed to adopt rules to determine when a consumer is located adjacent to a generator.

**LD 1063 An Act To Support the Role of Municipalities in Expanding Broadband Infrastructure**

**PUBLIC 108**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J FOLEY R	OTP-AM	H-110

This bill recognizes broadband Internet as a public necessity. It designates a community broadband system or part of that system as a revenue-producing municipal facility. It allows a municipality to construct, maintain and operate a municipal or multimunicipal system composed of infrastructure capable of being utilized by communications service providers for the provision of communications services. The bill prohibits a municipality from providing retail communications services through community broadband systems to nonmunicipal entities. The bill exempts community broadband systems from taxation.

**Committee Amendment "A" (H-110)**

This amendment removes the provision in the bill that prohibits a municipality from providing retail communication services through community broadband systems to nonmunicipal entities.

**Enacted Law Summary**

Public Law 2019, chapter 108 recognizes broadband Internet as a public necessity. It designates a community broadband system or part of that system as a revenue-producing municipal facility. It allows a municipality to construct, maintain and operate a municipal or multimunicipal system composed of infrastructure capable of being utilized by communications service providers for the provision of communications services, and it exempts community broadband systems from taxation.

**LD 1120 An Act To Protect Consumers from Price Gouging by Utility Companies**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J SYLVESTER M	ONTP OTP-AM	

This bill changes the positions of the members of the Public Utilities Commission, currently 6-year terms, and the Public Advocate, currently a four-year term, to positions serving at the pleasure of the Governor. It also changes the compensation of the members of the Public Utilities Commission to be set at the average annual wage in the State;

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

current law sets compensation of the chair of the commission at the salary of the Chief Justice of the Superior Court and the other commissioners at the salary of an Associate Justice of the Superior Court.

The bill requires the commission, in the determination of utility rates, to limit rate increases to less than 10% in any 12-month period. The bill also prohibits costs associated with errors or mistakes that are the responsibility of a utility from being included or incorporated in operating expenses in the commission's determination of rates or rate-adjustment mechanisms.

**Committee Amendment "A" (S-95)**

This amendment is the minority report of the committee. It adds an appropriations and allocations section to the bill.

This amendment was not adopted.

**LD 1127     An Act To Expand Community-based Solar Energy in Maine**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H		

This bill requires the Public Utilities Commission to direct investor-owned transmission and distribution utilities to enter into long-term contracts with community-based solar photovoltaic energy generating facilities. The total amount of resources procured through these long-term contracts may not exceed 100 megawatts, and 20% of resources procured must come from generators with a capacity of less than two megawatts. The bill requires the commission to establish provisions to protect the interests of utility customers over the term of the contracts.

The bill sets forth eligibility requirements for community-based solar resources to enter into long-term contracts. To be eligible, a resource must have a capacity of no more than 10 megawatts, have an in-service date between June 30, 2020 and December 31, 2021 and meet local ownership requirements. In addition, to be eligible, the owners of the resource must:

1. Demonstrate to the Public Utilities Commission completion of an interconnection agreement application with the local transmission and distribution utility;
2. Include a plan to obtain all required federal, state and local permits and approvals;
3. Demonstrate financial capability to operate the resource over the term of the contract;
4. Include a letter or resolution of support from the local community in which the resource is located; and
5. Outline expected economic benefits from the long-term contract to the local community in which the resource is located.

The bill establishes a minimum contract length of 20 years and requires the contract rate to be less than 9¢ per kilowatt-hour and fixed for a period of at least 20 years. Contracts may be for energy or capacity. The contracts may also include renewable energy credits, or the owners of the resource may retain the renewable energy credits associated with the resource, as determined by the owners. Finally, the bill specifies that available energy contracted for under the provisions of this bill must be sold into the wholesale electricity market in conjunction with solicitations for standard-offer supply bids.

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