

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

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

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STATE OF MAINE

129TH LEGISLATURE
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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 129th 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 129th 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

- 4. It amends the definition of "transmission project" to cover projects expected to cost in excess of \$5,000,000, rather than those in excess of \$20,000,000 as in current law.
- 5. It amends the provisions relating to transmission lines and transmission projects subject to investigation of nonwires alternatives in several ways. It limits the requirement for a nonwires alternative investigation to apply to transmission lines and projects proposed by investor-owned transmission and distribution utilities, rather than transmission and distribution utilities in general. It also adds a category of small transmission and distribution projects subject to nonwires alternatives investigation.
- 6. It establishes cost-effectiveness as the analytical framework and standard for the investigation of nonwires alternatives for all types of projects and requires a benefit-cost analysis to evaluate cost-effectiveness. It requires the nonwires alternative coordinator to develop and make recommendations regarding the cost-effectiveness of nonwires alternatives and a proposed plan for procurement of nonwires alternatives.
- 7. It requires an investor-owned transmission and distribution utility to submit annually to the Office of the Public Advocate a planning study for small transmission and distribution projects.
- 8. It requires the nonwires alternative coordinator to provide recommendations to investor-owned transmission and distribution utilities for nonwires alternatives to small transmission projects and distribution projects and requires the coordinator and the utility to attempt to reach a good faith agreement on the adoption of nonwires alternatives. If no agreement is reached, the utility is required to petition the Public Utilities Commission to resolve the dispute.
- 9. It includes provisions regarding procurement of nonwires alternatives. These provisions require a transmission and distribution utility to contract with the Efficiency Maine Trust to deliver nonwires alternatives that are on the customer side of the meter and require the commission to determine the entity, which may be the utility or a third party, to deliver nonwires alternatives that are on the grid side of the meter.
- 10. It provides that a transmission and distribution utility's prudently incurred costs to deliver nonwires alternatives are recoverable in rates.
- 11. It adds a provision to reference the activities of the nonwires alternative coordinator in the Efficiency Maine Trust Act regarding coordination with activities and programs of state agencies and authorities.
- 12. It makes changes to the law on smart grid infrastructure policy and establishes that it is in the public interest to establish a nonwires alternative coordinator for the State.

LD 1186 An Act To Address Electricity Costs of Agricultural Fairs

**PUBLIC 169
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N GRATWICK G	OTP-AM	H-228

This bill provides that a transmission and distribution utility may not assess a person or entity licensed to hold an agricultural fair a demand charge in connection with electric power or service provided for an agricultural fair.

Committee Amendment "A" (H-228)

This amendment replaces the bill. The amendment establishes a program administered by the Efficiency Maine Trust to help agricultural fairs reduce electricity costs through efficiency and conservation. The program includes outreach and technical assistance to agricultural fairs to identify opportunities to lower electricity costs and enroll agricultural fairs in existing programs offered by the trust as appropriate. The program also provides custom financial incentives to agricultural fairs to implement electric efficiency and conservation measures, including but

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not limited to measures to reduce peak electricity demand. Funds for the program are set at the total amount paid in demand charges by agricultural fairs in the State during the prior year and are collected from electricity customers by transmission and distribution utilities. The trust is required to report to the Legislature on the program in January 2022 and January 2024, and the program has a sunset date of June 30, 2024.

The amendment also directs the Public Utilities Commission to examine rate design and related issues for electricity customers that, like agricultural fairs, have seasonal, limited-duration, concentrated load profiles. It requires the commission to submit a report on its findings and recommendations to the Joint Standing Committee on Energy, Utilities and Technology and authorizes the committee to report out a bill to the Second Regular Session of the 129th Legislature based on the report.

Enacted Law Summary

Public Law 2019, chapter 169 establishes a program administered by the Efficiency Maine Trust to help agricultural fairs reduce electricity costs through efficiency and conservation. The program includes outreach and technical assistance to agricultural fairs to identify opportunities to lower electricity costs and enroll agricultural fairs in existing programs offered by the trust as appropriate. The program also provides custom financial incentives to agricultural fairs to implement electric efficiency and conservation measures, including but not limited to measures to reduce peak electricity demand. Funds for the program are set at the total amount paid in demand charges by agricultural fairs in the State during the prior year and are collected from electricity customers by transmission and distribution utilities. The trust is required to report to the Legislature on the program in January 2022 and January 2024, and the program has a sunset date of June 30, 2024.

This law also directs the Public Utilities Commission to examine rate design and related issues for electricity customers that, like agricultural fairs, have seasonal, limited-duration, concentrated load profiles. It requires the commission to submit a report on its findings and recommendations to the Joint Standing Committee on Energy, Utilities and Technology and authorizes the committee to report out a bill to the Second Regular Session of the 129th Legislature based on the report.

Public Law 2019, chapter 169 was enacted as an emergency measure effective May 30, 2019.

LD 1192 An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way

PUBLIC 127

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E HEPLER A	OTP-AM ONTP	S-69

This bill amends the utilities laws to provide access by municipalities to facilities located in the municipal right-of-way in the interest of public health, safety and welfare. The bill also establishes the preservation of space for municipal attachments to shared-use poles by exempting municipalities from expenses assessed by joint use entities when the attachment is made for any purpose.

Committee Amendment "A" (S-69)

This amendment is the majority report of the committee. The amendment changes the provision in the bill that exempts a municipality from expenses assessed for make-ready work to accommodate the municipality's attaching its facilities to a shared-used utility pole for any purpose. The amendment instead exempts a municipality from expenses assessed for make-ready work to accommodate the municipality's attaching its facilities for a governmental purpose consistent with the police power of the municipality or for the purpose of providing broadband service to an unserved or underserved area.

Enacted Law Summary