

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

LD 1363

An Act To Amend Certain Laws Relating to High-impact Electric Transmission Lines

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S FARRIN B	OTP-AM ONTP OTP-AM	H-437 H-504 BERRY S

This bill prohibits the Public Utilities Commission from issuing a certificate of public convenience and necessity for a high-impact electric transmission line unless the commission finds significant tangible public benefits will result from the construction and use of the line, and all municipalities through which the high-impact electric transmission line will pass have held a local referendum and certified to the commission that a majority of the voters voting at the election voted in favor of the construction of the line through that municipality.

This bill also establishes a moratorium on the issuance of any permit, certificate or other approval by the Public Utilities Commission or the Department of Environmental Protection for a high-impact electric transmission line until 90 days after the adjournment of the Second Regular Session of the 129th Legislature to allow time for the commission, in consultation with the Department of Environmental Protection, to adopt rules necessary to implement the requirements of the legislation.

Committee Amendment "A" (H-437)

This amendment is the majority report of the committee. The amendment changes the bill as follows.

1. It modifies the definition of "high-impact electric transmission line" to include a transmission line that is: greater than 50 miles in length; capable of operating at 200 kilovolts or more; not a generator interconnection transmission facility; and not constructed primarily to provide electric reliability within the State.
2. It replaces the requirement that a high-impact electric transmission line provide significant tangible benefits with requirements that: the petitioner for a certificate of public convenience and necessity for the line pay an amount of tax benefits projected by the petitioner; and the petitioner for a certificate of public convenience and necessity for the line provide a community benefits package with a total value of no less than \$20,000 per year per megawatt of capacity of the line.
3. It requires that at least 2/3 of the local governments through which the high-impact electric transmission line will pass approve the line and clarifies that if a referendum vote is held, that vote supersedes any vote by local government officers.
4. It makes other clarifying changes.

Committee Amendment "B" (H-438)

This amendment is one of two minority reports of the committee. The amendment:

1. Removes the emergency preamble and clause from the bill;
2. Modifies the definition of "high-impact electric transmission line" to include a transmission line that is: greater than 50 miles in length; capable of operating at 200 kilovolts or more; not a generator interconnection transmission facility; and not constructed to provide electric reliability within the State; and
3. Requires that a petitioner for a certificate of public convenience and necessity for a high-impact electric transmission line pay the amount of tax benefits projected by the petitioner.

Joint Standing Committee on Energy, Utilities and Technology

This amendment was not adopted.

House Amendment "A" (H-504)

This amendment removes the emergency preamble and emergency clause.

LD 1364 An Act Regarding Net Neutrality and Internet Policy

PUBLIC 468

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHOSKI N BELLOWS S	OTP-AM ONTP	H-301 S-257 LAWRENCE M

This bill prohibits a state agency or instrumentality from committing state funds in a manner that the agency or instrumentality knows would result in a direct payment to an Internet service provider unless the Internet service provider agrees in writing to conform to the requirements of the Federal Communications Commission order, FCC 15-24, adopted on February 26, 2015, known as the Open Internet Order.

Committee Amendment "A" (H-301)

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment narrows the scope and application of the prohibition in the bill regarding committing state funds for payment to an Internet service provider. The amendment prohibits an agency, department or instrumentality of the State from committing state funds to an Internet service provider unless the Internet service provider agrees to provide net neutral service in the provision of Internet service directly to the state entity or the provision of service across advanced communications infrastructure constructed with the use of state funds. The amendment defines "net neutral service" as Internet service provided without engaging in any of the following: blocking of lawful content, applications, services or devices; throttling; or paid prioritization. The amendment removes the requirement in the bill that prohibits the commitment of state funds to an Internet service provider unless that provider agrees, in providing any service, to conform to the requirements of the Federal Communications Commission order, FCC 15-24, known as the Open Internet Order.

Senate Amendment "C" To Committee Amendment "A" (S-257)

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment narrows the scope and application of the prohibition in the bill regarding committing state funds for payment to an Internet service provider. The amendment prohibits an agency, department or instrumentality of the State from committing state funds to an Internet service provider unless the Internet service provider agrees to provide net neutral service in the provision of Internet service directly to the state entity or the provision of service across advanced communications infrastructure constructed with the use of state funds. The amendment defines "net neutral service" as Internet service provided without engaging in any of the following: blocking of lawful content, applications, services or devices; throttling; or paid prioritization. The amendment removes the requirement in the bill that prohibits the commitment of state funds to an Internet service provider unless that provider agrees, in providing any service, to conform to the requirements of the Federal Communications Commission order, FCC 15-24, known as the Open Internet Order.

Enacted Law Summary

Public Law 2019, chapter 468 prohibits an agency, department or instrumentality of the State from committing state funds to an Internet service provider unless the Internet service provider agrees to provide net neutral service in the provision of Internet service directly to the state entity or the provision of service across advanced communications infrastructure constructed with the use of state funds. The law defines "net neutral service" as Internet service provided without engaging in any of the following: blocking of lawful content,