

MAINE STATE LEGISLATURE

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STATE OF MAINE
131ST LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

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

October 2023

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**LEGISLATIVE DIGEST OF BILLS AND
SUMMARIES OF ENACTED LAWS**

This *Legislative Digest of Bills and Summaries of Enacted Laws* provides the disposition of all LDs and summaries of all laws enacted or finally passed during the First Regular and First Special Sessions of the 131st Maine Legislature. Please note that all LDs and proposed amendments may be found through the Legislature’s webpage, and each includes a summary of what the bill or amendment proposed.

The *Legislative Digest of Bills and Summaries of Enacted Laws* is arranged alphabetically by committee. Within each committee section is a subject index of all LDs considered by that committee as well as a digest of the LDs, arranged by LD number. Also included are enacted law summaries of the LDs enacted or finally passed. Brief analyst notes on certain LDs are also included: a committee digest will indicate if additional notes are provided for an LD. These notes add information staff found useful and may provide useful information to users of this *Digest*; please note that most LDs do not have a note and lack of a note should not be interpreted as having any significance. A separate section of the *Digest* provides a digest of the relatively few LDs that were not referred to a committee or reported from a committee as a committee bill; enacted law summaries of the LDs enacted or finally passed are provided. Finally, an appendix provides a summary of relevant session statistics.

The final disposition of each LD is noted in the relevant summary digest and index. 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 and First Special Sessions of the 131st Legislature is Thursday, June 29, 2023 and Wednesday, October 25, 2023, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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1. It repeals the definition of "nontransmission alternative" and incorporates aspects of the definition of "nontransmission alternative" into the definition of "nonwires alternative." It includes energy storage as a nonwires alternative in the definition of "nonwires alternative."
2. It amends the existing definition of "transmission project" and adds a definition of "subtransmission project."
3. It prohibits a person from constructing a subtransmission project without approval from the Public Utilities Commission.
4. It allows an investor-owned transmission and distribution utility or the Office of the Public Advocate to petition commission to resolve a dispute between the nonwires alternative coordinator and the utility regarding nonwires alternatives to proposed small transmission projects and distribution projects.
5. It provides that an investor-owned transmission and distribution utility may request a protective order if necessary to protect the confidentiality of customer data or critical energy infrastructure information provided to the Public Advocate or the Efficiency Maine Trust to allow the nonwires alternative coordinator to carry out certain investigation and analysis.
6. It provides that when the commission determines a nonwires alternative is appropriate in certain cases involving the review of transmission and distribution projects, the nonwires alternative must be prudently procured.
7. It removes language that provides that when an investor-owned transmission and distribution utility voluntarily agrees to a nonwires alternative on the grid side of the meter regarding certain small transmission and distribution projects, the utility must determine the entity to deliver the nonwires alternative.

LD 1895 An Act Regarding the Procurement of Energy from Offshore Wind Resources

ENACTED LAW SUMMARY

Public Law 2023, chapter 481 does the following.

1. It requires an agreement for construction work in connection with the construction or alteration of an offshore wind terminal that is a public work to support an offshore wind power project to comply with the requirements applicable to either a project labor agreement or community and workforce enhancement standards. It provides that if an offshore wind power project involves a public-private partnership that includes the lease of an offshore wind terminal owned or operated by the State, the department, authority or other agency responsible for granting the lease must require agreements that comply with the requirements applicable to either a project labor agreement or community and workforce enhancement standards as a condition of the lease for all on-site construction and fabrication of materials for the offshore wind power project.

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2. It makes the following changes to the Maine Wind Energy Act.
 - A. It updates the State's goal for wind energy development in proximate federal waters.
 - B. It makes changes to the Offshore Wind Research Consortium, including expanding the membership of the advisory board, and to the Offshore Wind Research Consortium Fund, including adding payments from offshore wind power projects to the sources of money that come into the fund.
 - C. It establishes the Maine Offshore Wind Renewable Energy and Economic Development Program to further the development and use of offshore wind power projects in the Gulf of Maine. The program is administered by the Governor's Energy Office in collaboration with the Public Utilities Commission.
 - D. It directs the Governor's Energy Office to establish a schedule for competitive solicitations and prepare requests for proposals for the development and construction of offshore wind power projects to meet the goals of the Maine Offshore Wind Renewable Energy and Economic Development Program. Each solicitation must seek proposals for not less than approximately 600 megawatts of nameplate capacity or projects of sufficient size to enable cost-competitive commercial-scale development. A solicitation must specify bidder criteria, including the submission of plans addressing stakeholder engagement; economic and community benefits; diversity, equity and inclusion in employment and contracting for the project; fisheries research, monitoring and mitigation; and environmental and wildlife research, monitoring, mitigation and conservation. The criteria must also require the submission of a fishing communities investment plan and an agreement by the responsible entity, if it is approved for a contract, to pay an amount per megawatt of capacity to the Offshore Wind Research Consortium Fund and an agreement to provide financial and technical assistance necessary to implement the required plans. It also establishes community and workforce enhancement standards as requirements and standards that contractors, subcontractors and individuals performing construction work on offshore wind power projects must meet.
 - E. It requires the commission to review the office's request for proposals and, upon finding that the request for proposals is reasonably likely to attract competitive bids, issue the request for proposals. The commission is required to select projects that result in contracts that are cost-effective for electric ratepayers over the term of the contract, taking into consideration potential quantitative and qualitative economic, environmental and other benefits to ratepayers. The commission must give priority to projects that meet certain criteria.
 - F. It authorizes the commission to conduct one or more competitive solicitations for proposals for the development and construction of offshore wind energy transmission projects or other electric infrastructure projects to facilitate offshore wind energy development.

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3. It establishes a visual impact standard to evaluate the effect of the development of an offshore wind terminal.
4. It requires the Office of Tax Policy in the Department of Administrative and Financial Services, Bureau of Revenue Services, in consultation with the Department of Marine Resources and the Governor's Energy Office, to develop the Fishing Community Tax Incentive Program to provide tax credits to applicants for qualified investments in offshore wind power projects. The Office of Tax Policy is required to publicize and seek public comment on the proposed program before submitting it, including suggested legislation, to the Joint Standing Committee on Taxation and the Joint Standing Committee on Energy, Utilities and Technology by February 1, 2024.

LD 1933 An Act to Increase the Debt Limit of the Limerick Water District

ENACTED LAW SUMMARY

Private and Special Law 2023, chapter 11 increases the debt limit of the Limerick Water District from \$1,000,000 to \$2,000,000.

Private and Special Law 2023, chapter 11 was enacted as an emergency measure effective June 16, 2023.

LD 1943 An Act Regarding Future Energy Procurements for Renewable Energy Development in Northern Maine

ENACTED LAW SUMMARY

Public Law 2023, chapter 371 directs the Public Utilities Commission to issue a request for proposals for the development and construction of renewable energy generation projects in northern Maine to maximize the use of the transmission line proposal selected in accordance with the Northern Maine Renewable Energy Development Program. The law provides that the commission must conduct the request for proposals and approval of contracts, if practicable, on a schedule to allow selected projects to seek inclusion in the Third Maine Resource Integration Study and the subsequent cluster system impact study.

LD 1950 An Act to Raise the Debt Limit of the Stonington Water Company

ENACTED LAW SUMMARY

Private and Special Law 2023, chapter 8 increases the total amount of debt the Stonington Water Company may incur from \$1,000,000 to \$10,000,000.