

STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

November 2020

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**SPECIAL NOTICE REGARDING
COVID-19 PANDEMIC**

As a result of the COVID-19 Pandemic, the Second Regular Session of the 129th Legislature adjourned on March 17, 2020, nearly a month prior to the statutory adjournment date of April 15, 2020. Before adjourning, the Legislature passed Joint Order, S.P. 788:

“ORDERED, the House concurring, that all matters not finally disposed of upon the adjournment sine die of the Second Regular Session of the 129th Legislature be carried over, in the same posture, to any special session of the 129th Legislature.”

The “matters not finally disposed of” were in many different postures upon adjournment. In this digest, at the end of each summary of a bill that was carried over by S.P. 788, there is an indication of the posture of the bill at the time of adjournment.

No special session has been held as of the publication of the Digest and none is anticipated, so all bills carried over are expected to die upon the conclusion of the 129th Legislature. However, after the Second Regular Session adjourned and in preparation for the possibility of a special session, a number of committees met and considered a number of bills in their possession. One hundred and sixty bills were acted upon in some way by committees (voted or reported out), among them several new bills that were printed and referred to committee, worked and reported out. **Appendix A** provides a list of the bills that were voted or reported out of committees after the Second Regular Session adjourned.

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	OTP-AM ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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 regarding its activities relating to new microgrids to the joint standing committee of the Legislature having jurisdiction over energy and utility matters by January 15, 2021.

Committee Amendment "A" (H-742)

This amendment is the majority report of the committee. The amendment makes the following changes to the bill:

1. Clarifies the definitions of "distributed energy resources" and "new microgrid";
2. Amends the requirements for approval of a new microgrid to: increase the maximum load from 10 to 25 megawatts; require that the microgrid be located in a service territory of a transmission and distribution utility with more than 50,000 customers; clarify the renewable portfolio requirements the new microgrid must meet; and remove the prohibition in the bill that a person owning or operating the new microgrid may not be an investor-owned utility or affiliate;
3. Adds a provision to require that any increases in costs to the electric transmission and distribution system in the State as a result of the new microgrid must be fully recovered from the microgrid owner and customers of the microgrid and not passed on to other electric ratepayers;
4. Revises the dates in the bill to reflect that the bill is being considered in 2020 rather than 2019; and
5. Adds language to clarify that this legislation does not modify or nullify the framework and precedent for analyzing whether an entity is a transmission and distribution utility or a competitive electricity provider established by the Public Utilities Commission in related cases.

At adjournment, this amendment had been adopted by the House and had not been taken up by the Senate. This bill was carried over in the House to any special session of the 129th Legislature by joint order, S.P. 788.

Joint Standing Committee on Energy, Utilities and Technology

**LD 173 An Act To Provide Critical Communications for Family Farms,
Businesses and Residences by Strategic Public Investment in High-speed
Internet and Broadband Infrastructure**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREAD CARSON B	OTP-AM	H-698

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to increase funding to the ConnectME Authority from \$1,000,000 to \$5,000,000 to expand universal broadband and high-speed Internet into rural areas identified as the 6% of the State unserved by high-speed Internet. This bill proposes to make expanding high-speed Internet into unserved rural areas a key emphasis in the economic development of the State by directing the ConnectME Authority to use the increased funding to increase the rate of strategic broadband investment and leverage additional federal funding to provide middle-mile and last-mile infrastructure in the unserved areas and to correct broadband deficiencies identified in the ConnectME Authority's baseline update of 2013.

Committee Amendment "A" (H-698)

This amendment replaces the bill, which is a concept draft. The amendment requires that 33% of sales and use tax revenue collected by the State Tax Assessor from marketplace facilitators, with respect to marketplace-facilitated sales, after required transfers to other funds be transferred to the ConnectME Authority to further deployment of high-speed Internet and broadband infrastructure to unserved and underserved areas of the State. This amendment also adds an emergency preamble and emergency clause to the bill.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

LD 432 An Act To Amend the Greater Augusta Utility District Charter

P & S 18

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C POULIOTM	OTP-AM	H-684

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to make technical changes to the charter of the Greater Augusta Utility District to accommodate the district's growth and change in services and to change its voting membership.

Joint Standing Committee on Energy, Utilities and Technology

Committee Amendment "A" (H-684)

This amendment replaces the concept draft. The amendment adds a provision to the Greater Augusta Utility District charter that authorizes the district to disconnect water service for the nonpayment of wastewater charges. The amendment also adds a provision to the charter to allow the nonvoting representative of the City of Hallowell on the district's board of trustees to vote in the absence of the voting representative of the City of Hallowell on the board.

Enacted Law Summary

Private and Special Law 2019, chapter 18 adds a provision to the Greater Augusta Utility District charter that authorizes the district to disconnect water service for the nonpayment of wastewater charges. The law also adds a provision to the charter to allow the nonvoting representative of the City of Hallowell on the district's board of trustees to vote in the absence of the voting representative of the City of Hallowell on the board.

LD 790 An Act To Eliminate the Cap on the Number of Accounts or Meters Designated for Net Energy Billing ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D EVANGELOS J	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill prohibits the Public Utilities Commission from adopting or amending net energy billing rules pursuant to the Maine Revised Statutes, Title 35-A, section 3209-A to impose any limit on the number of accounts or meters that customers may designate for net energy billing or any limit on the number of customers that may share an interest in a generation facility for which the energy output is credited as part of any net energy billing.

LD 912 An Act To Establish the Wood Energy Investment Program CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T FECTEAUR	OTP-AM	S-193

This bill was carried over in the Senate from the First Regular Session of the 129th Legislature by joint order, H.P. 1322 after having been passed to be enacted by the Legislature and then recalled from the Governor's desk.

This bill establishes the wood energy investment fund and creates the Wood Energy Investment Program within the Efficiency Maine Trust. The bill specifies that, if the Public Utilities Commission finds that an entity awarded a contract for biomass resources pursuant to Public Law 2015, chapter 483 is not meeting contract requirements and therefore is not qualified to receive the full contract payment or any contract payment, those funds that would have been paid had contract requirements been met must be transferred to the wood energy investment fund. It also specifies that any funds remaining in the cost recovery fund established in Public Law 2015, chapter 483, section 1, subsection 5 that are not needed to pay above-market costs for biomass resources must also be transferred by the Public Utilities Commission to the wood energy investment fund. It requires the trust to use funds from the wood energy investment fund, if there are any, to provide incentives and low-interest or no-interest loans for new wood-derived thermal energy or cogeneration projects. It requires that the trust consult with the Finance Authority of Maine, when appropriate, in the development of any Wood Energy Investment Program incentives and the distribution of money from the wood energy investment fund. It prohibits the use of funds for incentives or loans

Joint Standing Committee on Energy, Utilities and Technology

for the refurbishment or maintenance of existing facilities.

Committee Amendment "A" (S-193)

This amendment adds an appropriations and allocations section. The amendment allocates funds to establish the Wood Energy Fund within the Efficiency Maine Trust.

This bill was again carried over, still in the Senate, to any special session of the 129th Legislature by joint order, S.P. 788.

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

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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: demonstrate to the Public Utilities Commission completion of an interconnection agreement application with the local transmission and distribution utility; include a plan to obtain all required federal, state and local permits and approvals; demonstrate financial capability to operate the resource over the term of the contract; include a letter or resolution of support from the local community in which the resource is located; and 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. 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.

LD 1563 An Act To Encourage the Development of Broadband Coverage in Rural Maine PUBLIC 625

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S BERRY S	OTP-AM	S-405 S-443 BELLOWS S

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

Joint Standing Committee on Energy, Utilities and Technology

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish the Maine Broadband Initiative to encourage, promote, stimulate, invest in and support universal high-speed broadband to unserved and underserved areas of the State. The bill would also establish the Maine Broadband Initiative Fund to provide ongoing funding for high-speed broadband through funding sources that would be identified in the bill.

Committee Amendment "A" (S-405)

This amendment replaces the bill, which is a concept draft. The amendment does the following:

1. Renames the ConnectME Authority the ConnectMaine Authority in the Maine Revised Statutes;
2. Amends the law governing collection of data by the authority to require, rather than permit, the authority to collect certain data from communication service providers and certain wireless providers and to specify the purposes for which data may be required. It also specifies that the authority may initiate a proceeding to determine whether to remove the confidential designation of specific information;
3. Repeals the broadband sustainability fee;
4. Amends the law regarding broadband plans funded by broadband planning grants to remove the requirement that the plans include certain elements, instead allowing these elements to be included; and
5. Requires the authority to initiate rulemaking within 90 days of the effective date of the Act to implement the provisions of the Act.

Senate Amendment "A" To Committee Amendment "A" (S-443)

Under current law, data that communication service providers and certain wireless providers are required to provide to the ConnectME Authority may be designated as confidential information by an order of the authority and not subject to the Freedom of Access Act. This amendment instead designates all data provided to the authority as confidential and, like the committee amendment, allows the authority to remove that confidential designation following a proceeding to determine whether to remove the confidential designation of specific information.

Enacted Law Summary

Public Law 2019, chapter 625 amends the laws governing the ConnectME Authority as follows:

1. Renames the ConnectME Authority the ConnectMaine Authority in the Maine Revised Statutes;
2. Amends the law governing collection of data by the authority to require, rather than permit, certain data collection; to specify the purposes for which data may be required; and to designate all data provided to the authority as confidential. The Act also specifies that the authority, upon request or its own motion, may initiate a proceeding remove the confidential designation of specific information.
3. Repeals the broadband sustainability fee;
4. Amends the law regarding broadband plans funded by broadband planning grants to remove the requirement that the plans include certain elements, instead allowing these elements to be included; and
5. Requires the authority to initiate rulemaking within 90 days of the effective date of the Act to implement the provisions of the Act.

Joint Standing Committee on Energy, Utilities and Technology

LD 1634 An Act To Create the Maine Clean Energy Fund and To Authorize a General Fund Bond Issue To Capitalize the Fund

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ZEIGLER S	OTP-AM ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates the Maine Clean Energy Fund within and with oversight from the Efficiency Maine Trust to support the development of renewable and clean energy technologies and infrastructure through providing financing support including loans, loan guarantees and other financial and risk mitigation products. The fund is administered by a nine-member board of directors consisting of certain government officials and members of the public appointed by the Governor.

This bill also provides for a bond issue in the amount of \$100,000,000 to be used to capitalize the Maine Clean Energy Fund.

Committee Amendment "A" (H-730)

This amendment is the majority report of the committee. The amendment replaces the bill with a resolve. The amendment directs the Maine Climate Council, established in the Maine Revised Statutes, Title 38, section 577-A, directly or through one of its working groups to:

1. Research, evaluate and identify the level and types of investment in clean energy technology and infrastructure necessary to achieve the State's goals for greenhouse gas emissions reduction and for the increased consumption of electricity from renewable resources;
2. Examine and make policy recommendations regarding funding options, capital requirements and effective financing tools and strategies to support the level and types of investment identified; and
3. Report on its activities, findings and recommendations in the update of the state climate action plan that is due December 1, 2020, pursuant to Title 38, section 577, subsection 1.

This bill was carried over in the House, pending acceptance of either committee report, to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1646 An Act To Restore Local Ownership and Control of Maine's Power Delivery Systems

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S JACKSON T		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates the Maine Power Delivery Authority as a consumer-owned utility to acquire and operate all transmission and distribution systems in the State currently operated by the investor-owned transmission and

Joint Standing Committee on Energy, Utilities and Technology

distribution utilities known as Central Maine Power Company and Emera Maine.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1741 *Resolve, Directing the Public Utilities Commission To Examine Performance-based Rates for Electric Utilities* ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S LAWRENCE M	ONTP	

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve requires the Public Utilities Commission to open a proceeding to examine the rate plans of each investor-owned transmission and distribution utility in the State. The commission is directed to examine rate design, existing performance metrics and any incentives for efficient operation that are currently in place for each investor-owned transmission and distribution utility and to specifically consider performance measures including a utility's reliability, billing accuracy, level of renewable energy generation integration and customer satisfaction. Based on its review, the commission shall determine the appropriateness of any reasonable rate-adjustment mechanisms, including enhanced positive and negative financial incentives linked to performance.

LD 1748 *An Act To Allow for the Establishment of Commercial Property Assessed Clean Energy Programs* CARRIED OVER

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill allows the Efficiency Maine Trust or a municipality to establish a commercial property assessed clean energy program to finance energy savings improvements on qualifying property.

This bill, which had been voted (OTP-A/ONTP) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1853 *An Act To Prohibit Door-to-door Marketing of Retail Energy Supply* CARRIED OVER

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

This bill prohibits door-to-door sales practices directed at residential consumers by competitive electricity providers.

This bill, which had been voted (OTP-A) but not yet reported out of committee, was carried over in committee to

Joint Standing Committee on Energy, Utilities and Technology

any special session of the 129th Legislature by joint order, S.P. 788.

LD 1877 An Act To Amend the Kittery Water District Charter

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D LAWRENCE M	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to make changes to the charter of the Kittery Water District.

LD 1880 An Act To Repeal and Replace the Canton Water District Charter

P & S 15

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICKETTR HAMPERJ	OTP-AM	H-670

This bill repeals and replaces the charter of the Canton Water District to update and modernize the district's charter and to clarify that, going forward, the district is to be considered a standard district as that term is defined in the Standard Water District Enabling Act.

Committee Amendment "A" (H-670)

This amendment changes the threshold at which public notification of proposed debt and its purposes becomes necessary from \$30,000 to \$300,000.

Enacted Law Summary

Private and Special Law 2019, chapter 15 repeals and replaces the charter of the Canton Water District to update and modernize the district's charter and to clarify that, going forward, the district is to be considered a standard district as that term is defined in the Standard Water District Enabling Act. This law also changes the threshold at which public notification of proposed debt and its purposes becomes necessary from \$30,000 to \$300,000.

LD 1881 An Act Regarding Utility-related Fees

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S LIBBYN	OTP-AM ONTP	

This bill requires the Public Utilities Commission to report annually to the joint standing committee of the Legislature having jurisdiction over public utilities matters on any utility-related fees and penalties that have not been adjusted in the previous five years and to submit legislation to adjust each utility-related fee or penalty based on the Consumer Price Index. The commission is also required to submit legislation to the First Regular Session of the 130th Legislature to adjust all fees and penalties paid by public utilities based on the actuarially compounded Consumer Price Index for each fee or penalty since enactment.

The bill also requires the commission and the Public Advocate, beginning in 2021, to annually review their expenses relating to all consumer-owned public utilities and expenses relating to all investor-owned public utilities

Joint Standing Committee on Energy, Utilities and Technology

over the past year, determine the average regulatory cost per customer per year for all consumer-owned public utilities and all investor-owned public utilities in each utility industry and amend their rules or introduce legislation to address a significant discrepancy in the average regulatory costs.

Committee Amendment "A" (H-713)

This amendment, which is the majority report of the committee, replaces the bill. The amendment does the following:

1. It requires the Public Utilities Commission and the Public Advocate, respectively, in calculating assessments charged to public utilities to apportion the assessment within each category of public utility, that is, transmission and distribution, gas, telephone and water, between investor-owned utilities and consumer-owned utilities. The assessment must be apportioned based on an accounting of the portion of the commission's resources and the Public Advocate's resources, respectively, devoted to matters related to investor-owned utilities and the portion devoted to matters related to consumer-owned utilities.
2. It requires the commission, in its annual report, to report on any filing fees or penalties collected from public utilities in the previous year for which the amount of the filing fee or penalty has not been adjusted in the previous five years and to provide draft legislation to adjust the dollar value of filing fees and penalties based on the actuarially compounded Consumer Price Index for each fee and penalty since the last adjustment.
3. It requires the commission and the Public Advocate each to report annually, beginning in 2021, on the portion of agency resources devoted to matters related to investor-owned utilities and the portion of resources devoted to matters related to consumer-owned utilities and on agency expenses per dollar of intrastate gross operating revenue for investor-owned utilities and consumer-owned utilities.
4. It amends the law governing filing fees for reorganizations of utilities to authorize the commission to order a filing fee of up to .05% of the estimated total value of the reorganization and to require the commission to order payment of a filing fee equal to .05% of the estimated total value of the reorganization if a reorganization would result in the transfer of ownership and control of a public utility or the parent company of a public utility. Under current law the commission may charge a filing fee of up to \$50,000 to an applicant seeking approval for a reorganization.
5. It requires the commission to submit legislation to the First Regular Session of the 130th Legislature to adjust all fees and penalties paid by public utilities based on the actuarially compounded Consumer Price Index for each fee or penalty since enactment.

At adjournment, this amendment had been adopted by the House and had not been taken up by the Senate. This bill was carried over in the Senate to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1892 An Act To Make Changes to the So-called Dig Safe Law

**PUBLIC 592
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S LAWRENCE M	OTP-AM	H-685

This bill specifies that liquefied propane gas distribution systems that have underground pipes are subject to the so-called dig safe law. It also increases the administrative penalties for violations of the so-called dig safe law from \$500 to \$1,000 for a violation and from \$5,000 to \$10,000 for a subsequent violation occurring within 12 months of an earlier violation.

Joint Standing Committee on Energy, Utilities and Technology

Committee Amendment "A" (H-685)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2019, chapter 592 specifies that liquefied propane gas distribution systems that have underground pipes are subject to the so-called dig safe law. The law also increases the administrative penalties for violations of the so-called dig safe law from \$500 to \$1,000 for a violation and from \$5,000 to \$10,000 for a subsequent violation occurring within 12 months of an earlier violation.

Public Law 2019, chapter 592 was enacted as an emergency measure effective March 17, 2020.

LD 1895 An Act Regarding Positions at the Public Utilities Commission

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE M BERRY S		

This bill reclassifies the Public Utilities Commission's director of emergency services communication to be consistent with other commission directors. The bill also adds four positions to the commission: a Utility Analyst to perform utility rate case revenue requirement analysis and other activities; a Utility Analyst to perform communications and customer outreach activities; a Senior Consumer Assistance Specialist to perform administrative work in the receipt, analysis and resolution of consumer complaints; and a Public Service Coordinator II to perform 9-1-1 standards compliance, contract management and other tasks related to the administration of the Emergency Services Communication Bureau.

This bill, which had been voted (OTP-A/ONTP) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1896 An Act To Amend the Laws Governing Thermal Renewable Energy Credits

PUBLIC 576

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLIE BERRY S	OTP-AM ONTP	S-384

This bill provides that retail electricity sales pursuant to a supply contract or standard-offer service arrangement executed by a competitive electricity provider that is in effect on September 19, 2019, are exempt from the requirement for the purchase of thermal renewable energy credits until the end date of the existing term of the supply contract or standard-offer service arrangement. It also allows the Public Utilities Commission to set separate alternative compliance payment rates for Class I resources, Class IA resources and thermal renewable energy credits under the laws governing renewable resources.

Committee Amendment "A" (S-384)

This amendment is the majority report of the committee. The amendment removes the provision of the bill regarding separate alternative compliance payment rates for different resource classes and thermal renewable energy credits. It also removes the emergency preamble and emergency clause, which were related to the provision removed from the bill.

Joint Standing Committee on Energy, Utilities and Technology

Enacted Law Summary

Public Law 2019, chapter 576 provides that retail electricity sales pursuant to a supply contract or standard-offer service arrangement executed by a competitive electricity provider that is in effect on September 19, 2019, are exempt from the requirement for the purchase of thermal renewable energy credits until the end date of the existing term of the supply contract or standard-offer service arrangement.

LD 1913 An Act To Prohibit Certain Wheeling Charges for the Transmission of Electricity ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	ONTP	

This bill prohibits an investor-owned transmission and distribution utility located in an area administered by the Northern Maine Independent System Administrator from charging a person generating or selling electricity for the transmission, or wheeling, of that electricity to or from Canada over the utility's transmission system.

LD 1917 An Act To Eliminate Direct Retail Competition for the Supply of Electricity to Residential Consumers Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D	ONTP OTP-AM	

This bill eliminates retail-level competition for residential electricity customers and amends the competitive process for selecting standard-offer service providers for residential and small commercial electricity customers. It also requires the Public Utilities Commission to designate or hire an employee to assist the commission in administering standard-offer service.

Committee Amendment "A" (S-406)

This amendment is the minority report of the committee. The amendment replaces the bill with a resolve. The amendment directs the Public Utilities Commission to submit a report to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters regarding the competition in the retail market for the supply of electricity to residential customers. The amendment authorizes the committee to report out a bill to the First Regular Session of the 130th Legislature related to the report. This amendment was not adopted.

LD 2013 An Act To Extend Arrearage Management Program Requirements for Transmission and Distribution Utilities for One Year PUBLIC 608

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T	OTP	

This bill delays by one year, from September 30, 2021, to September 30, 2022, the repeal of the requirement that an investor-owned transmission and distribution utility implement an arrearage management program to assist low-income residential customers with their electricity bills and the requirement that the Efficiency Maine Trust work with utilities that participate in an arrearage management program.

Joint Standing Committee on Energy, Utilities and Technology

Enacted Law Summary

Public Law 2019, chapter 608 delays by one year, from September 30, 2021, to September 30, 2022, the repeal of the requirement that an investor-owned transmission and distribution utility implement an arrearage management program to assist low-income residential customers with their electricity bills and the requirement that the Efficiency Maine Trust work with utilities that participate in an arrearage management program.

LD 2017 An Act To Promote Renewable Energy Resources by Establishing an Energy-to-Gas Pilot Project

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T WOODSOME D	OTP-AM ONTP	

This bill requires the Public Utilities Commission to develop and oversee a pilot project for the conversion of excess renewable energy generated from sources such as wind, solar or tidal power into methane gas and the storage of the converted methane gas for future use. It allows up to three energy-to-gas facilities, each up to 10 megawatts in production capacity, to be established under the project. The bill exempts renewable energy transmitted to an energy-to-gas facility from all transmission and distribution charges. The commission is required to establish the pilot project no later than January 1, 2021; the pilot project expires December 31, 2026.

Committee Amendment "A" (H-757)

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment authorizes the Public Utilities Commission to establish and oversee a power-to-fuel pilot program. The commission may approve up to two power-to-fuel projects between January 1, 2021, and December 31, 2026, each up to 10 megawatts in production capacity, that convert renewable energy to hydrogen gas, methane gas or other fuel. Under the pilot program, sales of renewable energy to a power-to-fuel project are exempt from distribution charges, charges associated with the procurement of energy efficiency resources and renewable portfolio standards requirements for a period of 15 years from the date of project operation. The amendment requires the commission to submit a report on the pilot program by November 1, 2022, to the joint standing committee of the Legislature having jurisdiction over energy and utility matters.

This bill was carried over in the House, prior to acceptance of either committee report, to any special session of the 129th Legislature by joint order, S.P. 788.

LD 2021 An Act To Provide Funding for Broadband Internet Infrastructure in Unserved and Underserved Areas

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E RILEY T	OTP-AM ONTP	

This bill appropriates \$15,000,000 from the General Fund to the ConnectME Authority for the provision of broadband Internet infrastructure in unserved and underserved areas.

Committee Amendment "A" (S-414)

This amendment is the majority report of the committee. The amendment changes the program under the ConnectME Authority that receives the General Fund appropriation in the bill from the Municipal Gigabit Broadband Network Access Fund program to the Office of Broadband Development program.

Joint Standing Committee on Energy, Utilities and Technology

At adjournment, this amendment had been adopted by the Senate and had not been taken up by the House. This bill was carried over in the House to any special session of the 129th Legislature by joint order, S.P. 788.

LD 2031 An Act To Require a Cable System Operator To Provide a Pro Rata Credit When Service Is Cancelled by a Subscriber

PUBLIC 657

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S LAWRENCE M	OTP-AM ONTP	H-717

This bill requires a cable system operator to grant a subscriber a pro rata credit or rebate if that subscriber requests service disconnection during the first two weeks of a monthly billing period.

Committee Amendment "A" (H-717)

This amendment is the majority report of the committee. The amendment makes the following changes to the bill.

1. It adds a provision to require a cable system operator to discontinue billing a subscriber within two working days after a request to cancel service, instead of within 10 working days of the request, which is current law.
2. It amends the provision of the bill regarding the pro rata credit or rebate for cancellation of service to require the credit or rebate if a subscriber requests cancellation three or more working days before the end of the monthly billing period.
3. It clarifies the provision in the bill regarding the notice on subscriber bills regarding the right to a pro rata credit or rebate.

Enacted Law Summary

Public Law 2019, chapter 657 shortens the time period within which a cable system must discontinue billing a subscriber from within 10 working days of a request to cancel service to within two working days of a request to cancel service. The law also requires a cable system operator to grant a pro rata credit or rebate for cancellation of service if a subscriber requests cancellation three or more working days before the end of the monthly billing period.

LD 2032 An Act To Reduce Financial Burdens on Small Water Utilities

**PUBLIC 586
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S HERBIG E	OTP	

Under current law, a qualified small water utility with gross annual revenues of \$50,000 or less is required to have an independent audit of internal accounts of that water utility performed by a certified public accountant for any year the water utility seeks a rate increase. This bill allows the Public Utilities Commission to waive that independent audit requirement if the water utility shows good cause as to why the requirement should be waived.

Enacted Law Summary

Public Law 2019, chapter 586 allows the Public Utilities Commission to waive the requirement that a qualified small water utility with gross annual revenues of \$50,000 or less have an independent audit of internal accounts of

Joint Standing Committee on Energy, Utilities and Technology

that water utility performed by a certified public accountant for any year the water utility seeks a rate increase if the water utility shows good cause as to why the requirement should be waived.

Public Law 2019, chapter 586 was enacted as an emergency measure effective March 12, 2020.

**LD 2081 Resolve, Regarding Legislative Review of Portions of Chapter 311:
Portfolio Requirement, a Major Substantive Rule of the Public Utilities
Commission** **RESOLVE 124
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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This resolve provides for legislative review of portions of Chapter 311: Portfolio Requirement, a major substantive rule of the Public Utilities Commission.

Enacted Law Summary

Resolve 2019, chapter 124 authorizes adoption of portions of Chapter 311: Portfolio Requirement, a major substantive rule of the Public Utilities Commission.

Resolve 2019, chapter 124 was finally passed as an emergency measure effective March 17, 2020.

LD 2093 An Act Regarding Net Energy Billing Limits **CARRIED OVER**

<u>Sponsor(s)</u> JACKSON T MARTIN D	<u>Committee Report</u> OTP OTP-AM	<u>Amendments Adopted</u>
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Under current law, any number of customers of an investor-owned transmission and distribution utility with a shared financial interest in a distributed generation resource may participate in net energy billing, except that the number of eligible customers or meters is limited to 10 for a shared financial interest in a distributed generation resource located in the service territory of an investor-owned transmission and distribution utility located in an area administered by the independent system administrator for northern Maine unless the Public Utilities Commission determines that the utility's billing system can accommodate more than 10 accounts or meters for the purpose of net energy billing. This bill removes this exception.

Committee Amendment "A" (S-413)

This amendment is a minority report of the committee. The amendment adds an effective date of December 31, 2021.

This bill was carried over in the Senate, pending acceptance of either committee report, to any special session of the 129th Legislature by joint order, S.P. 788.

Joint Standing Committee on Energy, Utilities and Technology

**LD 2097 An Act To Establish Requirements for the Construction of Elective
Transmission Lines by Transmission and Distribution Utilities**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHOSKI N LAWRENCE M		

This bill establishes requirements for the approval of construction of elective transmission lines when the party seeking approval from the Public Utilities Commission is a transmission and distribution utility. The bill defines "elective transmission line" as a transmission line that is not being constructed primarily for reliability purposes or to serve retail customers in the State. In addition to meeting the existing requirements in law for approval of a transmission line, a transmission and distribution utility petitioning for commission approval for an elective transmission line is required to demonstrate: that the petitioner provided equal access to rights-of-way and data and information about the petitioner's transmission system to any person seeking to compete with the petitioner to construct the transmission line and that the proposed elective transmission line either will not use ratepayer-funded assets or will use ratepayer-funded assets and the petitioner made these assets available on equal terms to any person seeking to compete with the petitioner to construct the transmission line and agrees to provide a benefit to ratepayers in the State of equal value, as determined by the commission, to the ratepayer-funded assets used to construct the transmission line.

This bill, which had been voted (OTP-A/ONTP) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2164 Resolve, To Reject the New England Clean Energy Connect
Transmission Project**

CARRIED OVER

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

This resolve, an initiated bill, directs the Public Utilities Commission to amend "Order Granting Certificate of Public Convenience and Necessity and Approving Stipulation," entered by the Public Utilities Commission on May 3, 2019, for the New England Clean Energy Connect (NECEC) transmission project. The resolve requires that amended order find that the construction and operation of the NECEC transmission project are not in the public interest and that there is not a public need for the NECEC transmission project. Finally, the resolve requires that the amended order deny the request for a certificate of public convenience and necessity for the NECEC transmission project.

At adjournment, this resolve had been referred to committee by the House but had been tabled pending consideration by the Senate. This resolve was carried over in the Senate to any special session of the 129th Legislature by joint order, S.P. 788.

Joint Standing Committee on Energy, Utilities and Technology

SUBJECT INDEX

Agency Matters – PUC/OPA/GEO/EMT

Not enacted

LD 1895 An Act Regarding Positions at the Public Utilities Commission CARRIED OVER

Broadband/ConnectME Authority

Enacted

LD 1563 An Act To Encourage the Development of Broadband Coverage in Rural Maine PUBLIC 625

Not Enacted

LD 173 An Act To Promote Economic Development and Critical Communications for Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet and Broadband Infrastructure CARRIED OVER

LD 2021 An Act To Provide Funding for Broadband Internet Infrastructure in Unserved and Underserved Areas CARRIED OVER

Cable Television

Enacted

LD 2031 An Act To Require a Cable System Operator To Provide a Pro Rata Credit When Service Is Cancelled by a Subscriber PUBLIC 657

Dig Safe

Enacted

**LD 1892 An Act To Make Changes to the So-called Dig Safe Law PUBLIC 592
EMERGENCY**

Electricity

Enacted

LD 2013	An Act To Extend Arrearage Management Program Requirements for Transmission and Distribution Utilities for One Year	PUBLIC 608
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Not Enacted

LD 13	An Act To Allow Microgrids That Are in the Public Interest	CARRIED OVER
LD 1646	An Act To Restore Local Ownership and Control of Maine's Power Delivery Systems	CARRIED OVER
LD 1741	Resolve, Directing the Public Utilities Commission To Examine Performance-based Rates for Electric Utilities	ONTP
LD 1853	An Act To Prohibit Door-to-door Marketing of Retail Energy Supply	CARRIED OVER
LD 1913	An Act To Prohibit Certain Wheeling Charges for the Transmission of Electricity	ONTP
LD 1917	An Act To Eliminate Direct Retail Competition for the Supply of Electricity to Residential Consumers	Majority (ONTP) Report
LD 2097	An Act To Establish Requirements for the Construction of Elective Transmission Lines by Transmission and Distribution Utilities	CARRIED OVER
LD 2164	Resolve, To Reject the New England Clean Energy Connect Transmission Project	CARRIED OVER

Renewable Resources

Enacted

LD 1896	An Act To Amend the Laws Governing Thermal Renewable Energy Credits	PUBLIC 576
LD 2081	Resolve, Regarding Legislative Review of Portions of Chapter 311: Portfolio Requirement, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 124 EMERGENCY

Not Enacted

LD 790	An Act To Eliminate the Cap on the Number of Accounts or Meters Designated for Net Energy Billing	ONTP
LD 912	An Act To Establish the Wood Energy Investment Program	CARRIED OVER

LD 1127	An Act To Expand Community-based Solar Energy in Maine	ONTP
LD 1634	An Act To Create the Maine Clean Energy Fund and To Authorize a General Fund Bond Issue To Capitalize the Fund	CARRIED OVER
LD 1748	An Act To Allow for the Establishment of Commercial Property Assessed Clean Energy Programs	CARRIED OVER
LD 2017	An Act To Promote Renewable Energy Resources by Establishing an Energy-to-Gas Pilot Project	CARRIED OVER
LD 2093	An Act Regarding Net Energy Billing Limits	CARRIED OVER

Utilities - General

Not Enacted

LD 1881	An Act Regarding Utility-related Fees	CARRIED OVER
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Water/Sewer/Sanitary - General

Enacted

LD 2032	An Act To Reduce Financial Burdens on Small Water Utilities	PUBLIC 586 EMERGENCY
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Water/Sewer/Sanitary Charters

Enacted

LD 432	An Act To Amend the Greater Augusta Utility District Charter	P & S 18
LD 1880	An Act To Repeal and Replace the Canton Water District Charter	P & S 15

Not Enacted

LD 1877	An Act To Amend the Kittery Water District Charter	ONTP
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