

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of the emergency preamble (page 1, lines 1 to 9 in L.D.).

Amend the bill by striking out all of section 1 and inserting the following:

‘Sec. 1. Swans Island Electric Cooperative, Inc.; authority to sell power under certain circumstances. Notwithstanding the Maine Revised Statutes, Title 35-A, section 3207, subsection 1, paragraph B, the Swans Island Electric Cooperative, Inc., a consumer-owned transmission and distribution utility serving Swans Island and the Town of Frenchboro, may sell wholesale generation service in order to reduce its cost of providing retail service as long as the total power production capacity of the generation resources producing such service does not exceed 3 megawatts. The governing body of the cooperative may not construct or acquire any generation resource to be used in the sale of wholesale generation service unless it has obtained the approval of the members of the cooperative by a majority vote in a referendum conducted in accordance with this section. The referendum must be called, advertised and conducted according to the law relating to municipal elections, except the registrar of voters is not required to prepare or the clerk to post a new list of voters. The referendum may be held outside the service territory of the cooperative if the usual voting place for persons who are members of the cooperative is outside the service territory of the cooperative. The results must be declared by the governing body of the cooperative and entered in the cooperative’s records. Due certificate of the results must be filed with the Secretary of State. Failure of approval by the majority of voters voting at the referendum does not prevent subsequent referenda from being held for the same purpose. The costs of referenda are borne by the cooperative.’

Amend the bill by striking out all of the emergency clause (page 1, lines 17 and 18 in L.D.).

SUMMARY

This amendment is the majority report of the committee. The amendment limits the authority of the Swans Island Electric Cooperative, Inc. to sell electricity in the wholesale market by placing a 3-megawatt limit on the production capacity of any generation resource operated by the cooperative. The amendment also requires that the cooperative obtain the approval of its membership by a majority vote in a referendum prior to constructing or acquiring any generation resource to be used in the sale of wholesale generation service. The amendment also removes the emergency preamble and emergency clause from the bill.

FISCAL NOTE REQUIRED

(See attached)