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Date: (Filing No. H- )

**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1218, L.D. 1634, “An Act To Create the Maine Generation Authority”

Amend the bill by striking out all of section 2 and inserting the following:

**'Sec. 2. 35-A MRSA §3210-J** is enacted to read:

**§3210-J. Maine Generation Authority surcharge**

Notwithstanding any provision of this Title to the contrary, the commission shall ensure that the Maine Generation Authority surcharge as calculated pursuant to section 4221, subsection 4 is included in the retail rates of all electric ratepayers of all transmission and distribution utilities in the State.'

Amend the bill in section 3 in c. 42 in §4202 in subsection 2 in the first line (page 1, line 22 in L.D.) by striking out the following: "facilitate" and inserting the following: 'reduce the costs to ratepayers in this State of meeting the State's climate and energy goals by facilitating the decarbonization of electricity production through'

Amend the bill in section 3 in c. 42 in §4202 in subsection 2 in paragraph A in the first line (page 1, line 24 in L.D.) by inserting after the following: "State that" the following: 'rely exclusively on commercially available technology to'

Amend the bill in section 3 in c. 42 in §4202 in subsection 2 in paragraph A in the 3rd line (page 1, line 26 in L.D.) by striking out the following: ", tidal and biomass" and inserting the following: 'and tidal'

Amend the bill in section 3 in c. 42 in §4202 in subsection 2 in paragraph B in the first line (page 1, line 30 in L.D.) by striking out the following: "Electricity storage systems located in Maine" and inserting the following: 'Energy storage systems located in the State that rely exclusively on commercially available technology and'

Amend the bill in section 3 in c. 42 in §4203 by inserting after subsection 3 the following:

**COMMITTEE AMENDMENT**

1           **4. Commercially available technology.** "Commercially available technology"  
2 means a technology that is being used in the United States by commercially operating  
3 energy storage systems for more than 250 megawatts of storage or by commercially  
4 operating renewable generation projects for more than 250 megawatts of output.'

5           Amend the bill in section 3 in c. 42 in §4203 in subsection 4 in the first 2 lines (page  
6 2, lines 6 and 7 in L.D.) by striking out the following: "that achieves commercial operations  
7 after January 1, 2022"

8           Amend the bill in section 3 in c. 42 in §4203 by striking out all of subsection 11 (page  
9 2, lines 41 to 43 and page 3, lines 1 to 4 in L.D.) and inserting the following:

10           **11. Renewable generation project.** "Renewable generation project" means a facility  
11 that generates electricity using a source of energy that is renewable and that does not emit  
12 carbon dioxide when used to generate electricity, including hydroelectric generators,  
13 onshore or offshore wind power installations, solar photovoltaic arrays and installations,  
14 geothermal installations and tidal power generators.'

15           Amend the bill in section 3 in c. 42 in §4203 by renumbering the subsections to read  
16 consecutively.

17           Amend the bill in section 3 in c. 42 in §4205 in subsection 1 in paragraph B in the first  
18 line (page 3, line 22 in L.D.) by inserting after the following: "B. The" the following:  
19 'executive'

20           Amend the bill in section 3 in c. 42 in §4205 by striking out all of subsection 8 (page  
21 4, lines 13 to 17 in L.D.).

22           Amend the bill in section 3 in c. 42 in §4205 by inserting after subsection 10 the  
23 following:

24           **11. Conflict of interest.** A member of the board may not participate in any decision  
25 on any contract entered into by the authority under this chapter if that member has any  
26 interest, direct or indirect, in any firm, partnership, corporation or association that is party  
27 to the contract. The interest must be disclosed to the authority in writing and must be set  
28 forth in the minutes of the board.

29           **12. Remote participation by members.** The authority may allow members to  
30 participate in meetings using remote methods in accordance with Title 1, section 403-B.'

31           Amend the bill in section 3 in c. 42 in §4205 by renumbering the subsections to read  
32 consecutively.

33           Amend the bill in section 3 in c. 42 in §4206 in the first line (page 4, line 36 in L.D.)  
34 by striking out the following: "the authority;" and inserting the following: 'authority;  
35 executive'

36           Amend the bill in section 3 in c. 42 in §4206 by striking out all of subsection 1 (page  
37 4, lines 37 to 40 in L.D.) and inserting the following:

38           **1. Appointment of executive director; compensation.** At its annual meeting each  
39 September, the board shall appoint, after using a full and competitive search process, or  
40 reappoint a qualified full-time executive director of the authority. The executive director  
41 of the authority serves at the pleasure of the board. The board shall establish the rate and  
42 amount of compensation of the executive director.'

1 Amend the bill in section 3 in c. 42 in §4206 in subsection 2 in the first line (page 4,  
2 line 41 in L.D.) by inserting after the following: "**Responsibilities of**" the following:  
3 **'executive'**

4 Amend the bill in section 3 in c. 42 in §4206 in subsection 2 in the first line (page 4,  
5 line 41 in L.D.) by inserting after the following: "**director. The**" the following: 'executive'

6 Amend the bill in section 3 in c. 42 in §4206 in subsection 2 in paragraph C in the first  
7 line (page 5, line 10 in L.D.) by inserting after the following: "**duties that the**" the following:  
8 **'executive'**

9 Amend the bill in section 3 in c. 42 in §4207 in subsection 4 in the 2nd line (page 5,  
10 line 19 in L.D.) by striking out the following: "**eminent domain.**"

11 Amend the bill in section 3 in c. 42 in §4207 by striking out all of subsection 5 (page  
12 5, lines 23 and 24 in L.D.).

13 Amend the bill in section 3 in c. 42 in §4207 by renumbering the subsections to read  
14 consecutively.

15 Amend the bill in section 3 in c. 42 in §4208 in subsection 4 in the last line (page 7,  
16 line 2 in L.D.) by striking out the following: "**and**"

17 Amend the bill in section 3 in c. 42 in §4208 in subsection 5 in the last line (page 7,  
18 line 5 in L.D.) by striking out the following: "**authority.**" and inserting the following:  
19 **'authority; and'**

20 Amend the bill in section 3 in c. 42 in §4208 by inserting after subsection 5 the  
21 following:

22 **'6. Technologies. Owning or operating any energy storage system or any renewable**  
23 **generation project that achieves commercial operations before January 1, 2023 or that relies**  
24 **on a technology for storing energy or generating electricity that is not a commercially**  
25 **available technology.'**

26 Amend the bill in section 3 in c. 42 in §4210 in the first line (page 8, line 26 in L.D.)  
27 by striking out the following: "**; eminent domain**"

28 Amend the bill in section 3 in c. 42 in §4210 by striking out all of subsection 2 (page  
29 8, lines 32 to 36 in L.D.) and inserting the following:

30 **'2. Sale or lease of property. The authority may not lease, sell or otherwise convey,**  
31 **or allow to be used, any of its real or personal property or easements in that property,**  
32 **buildings or structures for commercial purposes, except that the authority may allow public**  
33 **utilities the right to use the authority's real property for the purpose of locating electrical**  
34 **power, telegraph, telephone, communications, water, sewer or pipeline facilities.'**

35 Amend the bill in section 3 in c. 42 in §4210 by striking out all of subsection 3 (page  
36 8, lines 37 to 41 and page 9, lines 1 and 2 in L.D.).

37 Amend the bill in section 3 in c. 42 in §4210 by renumbering the subsections to read  
38 consecutively.

39 Amend the bill in section 3 in c. 42 by striking out all of §4215 (page 12, lines 36 to  
40 43 and page 13, lines 1 and 2 in L.D.) and inserting the following:

41 **§4215. Exemption from property and income taxes; payments in lieu of taxes**



- 1           1. It clarifies the purpose of the Maine Generation Authority.
- 2           2. It adds a definition of "commercially available technology" and adjusts the  
3 definitions of "energy storage system" and "renewable generation project."
- 4           3. It changes the title of the director of the authority to the executive director and  
5 clarifies the appointment process.
- 6           4. It prohibits members of the board of the authority from participating in decisions on  
7 matters in which they have an interest.
- 8           5. It removes the ability for the authority to take property by eminent domain.
- 9           6. It prohibits the authority from owning or operating any energy storage system or any  
10 renewable generation project that achieves commercial operations before January 1, 2023  
11 or that relies on a technology for storing energy or generating electricity that is not a  
12 commercially available technology.
- 13          7. It provides that, while the authority is tax exempt, it must provide payments in lieu  
14 of taxes on all real and personal property and clarifies that the authority may use its  
15 revenues for this purpose.
- 16          8. It provides that the authority's capital plan must provide for the development by 3rd  
17 parties of renewable generation projects and energy storage systems and the ownership by  
18 the authority of those renewable generation projects and energy storage systems.  
19 Renewable generation projects and energy storage systems financed or owned by the  
20 authority must use commercially available technology and achieve commercial operations  
21 on or after January 1, 2023.
- 22          9. It provides that the authority must seek to provide for the development and  
23 ownership of projects and systems the output capacity of which totals certain amounts by  
24 certain dates.

**FISCAL NOTE REQUIRED**

**(See attached)**