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STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 377, L.D. 609, “An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of Law Necessary to the Proper Operations of State Government”

Amend the amendment by inserting after Part TT the following:

'PART UU

Sec. UU-1. 26 MRSA §1304, sub-§1-A, as enacted by PL 2021, c. 705, §2, is amended by amending the first blocked paragraph to read:

"Assisted project" does not include a project for which the Public Utilities Commission approved a term sheet or contract or otherwise provided project-specific authorization or approval pursuant to Title 35-A on or before June 29, 2021 ~~or a project that is participating in net energy billing and that meets the requirements of Title 35-A, section 3209-A, subsection 7 or Title 35-A, section 3209-B.~~

Sec. UU-2. 35-A MRSA §3209-A, as amended by PL 2023, c. 230, §1 and c. 411, §2, is repealed.

Sec. UU-3. 35-A MRSA §3209-B, as amended by PL 2023, c. 411, §§3 and 4, is repealed.

Sec. UU-4. 35-A MRSA §3209-C, as corrected by RR 2023, c. 2, Pt. A, §55, is repealed.

Sec. UU-5. 35-A MRSA §3209-D, sub-§1, ¶A, as enacted by PL 2023, c. 411, §6, is repealed and the following enacted in its place:

A. "Distributed generation resource" means an electric generating facility that uses a renewable fuel or technology under section 3210, subsection 2, paragraph B-3, is located in the service territory of a transmission and distribution utility in the State, has a nameplate capacity of at least one megawatt and not more than 2 megawatts and:

(1) Is a member of a cluster study conducted by the transmission and distribution utility with which the distributed generation resource is seeking to interconnect; or

(2) Received required transmission approval from the New England independent system operator on or before April 30, 2024.

1 **Sec. UU-6. 35-A MRSA §3209-D, sub-§5**, as enacted by PL 2023, c. 411, §6, is
2 repealed.

3 **Sec. UU-7. 35-A MRSA §3209-E**, as enacted by PL 2023, c. 411, §7, is repealed.

4 **Sec. UU-8. 35-A MRSA §3209-F** is enacted to read:

5 **§3209-F. Net energy billing requirement prohibited**

6 The commission may not by rule or order require a transmission and distribution utility
7 to allow a customer to participate in net energy billing. For the purposes of this section,
8 "net energy billing" means a billing and metering practice under which a customer of a
9 transmission and distribution utility has the ability to receive a bill credit or other
10 adjustment of the customer's transmission and distribution service bill by delivering
11 electricity to the transmission and distribution utility from an electric generating facility
12 owned or operated by that customer or in which that customer has a financial interest that
13 is located in the service territory of the transmission and distribution utility in the State.

14 **Sec. UU-9. 35-A MRSA §3214, sub-§2, ¶B**, as amended by PL 2023, c. 230, §2,
15 is further amended to read:

16 B. Set initial funding for programs based on an assessment of aggregate customer need
17 in periodic rate cases. The funding formula may not result in assistance being counted
18 as income or as a resource in other means-tested assistance programs for low-income
19 households. To the extent possible, assistance must be provided in a manner most
20 likely to prevent the loss of other federal assistance; ~~and.~~

21 **Sec. UU-10. 35-A MRSA §3214, sub-§2, ¶C**, as enacted by PL 2023, c. 230, §2,
22 is repealed.

23 **Sec. UU-11. 35-A MRSA §3623, sub-§3, ¶C**, as enacted by PL 2021, c. 604, §3,
24 is amended to read:

25 C. Satisfy the limits on net generating capacity established in subsection 2, paragraph
26 A; and

27 **Sec. UU-12. 35-A MRSA §3623, sub-§3, ¶D**, as amended by PL 2023, c. 353,
28 §5, is further amended to read:

29 D. Be highly efficient, as determined by the commission on a technology-specific
30 basis; ~~and.~~

31 **Sec. UU-13. 35-A MRSA §3623, sub-§3, ¶E**, as enacted by PL 2021, c. 604, §3,
32 is repealed.

33 **Sec. UU-14. 36 MRSA §655, sub-§1, ¶V**, as enacted by PL 2023, c. 682, §3, is
34 amended to read:

35 V. For property tax years beginning on or after April 1, 2025, solar energy equipment
36 that generates heat or electricity if: all of the energy is used on the site where the
37 property is located.

38 ~~(1) All of the energy is used on the site where the property is located;~~

~~(2) The equipment is collocated with a net energy billing customer that is or net energy billing customers that are subscribed to at least 50% of the facility's output; or~~

~~(3) All of the energy is transmitted through the facilities of a transmission and distribution utility and a utility customer or customers receive a utility bill credit for the energy generated by the equipment pursuant to Title 35-A, section 3209-A or 3209-B and the generator of electricity entered into a fully executed interconnection agreement with a transmission and distribution utility prior to June 1, 2024.~~

On or before April 1st of the first property tax year for which a taxpayer claims an exemption under this paragraph, the taxpayer claiming the exemption shall file a report with the assessor. The report must identify the property for which the exemption is claimed and must be made on a form prescribed by the State Tax Assessor or a substitute form approved by the State Tax Assessor. The State Tax Assessor shall furnish copies of the form to each municipality in the State and make the forms available to taxpayers.

Sec. UU-15. 36 MRSA §656, sub-§1, ¶L, as enacted by PL 2023, c. 682, §5, is amended to read:

L. For property tax years beginning on or after April 1, 2025, solar energy equipment that generates heat or electricity if: all of the energy is used on the site where the property is located.

~~(1) All of the energy is used on the site where the property is located;~~

~~(2) The equipment is collocated with a net energy billing customer that is or net energy billing customers that are subscribed to at least 50% of the facility's output; or~~

~~(3) All of the energy is transmitted through the facilities of a transmission and distribution utility and a utility customer or customers receive a utility bill credit for the energy generated by the equipment pursuant to Title 35-A, section 3209-A or 3209-B and the generator of electricity entered into a fully executed interconnection agreement with a transmission and distribution utility prior to June 1, 2024.~~

On or before April 1st of the first property tax year for which a taxpayer claims an exemption under this paragraph, the taxpayer claiming the exemption shall file a report with the assessor. The report must identify the property for which the exemption is claimed and must be made on a form prescribed by the State Tax Assessor or a substitute form approved by the State Tax Assessor. The State Tax Assessor shall furnish copies of the form to each municipality in the State and make the forms available to taxpayers.

Sec. UU-16. 36 MRSA §1760, sub-§80, as enacted by PL 1999, c. 286, §1, is repealed.'

Amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This Part repeals the laws that authorize the Public Utilities Commission to adopt rules governing net energy billing and that direct the commission to establish a net energy billing program for commercial and institutional customers of investor-owned transmission and distribution utilities. It prohibits the commission from adopting rules that require a transmission and distribution utility to allow a customer to participate in net energy billing. The Part also amends the laws that reference the net energy billing programs repealed by this Part, including repealing the provisions of law that provide for real estate and personal property tax exemptions for solar energy equipment used in connection with net energy billing customers.

SPONSORED BY: _____

(Representative LIBBY, L.)

TOWN: Auburn