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STATE OF MAINE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY

MEMORANDUM

TO: Senator Margaret Rotundo, Senate Chair
Representative Melanie Sachs, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Mark Lawrence, Senate Chair
Representative S. Paige Zeigler Jr., House Chair
Joint Standing Committee on Energy, Utilities and Technology

DATE: March 15, 2023

SUBJECT: Biennial budget recommendations - **addendum** (LD 258, An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2023, June 30, 2024 and June 30, 2025)

Subsequent to sending our March 9th memorandum including the votes of the Joint Standing Committee on Energy, Utilities and Technology (EUT) on the Governor's proposed biennial budget to the Joint Standing Committee on Appropriations and Financial Affairs (AFA), a member of the EUT committee, Representative Foster, requested that additional language be incorporated into the proposed budget as an amendment. This additional language comes from LD 249, An Act to Eliminate the Current Net Energy Billing Policy in Maine (First Regular Session of the 130th Legislature) and LD 43, An Act to Reduce the Cost of Electricity by Removing the 100-megawatt Limit on Renewable Resources of Energy (First Regular Session of the 131st Legislature). This information was provided verbally to the AFA committee at the in-person report back on March 9, 2023 and considered by the EUT committee at their next meeting day on March 15th. Please see the attached amendment language that the minority[1] supports including in the biennial budget.

Thank you for considering this supplemental information.

Enc.

cc: Members, Joint Standing Committee on Appropriations and Financial Affairs
Members, Joint Standing Committee on Energy, Utilities and Technology

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[1] The EUT committee members present at the March 15th meeting and who voted in support of the suggested amendments are: Representative Foster, Senator Harrington, Representative Babin, and Representative Paul

130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document **No. 249**

S.P. 111 In Senate, January 29, 2021

An Act To Eliminate the Current Net Energy Billing Policy in Maine

Received by the Secretary of the Senate on January 27, 2021. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator STEWART of Aroostook.
Cosponsored by Representatives: FOSTER of Dexter, WADSWORTH of Hiram.

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Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §3209-A, as amended by PL 2019, c. 478, Pt. A, §3, is repealed.

Sec. 2. 35-A MRSA §3209-B, as corrected by RR 2019, c. 1, Pt. A, §51, is repealed.

Sec. 3. 35-A MRSA §3209-C is enacted to read:

§3209-C. Net energy billing requirement prohibited

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

SUMMARY

This bill repeals the laws that authorized the Public Utilities Commission to adopt rules governing net energy billing and that directed the commission to establish a net energy billing program for commercial and institutional customers of investor-owned transmission and distribution utilities and prohibits the commission from adopting rules that require a transmission and distribution utility to allow a customer to participate in net energy billing.

131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document **No. 43**

S.P. 35 In Senate, January 4, 2023

An Act to Reduce the Cost of Electricity by Removing the 100-megawatt Limit on Renewable Resources of Energy

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TIMBERLAKE of Androscoggin.
Cosponsored by Representative MORRIS of Turner and
Senators: HARRINGTON of York, STEWART of Aroostook, Representatives: FOSTER of Dexter, LYMAN of Livermore Falls.

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Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §3210, sub-§2, ¶B-3, as amended by PL 2019, c. 477, §1, is further amended by amending subparagraph (1) to read:

(1) Whose total power production capacity ~~does not exceed 100 megawatts and~~ relies on one or more of the following:

(a) Fuel cells;

(b) Tidal power;

(d) Geothermal installations;

(e) Hydroelectric generators that meet all state and federal fish passage requirements applicable to the generator;

(f) Biomass generators that are fueled by wood, wood waste or landfill gas; or

(g) Anaerobic digestion of by-products of waste from animals or agricultural crops, food or vegetative material, algae or organic refuse; or

Sec. 2. 35-A MRSA §3210, sub-§2, ¶C, as amended by PL 2009, c. 542, §5, is further amended by amending subparagraph (2) to read:

(2) Whose total power production capacity ~~does not exceed 100 megawatts and that~~ relies on one or more of the following:

(a) Fuel cells;

(b) Tidal power;

(c) Solar arrays and installations;

(d) Wind power installations;

(e) Geothermal installations;

(f) Hydroelectric generators;

(g) Biomass generators that are fueled by wood or wood waste, landfill gas or anaerobic digestion of agricultural products, by-products or wastes; or

(h) Generators fueled by municipal solid waste in conjunction with recycling.

SUMMARY

This bill removes the 100-megawatt maximum capacity limit for a source of electrical generation to qualify as a renewable resource for purposes of meeting the State's renewable resource portfolio requirement.