

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 the title and substituting the following:

'An Act To Protect Maine's Biomass and Forest Products Industries'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 35-A MRSA §3210, sub-§10 is enacted to read:

10. Temporary eligibility as a new renewable capacity resource. A biomass generator is eligible to be counted towards a competitive electricity provider's new renewable capacity resource requirement under subsection 3-A if the commission determines that the biomass generator has not been operating for at least 90 days due to economic hardship. The following provisions govern the temporary eligibility of a biomass generator as a new renewable capacity resource.

A. The commission may require through rulemaking that a biomass generator allow the commission to inspect and copy the books, accounts, papers, records and memoranda of the biomass generator in relation to its business and affairs for the purposes of determining if the biomass generator has not been operating for at least 90 days due to economic hardship.

B. Upon a determination by the commission pursuant to paragraph A that a biomass generator has not been operating for at least 90 days due to economic hardship, the biomass generator is eligible as a new renewable capacity resource for 3 years.

C. If during a biomass generator's 3-year term of eligibility as a new renewable capacity resource under paragraph B the commission determines that economic conditions have improved to the extent that the value of the renewable energy credits related to the new renewable capacity resource is no longer necessary to assist the biomass generator in overcoming economic hardship, the commission shall require the monetary value of the renewable energy credits to be transferred from the biomass generator to the Efficiency Maine Trust established in section 10103 and deposited into the conservation program fund established in section 10110, subsection 7 and expended in accordance with the provisions of section 10110, subsection 7.

D. The commission may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to implement this subsection. The rules may include, but are not limited to, the processes:

(1) To determine if a biomass generator has not been operating for at least 90 days due to economic hardship;

(2) To monitor whether a biomass generator needs the value of the renewable energy credits for the full term of its eligibility as a new renewable capacity resource in order to overcome economic hardship to generate electricity; and

(3) To transfer the monetary value of renewable energy credits to the Efficiency Maine Trust under paragraph C.

Sec. 2. Task force. Within its existing resources, the Department of Economic and Community Development shall convene a task force to meet with the owners and operators of the biomass facilities in this State to offer state assistance to improve the economic circumstances and decrease the economic vulnerability of the biomass facilities in the State and to determine how to restart biomass facilities that are not operating and how to keep the biomass facilities that are currently operating running. The task force shall identify and evaluate obstacles confronting biomass power generating facilities in the State, review policies and practices in other states in which biomass power generating facilities are successfully operating and recommend measures to help the biomass industry succeed, including any changes needed in law.

The Department of Economic and Community Development shall invite representatives from the Governor's Office of Energy Independence and Security, the Public Utilities Commission, the Finance Authority of Maine and the Department of Conservation, Maine Forest Service to participate in this task force.

The Department of Economic and Community Development shall submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters by March 1, 2013. The report must include, but is not limited to, a description of the task force's discussions and meetings, a summary of the obstacles confronting biomass power generating facilities in the State and policies and practices in other states in which biomass power generating facilities are successfully operating. The report must also include a description of the assistance that the State can offer to biomass facilities and any recommended measures or changes to existing law to improve the economic circumstances and decrease the economic vulnerability of biomass facilities in this State.'

SUMMARY

This amendment is the minority report. This amendment replaces the bill and changes the title. This amendment permits that, upon a determination by the Public Utilities Commission that a biomass facility has not been operating for 90 days or more due to economic hardship, the biomass facility is temporarily eligible as a new renewable capacity resource and for renewable energy credits for a period of 3 years. If during that 3 years the biomass facility no longer needs the additional revenue from the renewable energy credits, the value of the renewable energy credits must be transferred to the Efficiency Maine Trust for deposit into the conservation program fund established by the Efficiency Maine Trust. The Public Utilities Commission may adopt routine technical rules to implement these provisions.

The amendment further requires the Department of Economic and Community Development to convene a task force to identify ways to improve the economic stability of biomass facilities in this State. The department is required to report to the joint standing committee of the Legislature having jurisdiction over energy and utility matters by March 1, 2013.