

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

Amend the amendment in section 1 in the 6th to 8th lines (page 1, lines 19 to 21 in amendment) by striking out the following: "total greenhouse gas emissions across all jurisdictions interconnected with electricity generation and distribution systems operated by the Hydro-Quebec company" and inserting the following: 'Maine and other New England states, New York, Ontario and New Brunswick greenhouse gas emissions'

Amend the amendment in section 1 by striking out all of subsections 1 and 2 (page 1, lines 30 to 38 and page 2, lines 1 to 17 in amendment) and inserting the following:

‘1. Except as provided in subsection 3, the department shall enter into an agreement with an independent, nongovernmental organization with expertise in energy and environmental policy and analysis, referred to in this section as "the consultant," to conduct the study described in this section. The consultant shall submit to the department a final report regarding its findings no later than July 31, 2019. The selection of the consultant and the agreement to produce the study as required by this section are not subject to the competitive bid requirements of the Maine Revised Statutes, Title 5, chapter 155. The agreement must specify that, as necessary, the consultant is required to enter into agreements, subject to approval of the department, with other entities to conduct modeling or other analyses required for the study. The agreement must also require the consultant, with input from any entities that have been secured by the consultant to assist with modeling and analyses and with the approval of the department, to develop a scope of work and modeling assumptions to guide the study and to submit that scope of work and those modeling assumptions to the department to be submitted to the Joint Standing Committee on Environment and Natural Resources and to be posted on the department's publicly accessible website for a period of no less than 10 days. Within that period of time, a person may submit to the department written comments regarding the scope of work and modeling assumptions. The department shall submit all comments received to the consultant and consider the comments in determining whether or not to approve the scope of work.

2. Except as otherwise provided in this subsection, the department may accept funds from any source, public or private, to fund the costs of the study and report described in subsection 1, including, but not limited to, costs of the consultant in entering into agreements with other entities to conduct modeling or other analyses required for the study, and may only fund the costs of the study and report using outside funding received under this subsection. The department may use the outside funding for administrative costs associated with the study, including, but not limited to, costs associated with staff time expended on the study. The department may not accept funds that create an apparent or an actual conflict of interest or that otherwise violate the law. The department must deposit all funds received for these purposes into the Maine Environmental Protection Fund established in the Maine Revised Statutes, Title 38, section 351, and those funds must be segregated from other funds in that account and may be used only for these purposes.’

Amend the amendment in section 1 by inserting after subsection 4 the following:

‘5. In the department's review of the consultant's proposed scope of work and modeling assumptions under subsection 1 and in its review of the completed study report, the department shall consult with the

Public Utilities Commission staff on factors that are within the commission's jurisdiction, such as load growth, fuel costs, variation in dispatch of electricity among electricity markets, electricity transmission constraints, addition and retirement of electric generation facilities and technology development.

6. The department may not consider the study or the results of the study described in subsection 1 in the department's decisions on applications for permits from the NECEC project under the laws governing site location of development or the Natural Resources Protection Act.

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SUMMARY

This amendment, which amends Committee Amendment "A," adds a requirement that the Department of Environmental Protection review and approve entities the selected consultants seek to engage for assistance with the study and adds a requirement that the department review and approve the consultant's proposed scope of work and modeling assumptions.

The amendment also prohibits the department from accepting funding for the study that creates an apparent or actual conflict of interest.

The amendment narrows the geographic scope of the study to Maine and other New England states, New York, Ontario and New Brunswick. It specifies that the department may not consider the study or the results of the study in the department's decisions on applications for permits from the New England Clean Energy Connect project under the laws governing site location of development or the Natural Resources Protection Act.

Finally, the amendment requires the department to consult with the Public Utilities Commission staff on issues that are typically within the jurisdiction of the commission and not the department.

FISCAL NOTE REQUIRED

(See attached)