



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 583

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H.P. 426

House of Representatives, February 24, 2021

**An Act To Repeal the Changes Made by Public Law 2019, Chapter 478, "An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine"**

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Received by the Clerk of the House on February 22, 2021. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative HANLEY of Pittston.  
Cosponsored by Senator FARRIN of Somerset.

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

2 **Sec. 1. 35-A MRSA §3201, sub-§11-A,** as enacted by PL 2019, c. 478, Pt. A, §1,  
3 is repealed.

4 **Sec. 2. 35-A MRSA §3201, sub-§13-A,** as enacted by PL 2019, c. 478, Pt. A, §2,  
5 is repealed.

6 **Sec. 3. 35-A MRSA §3209-A,** as amended by PL 2019, c. 16, §1 and c. 478, Pt. A,  
7 §3, is further amended to read:

8 **§3209-A. Net energy billing**

9 The commission may adopt or amend rules governing net energy billing. Rules adopted  
10 or amended under this section are major substantive rules as defined in Title 5, chapter 375,  
11 subchapter 2-A. "Net energy billing" means a billing and metering practice under which a  
12 customer is billed on the basis of the difference between the kilowatt-hours delivered by a  
13 transmission and distribution utility to the customer over a billing period and the kilowatt-  
14 hours delivered by the customer to the transmission and distribution utility over the billing  
15 period, taking into account accumulated unused kilowatt-hour credits from the previous  
16 billing period.

17 ~~**1. Definitions.** As used in this section, the following terms have the following~~  
18 ~~meanings:~~

19 ~~A. "Customer" means a customer of a transmission and distribution utility in the State.~~

20 ~~B. "Distributed generation resource" means an electric generating facility that uses a~~  
21 ~~renewable fuel or technology under section 3210, subsection 2, paragraph B-3 and is~~  
22 ~~located in the service territory of a transmission and distribution utility in the State.~~

23 ~~C. "Net energy billing" means a billing and metering practice under which a customer~~  
24 ~~is billed on the basis of the difference between the kilowatt-hours delivered by a~~  
25 ~~transmission and distribution utility to the customer over a billing period and the~~  
26 ~~kilowatt-hours delivered by the customer to the transmission and distribution utility~~  
27 ~~over the billing period, taking into account accumulated unused kilowatt-hour credits~~  
28 ~~from the previous billing period.~~

29 ~~**2. Financial interest required.** The commission shall allow a customer to participate~~  
30 ~~in net energy billing if the customer has a financial interest in a distributed generation~~  
31 ~~resource or in a generation resource that has a net energy billing arrangement on the~~  
32 ~~effective date of this section, including facility ownership, a lease agreement or a power~~  
33 ~~purchase agreement.~~

34 ~~**3. Shared financial interest for investor-owned utility customers; limitation.**~~  
35 ~~Multiple customers of an investor-owned transmission and distribution utility that have~~  
36 ~~distinct billing accounts with that utility may share a financial interest in a distributed~~  
37 ~~generation resource under subsection 2. Any number of customers of an investor-owned~~  
38 ~~transmission and distribution utility with a shared financial interest in a distributed~~  
39 ~~generation resource may participate in net energy billing, except that the number of eligible~~  
40 ~~customers or meters is limited to 10 for a shared financial interest in a distributed generation~~  
41 ~~resource located in the service territory of an investor-owned transmission and distribution~~  
42 ~~utility located in an area administered by the independent system administrator for northern~~  
43 ~~Maine or any successor of the independent system administrator for northern Maine unless~~

1 the commission determines that the utility's billing system can accommodate more than 10  
2 accounts or meters for the purpose of net energy billing.

3 ~~4. System size.~~ The nameplate capacity of a distributed generation resource that may  
4 be used for net energy billing must be less than 5 megawatts, except that, if a municipality  
5 is the customer participating in net energy billing, the nameplate capacity of a distributed  
6 generation resource located in that municipality that may be used for the net energy billing  
7 may be 5 megawatts or more, as long as less than 5 megawatts of metered electricity from  
8 the resource is used for net energy billing.

9 **Sec. 4. 35-A MRSA §3209-B**, as enacted by PL 2019, c. 478, Pt. A, §4 and  
10 corrected by RR 2019, c. 1, Pt. A, §51, is repealed.

11 **Sec. 5. 35-A MRSA c. 34-C**, as amended, is repealed.

12 **Sec. 6. PL 2019, c. 478, Pt. A, §5** is repealed.

13 **Sec. 7. PL 2019, c. 478, Pt. A, §6** is repealed.

14 **Sec. 8. PL 2019, c. 478, Pt. A, §7** is repealed.

15 **Sec. 9. PL 2019, c. 478, Pt. B, §2** is repealed.

16 **Sec. 10. PL 2019, c. 478, Pt. B, §3** is repealed.

#### 17 SUMMARY

18 This bill repeals the changes to statutory law made by Public Law 2019, chapter 478  
19 and repeals related provisions of chapter 478.