



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1347

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H.P. 861

House of Representatives, March 28, 2023

### **An Act to Eliminate the Current Net Energy Billing Policy in Maine**

(EMERGENCY)

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

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FOSTER of Dexter.  
Cosponsored by Senator STEWART of Aroostook and  
Representatives: DRINKWATER of Milford, DUNPHY of Embden, LYMAN of Livermore  
Falls, MASON of Lisbon, NESS of Fryeburg, PAUL of Winterport, POLEWARCZYK of  
Wiscasset, WOOD of Greene.

1           **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** net energy billing is unnecessary to incentivize more renewable energy  
4 projects; and

5           **Whereas,** the longer net energy billing is in effect, the more it will add to ratepayers'  
6 energy bills, making this legislation necessary to end net energy billing as soon as possible;  
7 and

8           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
9 the meaning of the Constitution of Maine and require the following legislation as  
10 immediately necessary for the preservation of the public peace, health and safety; now,  
11 therefore,

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

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

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

20           **Sec. 2. 35-A MRSA §3209-A,** as amended by PL 2021, c. 659, §§17 and 18 and c.  
21 705, §13, is repealed.

22           **Sec. 3. 35-A MRSA §3209-B,** as amended by PL 2021, c. 659, §19, is repealed.

23           **Sec. 4. 35-A MRSA §3209-C** is enacted to read:

24 **§3209-C. Net energy billing requirement prohibited**

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

33           **Sec. 5. 35-A MRSA §3623, sub-§3, ¶C,** as enacted by PL 2021, c. 604, §3, is  
34 amended to read:

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

37           **Sec. 6. 35-A MRSA §3623, sub-§3, ¶D,** as enacted by PL 2021, c. 604, §3, is  
38 amended to read:

39           D. Be highly efficient, as determined by the commission; ~~and.~~

