



# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1622

S.P. 532

In Senate, December 20, 2011

### **An Act To Clarify the Laws Governing Electric Industry Restructuring**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 16, 2011. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator SHERMAN of Aroostook.  
Cosponsored by Senator: SNOWE-MELLO of Androscoggin.

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

2 **Sec. 1. 35-A MRSA §3204, sub-§5**, as enacted by PL 1997, c. 316, §3, is  
3 amended to read:

4 **5. Ownership of generation prohibited.** Except as otherwise permitted under this  
5 chapter, on or after March 1, 2000, an investor-owned transmission and distribution  
6 utility or an affiliated interest may not own, have a financial interest in or otherwise  
7 control generation or generation-related assets that are located in this State or that  
8 generate electric service to customers in this State.

9 **Sec. 2. 35-A MRSA §3204, sub-§6**, as enacted by PL 1997, c. 316, §3, is  
10 amended to read:

11 **6. Generation assets permitted.** On or after March 1, 2000, notwithstanding any  
12 other provision in this chapter, the commission may allow an investor-owned  
13 transmission and distribution utility or an affiliated interest to own, have a financial  
14 interest in or otherwise control generation and generation-related assets to the extent that  
15 the commission finds that ownership, interest or control is necessary for the utility to  
16 perform its obligations as a transmission and distribution utility in an efficient manner.

17 **SUMMARY**

18 This bill clarifies the laws governing electric industry restructuring by providing that  
19 affiliated interests of transmission and distribution utilities, as well as transmission and  
20 distribution utilities, are not permitted to own, have a financial interest in or otherwise  
21 control generation or generation-related assets located in Maine or used to provide  
22 electric service in Maine unless permitted by the Public Utilities Commission.