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ENERGY, UTILITIES AND TECHNOLOGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT " " to H.P. 904, L.D. 1408, "An Act to Reduce Maine's Dependence on Fossil Fuels and Carbon Footprint for Energy Production Using Waste Wood Fuel"

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

'Sec. 1. 12 MRSA §8884, sub-§5 is enacted to read:

5. Report. By June 1st of each year, the bureau shall provide a report compiling the wood processor reports received in accordance with subsection 1 to the joint standing committee of the Legislature having jurisdiction over energy matters.

Sec. 2. 35-A MRSA §3622, sub-§2, as enacted by PL 2021, c. 604, §3, is amended to read:

2. Net generating capacity. "Net generating capacity" means the electric output of an electricity generating facility delivered to the transmission and distribution utility system. "Net generating capacity" does not include any energy consumed by the generator to operate the electricity generating facility, energy provided behind the meter to facilities adjacent to the electricity generating facility or any energy consumed for facility lighting, power and auxiliary facilities.

Sec. 3. 35-A MRSA §3623, sub-§2, ¶A, as enacted by PL 2021, c. 604, §3, is amended to read:

A. The net generating capacity of a program participant may not be less than 3 megawatts or more than 15 megawatts.

Sec. 4. 35-A MRSA §3623, sub-§2, ¶B, as enacted by PL 2021, c. 604, §3, is amended to read:

B. The total net generating capacity of all program participants combined may not exceed 30 megawatts.

COMMITTEE AMENDMENT

1 The commission may modify the amount of total net generating capacity stipulated  
2 under this paragraph based on program experience.

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

5 D. Be highly efficient, as determined by the commission on a technology-specific  
6 basis; and

7 **Sec. 6. 35-A MRSA §3624, sub-§1**, as enacted by PL 2021, c. 604, §3, is repealed  
8 and the following enacted in its place:

9 **1. Investor-owned transmission and distribution utilities; required participation.**  
10 Notwithstanding section 3204, the commission may direct an investor-owned transmission  
11 and distribution utility to enter into long-term contracts for energy with one or more  
12 program participants if the program participant is:

13 A. Located within the service territory of the investor-owned transmission and  
14 distribution utility; or

15 B. Located within the service territory of a consumer-owned transmission and  
16 distribution utility if:

17 (1) The program participant delivers energy to a location within the service  
18 territory of the investor-owned transmission and distribution utility;

19 (2) The program participant does not sell energy to the consumer-owned  
20 transmission and distribution utility in whose territory the program participant is  
21 located; and

22 (3) The consumer-owned transmission and distribution utility consents to the sale  
23 and transmission of that energy pursuant to a long-term contract.

24 The commission may direct investor-owned transmission and distribution utilities to enter  
25 into contracts under this subsection only as agents for their customers and only in  
26 accordance with this section. An investor-owned transmission and distribution utility shall  
27 sell energy pursuant to this subsection into the wholesale electricity market or take other  
28 action relative to that energy directed by the commission.

29 **Sec. 7. 35-A MRSA §3624, sub-§2**, as enacted by PL 2021, c. 604, §3, is amended  
30 to read:

31 **2. Consumer-owned transmission and distribution utilities; voluntary**  
32 **participation.** A consumer-owned transmission and distribution utility may, at the option  
33 of the utility, enter into long-term contracts with one or more program participants located  
34 within the service territory of the utility for energy, ~~capacity resources or renewable energy~~  
35 ~~credits~~. Consumer-owned transmission and distribution utilities may enter into contracts  
36 under this subsection only as agents for their customers and only in accordance with this  
37 section.

38 **Sec. 8. 35-A MRSA §3624, sub-§3**, as enacted by PL 2021, c. 604, §3, is amended  
39 to read:

40 **3. Sale of energy; contract procedures.** Energy, ~~capacity resources or renewable~~  
41 ~~energy credits~~ contracted through long-term contracts pursuant to this section may be sold  
42 into the wholesale electricity market separately or in conjunction with solicitations for

1 standard-offer supply bids under section 3212 or solicitations for green power offer bids  
 2 under section 3212-B. To the greatest extent possible, the commission shall develop  
 3 procedures for long-term contracts for transmission and distribution utilities under this  
 4 section having the same legal and financial effect as the procedures used for standard-offer  
 5 service pursuant to section 3212 for transmission and distribution utilities.

6 **Sec. 9. 35-A MRSA §3624, sub-§7**, as enacted by PL 2021, c. 604, §3, is amended  
 7 to read:

8 **7. Contract payments.** Contracts for ~~capacity and related~~ energy entered into  
 9 pursuant to this section must provide that payments will be made only after contracted  
 10 amounts of energy have been provided.

11 **Sec. 10. Appropriations and allocations.** The following appropriations and  
 12 allocations are made.

13 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

14 **DACF Administration 0401**

15 Initiative: Provides allocations for expenditures related to the technology management  
 16 costs for one Senior Planner position.

17	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
18	All Other	\$585	\$585
19			
20	OTHER SPECIAL REVENUE FUNDS TOTAL	\$585	\$585

21 **DACF Administration 0401**

22 Initiative: Provides funding for technology management costs related to one Senior Planner  
 23 position.

24	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
25	All Other	\$3,292	\$3,292
26			
27	GENERAL FUND TOTAL	\$3,292	\$3,292

28 **Division of Forest Protection Z232**

29 Initiative: Provides funding for one Senior Planner position and associated All Other costs.

30	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
31	POSITIONS - LEGISLATIVE COUNT	1,000	1,000
32	Personal Services	\$72,326	\$101,740
33	All Other	\$3,500	\$3,500
34			
35	GENERAL FUND TOTAL	\$75,826	\$105,240

37 **AGRICULTURE, CONSERVATION AND**  
 38 **FORESTRY, DEPARTMENT OF**  
 39 **DEPARTMENT TOTALS**

40		<b>2023-24</b>	<b>2024-25</b>
41	<b>GENERAL FUND</b>	<b>\$79,118</b>	<b>\$108,532</b>

1	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$585</b>	<b>\$585</b>
2			
3	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$79,703</b>	<b>\$109,117</b>

4

5 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
6 number to read consecutively.

7

**SUMMARY**

8

This amendment replaces the bill. The amendment does the following.

9

1. It requires the Department of Agriculture, Conservation and Forestry, Bureau of  
10 Forestry to submit an annual compilation of wood processing reports received by the  
11 bureau to the joint standing committee of the Legislature having jurisdiction over energy  
12 matters.

13

2. It amends the definition of net generating capacity for the purposes of the combined  
14 heat and power program to exclude energy provided behind the meter to facilities adjacent  
15 to an electric generating facility.

16

3. It increases the allowable net generating capacity of a combined heat and power  
17 program participant from no more than 10 megawatts to no more than 15 megawatts and  
18 increases the total net generating capacity for all combined heat and power program  
19 participants to no more than 30 megawatts.

20

4. It requires the Public Utilities Commission to evaluate combined heat and power  
21 projects on a technology-specific basis when determining whether a project is highly  
22 efficient.

23

5. It limits the combined heat and power program to contracts for only energy instead  
24 of energy, capacity resources and renewable energy credits.

25

6. It establishes criteria to allow a program participant located in the service territory  
26 of a consumer-owned transmission and distribution utility to provide energy to an investor-  
27 owned transmission and distribution utility pursuant to a long-term contract under the  
28 program.

29

**FISCAL NOTE REQUIRED**

30

**(See attached)**