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ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 359, L.D. 1173, Bill, “An Act To Allow the Direct Sale of Electricity”

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

Sec. 1. 35-A MRSA §102, sub-§1-A is enacted to read:

1-A. Abutting property. "Abutting property" means, with respect to a parcel of land, another parcel of land that shares a common property boundary, except that "abutting property" does not include a parcel of land separated from another parcel by a public road or highway.

Sec. 2. 35-A MRSA §102, sub-§20-B, as enacted by PL 1999, c. 398, Pt. A, §9 and affected by §§104 and 105, is amended to read:

20-B. Transmission and distribution utility. "Transmission and distribution utility" means a person, its lessees, trustees or receivers or trustees appointed by a court, owning, controlling, operating or managing a transmission and distribution plant for compensation within the State, except where the electricity is distributed by the entity that generates the electricity through private property alone solely for ~~that entity's own use or the use of the entity's tenants and not for sale to others.~~ the use of:

A. The entity;

B. The entity's tenants; or

C. Commercial or industrial consumers located on:

(1) The property where the entity is located or on abutting property; or

(2) A commercial or industrial site that was served by the entity or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018.

Sec. 3. 35-A MRSA §2102, sub-§5 is enacted to read:

1 **5. Exemption for certain private electric facilities.** The provisions of this section
2 do not apply to the construction of a transmission line, together with all associated
3 equipment and facilities, that is constructed, owned and operated by a generator of
4 electricity for the purpose of electrically and physically interconnecting that generator to
5 a commercial or industrial consumer of the electricity that is located on:

6 A. The property where the entity that generates the electricity is located or on
7 abutting property; or

8 B. A commercial or industrial site that was served by the entity that generates the
9 electricity or its predecessor without using the transmission and distribution plant of a
10 public utility prior to December 31, 2018.

11 **Sec. 4. 35-A MRSA §3132, sub-§1-B,** as enacted by PL 2007, c. 148, §2, is
12 amended to read:

13 **1-B. Exception; generator interconnection transmission facility.** The
14 construction of a generator interconnection transmission facility is not subject to the
15 requirements of this section. For the purposes of this subsection, "generator
16 interconnection transmission facility" means a transmission line, together with all
17 associated equipment and facilities, that is constructed, owned and operated by a
18 generator of electricity solely for the purpose of electrically and physically
19 interconnecting such generator to ~~the transmission system of a transmission and~~
20 ~~distribution utility.;~~

21 A. The transmission system of a transmission and distribution utility; or

22 B. A commercial or industrial consumer of the electricity that is located on:

23 (1) The property where the entity that generates the electricity is located or on
24 abutting property; or

25 (2) A commercial or industrial site that was served by the entity that generates
26 the electricity or its predecessor without using the transmission and distribution
27 plant of a public utility prior to December 31, 2018.

28 **Sec. 5. 35-A MRSA §3201, sub-§5,** as amended by PL 2015, c. 29, §2, is further
29 amended to read:

30 **5. Competitive electricity provider.** "Competitive electricity provider" means a
31 marketer, broker, aggregator or any other entity selling electricity to the public at retail,
32 but does not include an electric vehicle charging station ~~provider~~ or an entity that
33 generates electricity solely for the use of:

34 A. The entity;

35 B. The entity's tenants; or

36 C. Commercial or industrial consumers located on:

37 (1) The property where the entity is located or on abutting property; or

38 (2) A commercial or industrial site that was served by the entity or its
39 predecessor without using the transmission and distribution plant of a public
40 utility prior to December 31, 2018.

