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## ENERGY, UTILITIES AND TECHNOLOGY

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### STATE OF MAINE

### SENATE

### 132ND LEGISLATURE

### FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 738, L.D. 1868, “An Act to Advance a Clean Energy Economy by Updating Renewable and Clean Resource Procurement Laws”

Amend the bill by striking out all of sections 1, 2 and 3.

Amend the bill by striking out all of section 6 and inserting the following:

**'Sec. 6. 35-A MRSA §3210, sub-§2, ¶A-4** is enacted to read:

A-4. "Class III resource" or "clean resource" means a source of generation that generates power that can physically be delivered to the control region in which the New England Power Pool, or its successor as approved by the Federal Energy Regulatory Commission, has authority over transmission, or to the Maritimes Control Area and:

(1) Is a Class I resource or a Class IA resource;

(2) Relies on a nuclear power plant or hydroelectric generator that meets all state and federal fish passage requirements applicable to the generator; or

(3) Generates electric energy in a manner that, as determined by the Department of Environmental Protection, produces no more than a de minimis level of net greenhouse gas emissions and co-pollutant emissions at the point of generation and from the fuel supply chain of the facility and has been certified by the Governor's Energy Office in accordance with rules adopted by the Department of Environmental Protection in accordance with this subsection.'

Amend the bill in section 9 in the blocked paragraph in the 2nd line (page 3, line 27 in L.D.) by striking out the following: "or order"

Amend the bill in section 10 in paragraph A in the blocked paragraph in the last line (page 4, line 30 in L.D.) by striking out the following: "or" and inserting the following: 'or'

Amend the bill in section 10 in paragraph A in the blocked paragraph in the last line (page 4, line 30 in L.D.) by inserting after the following: "3-A" the following: 'or 3-D'

1 Amend the bill in section 11 in subsection 3-D in paragraph A in the first 5 lines (page  
2 4, lines 34 to 38 in L.D.) by striking out the following: "Each competitive electricity  
3 provider must, in addition to meeting the other portfolio requirements of subsections 3,  
4 3-A, 3-B and 3-C, demonstrate in a manner satisfactory to the commission that it has  
5 purchased Class III renewable energy credits in an amount at least equal to the following  
6 percentages of its portfolio of supply sources for retail electricity sales in this State" and  
7 inserting the following: 'As a condition of licensing pursuant to section 3203, each  
8 competitive electricity provider in the State must demonstrate in a manner satisfactory to  
9 the commission that the percentage of its portfolio of supply sources for retail electricity  
10 sales in the State accounted for by Class III resources is as follows'

11 Amend the bill in section 14 in subsection 9 in paragraph A in the 4th line (page 7, line  
12 7 in L.D.) by inserting after the following: "electricity," the following: 'alignment with other  
13 New England states.'

14 Amend the bill by striking out all of sections 19 and 20 and inserting the following:

15 '**Sec. 19. 35-A MRSA §3210-C, sub-§3, ¶D,** as enacted by PL 2017, c. 134, §2,  
16 is repealed.'

17 Amend the bill in section 22 in the blocked paragraph in the 3rd line (page 8, line 30  
18 in L.D.) by striking out the following: "credits"

19 Amend the bill in section 22 in the blocked paragraph in the 15th line (page 8, line 42  
20 in L.D.) by inserting after the following: "credits" the following: ', clean energy credits'

21 Amend the bill in section 22 in the blocked paragraph in the 19th line (page 9, line 4  
22 in L.D.) by striking out the first occurrence of the following: "credits"

23 Amend the bill by striking out all of section 23 and inserting the following:

24 '**Sec. 23. 35-A MRSA §3210-C, sub-§3-A** is enacted to read:

25 **3-A. Regional coordination.** If the commission determines that the likely benefits to  
26 ratepayers in the State will exceed the likely costs, the commission may coordinate with  
27 one or more states to procure, through long-term contracts or other mechanisms,  
28 transmission capacity, capacity resources, renewable energy credits or clean energy  
29 credits.'

30 Amend the bill in section 24 in subsection 7 in the 2nd line (page 9, line 13 in L.D.) by  
31 striking out the following: "or" and inserting the following: 'œ,'

32 Amend the bill in section 24 in subsection 7 in the 4th line (page 9, line 15 in L.D.) by  
33 striking out the first occurrence of the following: "credits"

34 Amend the bill in section 25 in subsection 9 in the 2nd line (page 9, line 20 in L.D.) by  
35 striking out the following: "credits"

36 Amend the bill by striking out all of section 26.

37 Amend the bill in section 29 in the 3rd and 4th lines (page 11, lines 8 and 9 in L.D.) by  
38 striking out the following: ", subsection 3-A"

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

**SUMMARY**

This amendment does the following.

1. It removes the sections of the bill directing the Governor’s Energy Office to conduct procurements of renewable and clean resources and authorizing the office to adopt rules. It also removes the section of the bill requiring investor-owned transmission and distribution utilities to be subject to a special assessment for expenditures of the office.

2. It changes the proposed definition of "Class III resource" to include that this resource type includes sources of generation relying on nuclear power plants and hydroelectric generators that meet all state and federal fish passage requirements applicable to the generators. It establishes criteria that allow other sources of electrical generation to qualify as Class III resources.

3. It clarifies that the Public Utilities Commission may coordinate with one or more states to procure transmission capacity, capacity resources, renewable energy credits or clean energy credits if it determines that the likely benefits to ratepayers in the State will exceed the likely costs.

4. It removes the section of the bill that requires the commission to conduct a competitive solicitation for energy or renewable energy credits from eligible Class IA resources as defined in the bill.

5. It makes technical changes to the bill for consistency.

**FISCAL NOTE REQUIRED**

**(See attached)**