

## STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FOURTEEN

H.P. 1283 - L.D. 1792

**An Act To Protect Jobs in the Forest Product Industry**

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

**Whereas**, through a series of private and special laws, the State has granted certain rights, privileges, immunities and franchises to Brookfield Renewable Energy Partners to construct, own and operate dams and hydroelectric and related facilities for the purpose of generating and transmitting electricity and to Great Northern Paper, LLC, and its predecessors in interest, including, but not limited to, the authority to build, own, operate and maintain paper production facilities; and

**Whereas**, existing provisions in private and special laws may be inhibiting Great Northern Paper, LLC, as the owner of the paper production facility in the Town of Millinocket or the paper production facility in the Town of East Millinocket from reaching a temporary load-shedding agreement with Brookfield Renewable Energy Partners for the sharing of revenues from the sale of electricity from the hydropower facilities when there is a temporary cessation or reduction of paper production; and

**Whereas**, Great Northern Paper, LLC, ceased paper production at the East Millinocket paper production facility in late January 2014 and intends to use the paper mill closure period to make necessary facility upgrades to improve efficiency and enhance the facility's long-term viability; and

**Whereas**, Great Northern Paper, LLC, intends to employ as many of the East Millinocket paper production facility's employees as possible to perform the necessary upgrades and improvements during the current closure period and to reopen the facility as soon as possible; and

**Whereas**, the purpose of this legislation is expressly to permit load-shedding agreements that would provide revenues to support the continued viability of the paper production facilities and preserve the work force employed at those facilities and thereby promote the public welfare; and

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

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

**Sec. 1. P&SL 2001, c. 45, §2** is amended by adding at the end a new paragraph to read:

Nothing in this section prohibits temporary load-shedding agreements in accordance with section 2-B.

**Sec. 2. P&SL 2001, c. 45, §2-B** is enacted to read:

**Sec. 2-B. Temporary load-shedding agreements.** In order to ensure the continued viability of the paper production facility in Millinocket or the paper production facility in East Millinocket, the owner of the paper production facility in Millinocket or the paper production facility in East Millinocket and the owner of the Hydropower Facilities may enter into temporary load-shedding agreements in accordance with this section.

**1. Temporary reduction or closure; sharing of revenues.** A temporary load-shedding agreement may provide for temporary cessation of or reduction in paper production at a paper production facility for periods of less than 90 days, or in excess of 90 days to the limited extent permitted under subsection 3, in order to allow the sale of electricity from the Hydropower Facilities to another purchaser or entity or into the wholesale electric market and provide that the owner of the paper production facility shares in the revenue generated from those sales of electricity.

**2. Purpose; terms.** It is the purpose of the Legislature in expressly authorizing temporary load-shedding agreements to encourage mutually beneficial agreements between the parties that provide revenues to support the continued viability of the paper production facilities and preserve the work force employed at those facilities and thereby promote the public welfare. When developing any temporary load-shedding agreement, the parties shall consider terms that promote those purposes, which may include terms that rely on indicators of the continuing viability of the paper production facilities, including maintenance of the facility's labor force during and following the temporary cessation of or reduction in paper production.

**3. Limited one-time exception.** A temporary load-shedding agreement may include a cessation of paper production at the East Millinocket paper production facility for more than 90 days only if:

A. The cessation began on January 23, 2014;

B. The cessation ends and paper production resumes at the facility no later than June 30, 2014 with the number of employees agreed to by the unions representing the employees of the paper production facility and the owner of the paper production facility; and

C. The temporary load-shedding agreement involves the sharing of revenue from no more than 90 days of electricity sales during this temporary cessation of paper production.

If a temporary load-shedding agreement is entered into under this subsection and paper production resumes at the facility in accordance with paragraph B, the cessation described in this subsection is not a Paper Mill Closing for purposes of section 2 and all prohibitions, requirements and other provisions of section 2 that would otherwise apply with respect to that cessation do not apply.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.