"The 131st Legislature's #BeltwayOfBills snookering Maine"

(5/2/23 V. 2.3.5

(as the ".3", 1st to play with formatting and include the graphic … & in RTF, links)

…the initial 4/19/23 version of this evolving document now includes LD 1775.

LD 9: For this bill titled to relate to "Rule by Permit", AND to apply to the Commissioner, AND this is within what is in our law (i.e., not as is a current practice), it only applies to the pre-application meeting/hearing where a permit for a "Permit by Rule" (as currently practiced) may be qualified for. It is this qualification timeframe to which LD 9 – and as amended to extend this timeframe from 20 working days to 90 calendar days – applies. The amendment appears to helpfully give our commissioner more time, but, and in law, this is in the Permit by Rule process that has been a Board function, not the commissioner's, since 1983 (new), through 1991 (amended), through 2011 (amended), and still, today. The Board (in 1983) is not what our restored to authority version of it is today (i.e., since 2019). Neither is the commissioner of 1983 similar to what that Office is today.

The continued reference to section 7 of the law in LD 9 is, at best – and this is likely by tradition, specious; problematic regarding MAPA rights stuff; further effects structural imbalance contrary to the basis statement of the Department's administrative rule chapter (that "Basis Statement" is integral to 06-096 CMR ch. 2 since this Chapter's inception in 1994, and as filed with our Secretary of State – available for the asking – as a file titled "096c002-94-176-complete.pdf").

But the current practice regarding a "Rule by Permit" is core to what the 1991 concept of a preapplication meeting* (an undefined term, in rule, but an adjudicatory process under our MAPA because rights are being established). In practice regarding the preapplication meetings, such are integral and essential to the in lieu fee program (ILF info page; authorizing law). The ILU application, (now, in practice called a Permit-by-Rule – and this when such an application is filed based on the pre-permit permit version; become unlisted and uncoded permits regarding an unrecorded application (this information webpage, and/or this form, and when received, has a two year lifetime). A pre-application meeting, where this all occurs, is effected under the auspices of our Commissioner, and is not a "public proceeding" (see (3., C.) – and another term for which Rule Chapter 2 is silent. A preapplication meeting is, by rule, between the applicant and the Department. Under both Land Resources – Natural Resources Protection Act, and Land Resources – Stormwater Management Law sections of the commissioner annual report regarding timeliness and Department reviews, these listed Permit by Rules are not coded. This effects an ILF program which, in terms of all rights being determined is not happening under our MAPA. This is hidden in plain sight.

Why this qualifies as a #BeltwayOfBills snookering Maine bill is that it is integral to a functionally confidential hearing where a project will be adjudged to qualify for the ILF Program, file a pre-permit-by-rule application, and have a timeframe established by which the DEP wraps up its review processes for reviewed applications. Licenses are review under the law and rules that exist at the time of the application. The adjudicatory process of a public hearing cannot redial be applied to a confidential hearing, and this as intended in law. LD 9 (as of this version of this #BeltwayOfBills document, law)

Originally, and still – in law – the Rule by Permit was a Board action under section 7. It relates to a project that is a single permitting class. Such a "Rule by Permit" is a final action (which in 1983 was consistent with the law), and only requires our Board to notify our Commissioner of its action. Because, in practice this Pre-Rule by Permit permit and the Rule by Permit is happening differently than is otherwise in law, balancing citizen involvement is structured out of the process … and consequences happen.

That this practice seems to have became and remains a common, and at best, an extralegal process, this could be how stacked LLCs became, and remain, a practice. If this confidential practice stopped – became a public one – the could effect significant cuts to our State coffers that is derived from the in lieu fees. About 10% of Sate revenues are identified in the Legislators Handbook as "other". Or, a 'perfect"NOT! storm of traditionally accepted practice that is not justified in law; that has embolden the solar industry that relies on stacked LLCs to snooker Maine to:

1. effect the 2019 solar gold rush," and
2. lay the regulatory ground work for the next phase of the snookering.

* The term "meeting" is utilized irregularly by the Department (06-096 C.M.R. ch. 2; particularly section 8.. 3rd sentence.). In that section a public meeting explicitly is not a public hearing under our MAPA regarding rulemaking, while our MAPA explicitly states that these are one and the same (5 MRS §8052(1)(¶ 2). In this Rule Chapter "meeting" can apply to at least three distinct things. This contradicts our MAPA. Furthermore, in its generic usage in the Rule Chapter is enabled by "meeting" being an undefined term. The weeds this effects, particularly on appeal, is beyond the intent of the #BeltwayOf Bills summary, but none-the-less, pertinent to the In Lieu Fee Program of the DEP; the revenue this Program generates for the budget.

LD 43: Proposed removing the 100 MW cap on distributed generation projects and includes solar. This primarily accommodates an increase in the size and scope of solar projects, and as is increasingly required by economics and grid capacity issues for the immediate and mid-term timeframes to be solar/battery projects.

The maturation of this distributive energy generation industry will, over time, trend toward larger projects and the economies of scale and monopolistic aspirations of the stacked LLC solar development business model. The removal of this cap on solar without first redressing the lack of rulemaking regarding our solar decommissioning law by the Board of Environmental Protection renders the lifting of this cap for solar a matter of functional complicity in the snookering/(eventually will be – as of April 19, LD 43 was voted ONTP).

With LD 496 solar/batteries will be 'review' for 'decommission' under wind turbine decommissioning trigger rules. The content of the ongoing MPUC workshopping on the grid already outlines that local and/or regional distributed generation is where the changes to our grid will likely be required. Any significant benefit from removing the 100 MW cap accrues to grid operators and the transmission of electricity out of state via the equipment gateways that currently have the capacity to do so. LD 1775 adds hydrogen as an "energy storage system" relative to how the existing grid can be utilized to maximize the value of interstate transmission of expansive networks of solar energy development projects. As interstate financially vertical integrated distributed power generation entities, the profitably of this accrues primarily to these financial entities and the grid owners. (See LD 1775, below, regarding the other systemic snookering that is being rolled out during the 131st Legislature. Keep in mind that energy storage systems, including hyped hydrogen as a chemical storage medium, are not regulated distributed electricity generation systems.)

LD 399: This seems to relate to what might be best thought of in terms of RECs (renewable energy credits). Particularly as these can and have been applied to defense contractors utilizing them to gaining points in the bidding process for military contracts, and enhanced placement value. (If anyone reading this knows how the REC scheme 'works', please share (see email address at the end of this evolving document. I am challenged to see how RECs – as a mechanism – produces anything other than a delay in any reduction of greenhouse gas emissions.)

This bill seems to constrain competition from distributed energy generation from dumps regarding other such distributive energy generation systems, including solar. at the work session concerns that the removal of the 300% multiplier could encourage less recycling of combustible waste. Since no data was offered to backup this concern/argument is it speculative; is it strategic relative to stacked LLCs long range strategy for monopolizing as much of this market as it can to effect the lucrative sales of solar RECs to defense contractors, etc, and federal government contracts?

LD 496: Lumps batteries (defined as an "energy storage system"), with solar panels (defined as a "distributed energy resource"), and thereby makes different things with different regulatory concerns and different decommissioning

issues commonly treated as though they are wind turbines (under current DEP practice and it Wind Rule Chapter). Wind turbine decommissioning triggers – another "distributed energy resource", not an energy storage system as these are defined in MPUC law – merit different, not a common triggering mechanism.

Solar/battery projects are integral to the next phase of the stacked LLC business model's expansion/maturation. When stacked LLCs are treated as the single "person" in law (which they are explicitly not), this enables such stacked LLCs to exploit the exempt member transfer language in this bill and our Solar Energy Development Decommissioning law (FWIW, this exemption arrived by amendment in 2021). Regardless, snookering was thereby allowed that facilitates abandonment under the guise of 'successful' decommission plans.

What the link to LD 496 links to, and as an 'amendment' offered by the sponsoring representative dated 3/27/23, was also referenced at the work session on LD 496 as problematic, but could be worked out, and this by the Legislative Analyst at the March 29, 2023 work session. Whatever that work around was may explain why the "Concept Draft" version remains the [otherwise misleading] public face of this bill.

LD 1134: Amends subdivision statue under the DEP law that both conflict with subdivision law under land use law (Title 30-A, Chapter 187), and, regardless of that regulatory nightmare, does so to facilitate a phased leasing/development of land that conforms to the business model of solar projects on large tracts of land without this also triggering a subdivision review [by the DEP].

LD 1135: As the "Concept Draft" text of LD 1135, this sets the stage for tree growth classified land of the large tracts the solar industry will be able to exploit under LD 1134; to be similarly exploited to be incorporated into the unfolding and maturing global carbon offset credit markets. As noted at the end of the sponsoring Representative's pubic hearing testimony, it is now a "resolve." That text, like LD 496 above, is not yet updated in the Legislature's databases and this bill. However, what is in the sponsoring Representative's testimony is worded to lead to an affirmative framing regarding the referenced study relative to the snookering – and this snookering is as far as physics is concerned. Carbon offset markets that relates to property in a qualified tree growth plan happen with or without the offset markets being involved:

- First, tree growth classification is a State subsidized tax program that does it carbon sequestering as a consequence of the silviculture practices of qualifying tree growth plans. If such a carbon credit

product, physics aside, is a thing to be 'harvested', this would logically accrue to the State and the subsidizing citizens of our State.

- Second, carbon credit markets – by their nature – delay keeping fossil carbon in the ground. This means they are another iteration of the snookering that obfuscates rational action for actually reducing carbon emissions commensurate within the emergency introductory text of our current Maine Climate Council with its "Maine Won't Wait" report's policy goals.

At the work session on April 25, 2023, LD 1135 was voted ONTP, and, as was reflected by the Chair (after the unanimous vote for the study by those present), as a "positive outcome." Such is reasoned only if physics does not matter and … this as detailed in this **ONTP** public hearing testimony.

LD 1232: Indirectly regulates land use law (Title 30-A, Chapter 187), but this through Title 25, to build a growing inventory commercial roof area for the stacked LLC solar business model to exploit.

LD 1648: Sets the stage for open space and farmland classified land, and whether in large tracts or not in the large tracts, to be similarly be exploited to be incorporated into the unfolding and maturing global carbon offset credit markets.

By inserting into what is an alphebetical listing of definitions in the Farm and Open Space Tax Law subchapter (Title 36 MRS., Chapter 105., subchapter 10.), such that as a "c" – this 'carbon conservation management plan' – has preemptive statutory standing as an 'a" under a repealed definition of an "Assessor" in the definitions for a subchapter and explicitly qualifying for additional reductions in assessment valuation.

Transforms a definition of a term "wildlife habitat" that, and as regulated in the definition, is significantly used two additional times in subchapter 10, three more under chapter 105 but one of those as a "wildlife plan" under tree growth law. The Department of Inland Fisheries ad Wildlife (38 MRS §480-BB) treats the term with the adjective significant added to it, and this as would become a matter of review at a minimum of every 10 years. A much less regulated version of such oversight is subjugated to second ranking in law to the proposed carbon conservation management plan while increasing a purposed subsidized tax abatement benefit program to a flax and significanly increased one in a

Like the ONTP testimony linked to LD 1135 above, the question of who this bill's concept and framing benefits needs both asking and answers.

LD 1591: Creates a/[an exceptional?] subsection-specific regulation within MPUC law (Title 35-A) for the stacked LLC solar business model to twice snooker

snookered Maine farmers. First by the application of perfluoroalkyl and polyfluoroalkyl, and now, with the DEP permitting stacks of LLCs as a single person, and this in direct contradiction to the definition of a person in both rule and law, sets up good-hearted Maine farmers who find themselves in the desperate situation that they are in, to enter into the snookering of the stacked LLC business model's contractual and memorandum morass. Consider:

-1. 1. Through an option and lease framework, their snookering starts with agreeing to an option that commits them to a lease, and
-1. 2. That lease of their recorded titled land will strip the leased (or sold) part of the farm of its solar rights (and in violation of Maine law regarding the leasing of solar rights on recorded title in real property), and
-1. 3. The, also stripped, such solar rights, and treated as an uncommon appurtenant to the solar equipment, and
-1. 4. This as a recorded, but uncommonly so due to at the lease effecting of subclasses what is in law, appurtenant to the titled real property (extralegal-at-best), and
-1. 5. These subclasses-in-leases being transferred via the duplicitous mechanism of stacked LLC business (i.e., is nature – think Title 38, MRS §481 and the duplicity of the stacked LLC business model) to entities other than the LLC that will hold the DEP's permits, and
-1. 6. This will apply regarding any municipal permit as well(!), and
-1. 7. Due to securitization allowed, both in the stack LLC business model leases, AND exempted in the Solar Energy Development Decommissioning, upon the implementation of the structured abandonment which the decommission law enables significantly colors of the recoded title and effects the second snookering, and
-1. 8. This is, at least what is currently the case since the BEP/DEP did not do its requisite rulemaking, AND
-1. 9. In lieu of the DEP rectifying its misapplying its "Wind Energy Act Standards" rule chapter's decommission triggers (06-096 CRM c. 382), and
-1. 10. Doing this misapplying contrary to the judgment of the Department's rulemaking liaison, and
-1. 11. With LD 496 both exacerbating this snookering by lumping in batteries – separately defined in MPUC law as an "energy storage system" – with solar (defined in MPUC law as a "distributed energy resource"), and
-1. 12. With both of these having distinct regulator and decommission trigger issues that reason demands require separate rulmaking processes, and
-1. 13. Until rulemaking is done, render LD 1591 twice 'exceptional':
-1. A. the proposed placement of the LD 1591 in Maine Statues, and
-1. B. an exacerbation of the structural flaw of the DEP permitting regime (if it not malfeasance) and our/the MPUC's Solar Energy Development Decommissioning law.

LD 1775: This bill "An Act to Establish a Clean Hydrogen Pilot Program" is an unqualified homegrown snookering of Mainers. Here is a one minute clip that summarizes the why of this that is best grasped as "the colors of euphemism"

and the lack of a word in English for “blacker than black.” It is excerpted from an hour and 20 minute interview that is part of “The Great Simplification” interview series and expands on the foolishness of the concept of ‘clean’ hydrogen.

LD 1775 adopts the language in the 6 pages of ‘clean’NOT! hydrogen in the IRA (Inflation Reduction Act). The language in those six pages is structured to exempt fossil carbon oil companies emissions, as enacted under the 1964 Clean Air Act. The exemption regarding theses emissions is retained in law whether that 1964 law authorizing them is amended or not.

Hydrogen is not a fuel, but rather a transportable battery-like energy storage system. Perhaps this feels counterintuitive, but more electricity will go into the hydrogen made in these subsidized pilot plants than is available in the hydrogen. Energy is inefficiently stored in the produced hydrogen. This inefficiency relates to both a power and emission perspective.

While in the proposed piloted plants in LD 1775 utilize electricity for the conversion, the IRA also allows for the fuel converted into hydrogen to be oil and/or natural gas. The snookering perpetuated in the IRA is national, but the consequences are global. With LD 1775 (& the hydrogen loop pipeline) a snookered Maine to become complicit in this global snookering in two distinct ways:

The existence of these “clean hydrogen facilities” can be leveraged to justify the northeast hydrogen pipeline concept, which, in terms of physics and mitigating climate change, is duplicitous.

The likely utility for hydrogen facility projects is that of a “battery” for the scaling of installations of solar developments in northern Maine, and functioning as a “distributed battery” for ineffieienty using up to 60 MW of solar distributed generation electricity (among the three authorized plants), and this is either with or without the cap removal in LD 43 that

enhances the enabling that already exists in law due to the malfeasance executed by the DEP by licensing of stacks of LLCs as person (in direct violation the definition of that term in law), and

this under the auspices of decommissioning-as-abandonment under our Solar Energy Development Decommissioning law with its member interest transfer exemptions loophole for such stacked LLCs, and

this to be further utilized regarding actual batteries under LD 496.

As specified in LD 1775’s two month window for a “competitive” solicitation under this bill is current technology, this very likely the electrolysis of water. In the unfolding phase of the stacked LLC business model and solar, the lag in the rollout of a taxpayer enabled smart grid requires batters (again, see LD 496). LD 1775 authorizes for up to 60 MW of electricity, likely when current demand and the interstate gateways for grid will make the solar electricity to

be excess (without value) to become hydrogen. Hydrogen has a CO2e of 11 (& the above interview).

LD 1775 would make the transmission of this electricity a cost a twice uncompensated burden that the rate payers of Maine subsidize.

First:

- The produced hydrogen is privately owned, and
- Nothing in the law regulates what this subsidized hydrogen is used for.

Current industrial uses of hydrogen could be a market for this hydrogen. The northeast hydrogen loop pipeline is the more likely anticipated market for the hydrogen/transportable energy.

Second:

Hydrogen leaks (and has a CO2e of 11 – above). This is because

- Hydrogen is the smallest molecule and leaks (in storage the leakage is calculated to be between 0.12% to 0.24%/day), and
- This leakage is modeled to effect a 1.5 ppm (300% increase) above the current background mixing ratio of about 0.5 ppm, and
- This renders LD 1775 problematic regarding our "Maine Won't Wait" goals, and
- LD 1775's dependency on the IRA is its fatal flaw, and
- The ballyhooed hydrogen economy is a physics defined boondoggle-via-snookering when it is rolled out, and
- Hydrogen constitutes a blacker than black thing; a snookering of Maine and Mainers.

AND there is nothing in the law that would regulate the releases of the ratepayer subsidized hydrogen by venting it into the atmosphere (as is a common practice today in oil refineries where hydrogen is a byproduct of fractional distillation of oil). Incidentally that vented hydrogen happens because it is too cheep to economically utilize. Industries that commercially use hydrogen, to the best of my knowledge, are not located in northern Maine.

Recall, that more energy goes into making the hydrogen than will be realized when it is transformed back into electrical energy utilizing hydrogen fuel cell technology (revisit wording of LD 496 to see if its wording implicitly might cover hydrogen as a MPUC law defined "energy storage system"-as-battery). There are no findings in LD 1775 supporting that hydrogen derived from

electrolysis is economical (and this would likely be above the 60 MW production level)… and this would be without the northeast part of a [national?] hydrogen loop pipeline (New York's Governor's climate destroying boondoggle and snookering for Wall Street; the IRA's tax credits effecting its financing). The language in the IRA is explicitly about how making hydrogen is an "energy" business – and this regarding any process/system. with the oil/natural gas process qualifying for the tax credits due to exempted emissions and the use of the "CO@e" metric, and green house gas limited to what is listed in the IRA test. When oil companies claim themselves to be 'energy' companies, with exempted "incidental" emissions, these fossil carbon companies qualify as energy businesses for the tax credits for hydrogen in the IRA (as referenced in LD 1775.

To the degree the sponsors are complicit, they are representing the interests of Wall Street's perpetual snookering of Mainers by, is not similarly snookered, Mainers:

The IRA is current law. Once the hydrogen infrastructure is permitted and built (leveraging the tax credit which oil companies already qualify for when processing natural gas into hydrogen to secure the financing) fossil carbon companies will become "energy" companies with exempted petroleum by products/production and their emissions. With CO2 capture equipment the resulting slurry can be reinjected into wells to produce more fossil carbon. New York's Governor initiated a process a year ago March and it is announced in this press release . Maine's Governor signed on just days after the ink dried on the President's signature on the IRA. Vermont was the last to capitulate to Wall Street's snookering.

CO2e is the metric used in the IRA that is a climate modeling work-around regarding the processing power limitations of computers relative to the complexity of our climate system. Greenhouse gases are defined in the IRA. Carbon monoxide is not included. The Department of Energy website defines recognized hydrogen producing process that apply to the IRA. One is included that mathematically only produces CO (carbon monoxide), and this via the bogus idea that half on oxygen molecule is a thing – it isn't (& for chemistry geeks: $CH4 + ½O2 \rightarrow CO + 2H2$ (+ heat)). The various tax credits that can be claimed can both be sold and securitized. The equipment can be securitized as well. At least two futures markets are effected.

The structured share of any benefit for and of this for Mainers: zero.

SUMMARY: the northeast hydrogen pipeline loop, is retrograde regarding emissions AND economics.

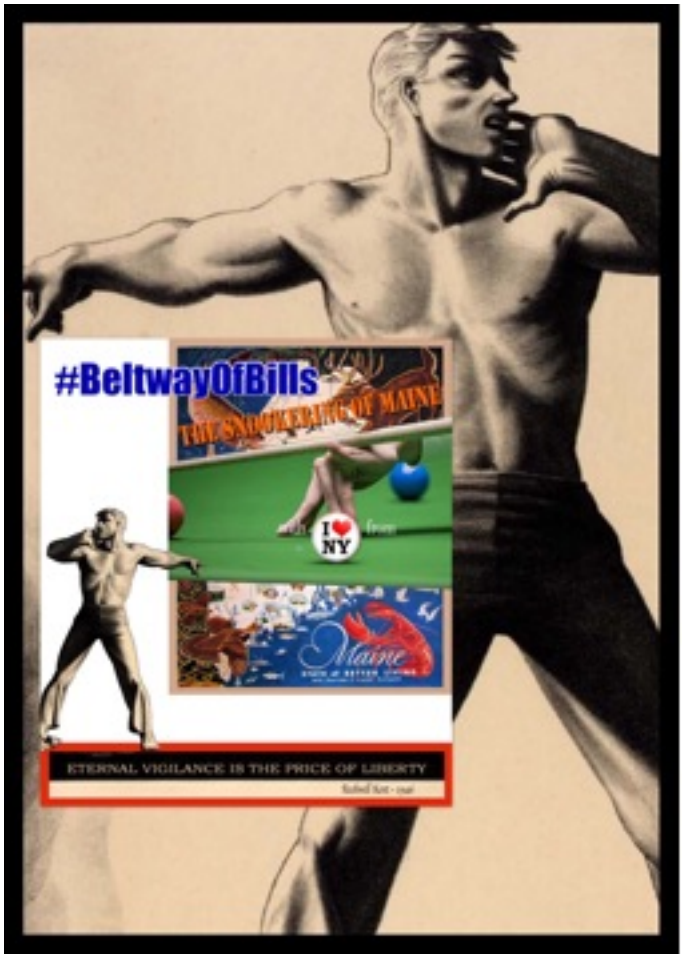
- Hydrogen is definable under Maine law as an "energy storage system" (35-A MRS §3481(6)), and

- Hydrogen is not a traditional fuel in any plausible economic sense, and
- As the periodic table's smallest molecule, it leaks out of any and everything, and
- Leaked hydrogen out competes methane for the hydroxyl radical, and
- The hydroxyl radical (OH) is critical to the measurement of methane's CO2e, and
- This is because methane (CH4) is broken down through a six step set of atmospheric chemical reactions to become carbon dioxide (CO2).

Therefore, as the hydrogen piping is conceptualized and built, and this under the IRA, and 'piloting' is effected – such as under LD 1775 (AND the opposite of the independence this number commemorates as a year and is memorialized in Longfellow's poem " On the 18th of April in Seventy-five") will become integral to a political boondoggle of an imagined-but-physics-denied 'clean'NOT! hydrogen economy. Any CO2 captured from the fractional distillation of fossil carbon fuels within this 'economy" for the production of a transportable "energy" (and as noted above at the Department of Energy's website), such becomes a slurry that will be injected into gas and oil production wells to produce even more fossil carbon. (FYI, in New York we have not rescinded our fracking enabling laws. These law remain on the books to be executed at the whim of any governor/Wall Street.)

Physics, and for our grandchildren's sake, dictates that fossil carbon must be kept in the ground … or, and in spite of Maine not waiting, 'few will left alive to remember this *infamous* day and year.'

This evolving document is intended to be an inclusive effort.
Welcome are the contributions of others for the purposes of
expanding and/or enhancing its contents' warning regarding
our unfolding snookering … & this within the context of a civic duty and honor
to be eternally vigilant.



Contact: BeltwayOfBills@opento.info

Greg Robie
Highland Mills/Winslow/China
LD 1775

Hopefully this is a version of the #BeltwayOfBills snookering Maine where the links work (and are not just blue tex. I am attempting to working around old tech!

My earlier submission (last Friday) was also mailed to the bills sponsor and that RFT version did have links so .... and adventure in file types!

=)