

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Thirtieth Legislature  
State of Maine

Daily Edition

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beginning April 28, 2021

beginning at Page 385

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-651)**.

Reports **READ**.

On motion by Senator **LAWRENCE** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-651) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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**Divided Report**

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend State Laws Relating to Net Energy Billing and the Procurement of Distributed Generation"

H.P. 692 L.D. 936

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-638)**.

Signed:

Senators:

LAWRENCE of York  
VITELLI of Sagadahoc

Representatives:

BERRY of Bowdoinham  
CUDDY of Winterport  
GROHOSKI of Ellsworth  
KESSLER of South Portland  
WOOD of Portland  
ZEIGLER of Montville

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

STEWART of Aroostook

Representatives:

CARLOW of Buxton  
FOSTER of Dexter  
WADSWORTH of Hiram

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-638)**.

Reports **READ**.

Senator **LAWRENCE** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **POULIOT** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Stewart.

Senator **STEWART:** Thank you very much, Mr. President and ladies and gentlemen of the Senate. Good afternoon. I rise today in opposition to the pending motion. No surprise there. This bill, as I'm sure you've all talked about in your respective caucuses, is essentially the net energy billing proposal that came out of the Energy, Utilities, and Technology Committee this session. As you know, the program was passed, the current program was passed in the 129<sup>th</sup> Legislature, which was flagged as leading to a host of issues that were identified shortly after its passage when a mandatory reporting trigger was tripped less than one year into its effect and the net effect of that would be that rates for ratepayers would be going up substantially. They estimated in that report to the tune of \$160 million. Again, that's an estimate. So, the committee formed a subcommittee, which I happened to be a part of with Representative Foster, Representative Grohoski, and the good Senator from York, Senator Lawrence, and we worked to come up with a proposal that the committee could get behind in terms of amending that program, to try to mitigate the exposure that the ratepayers were going to feel. Unfortunately, part way through that process it became clear to Representative Foster and I that we were not going to be able to come to an agreement that would be met with bi-partisan support and we hoped to come up with a minority report that would at least be close in hopes of trying to reach a bi-partisan compromise. But it became clear that even that was not going to be within reach. We essentially walked away because this proposal is still going to have a very substantial impact to the ratepayer to the tune of tens of millions of dollars in the very least and one that we did not want to support. So, that is why you're seeing an Ought Not to Pass report in addition to the Ought to Pass by Committee Amendment "A" report. I would encourage you to vote against the pending motion for the sake of the ratepayers who are going to be impacted by this and would request that you follow my light. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you, Mr. President. And I would ask that you support the Ought to Pass as Amended report and, first, I just want to thank the good Senator from Aroostook for participating in that subcommittee. That was one of the longest times we spent working on a particular idea and, even though we didn't end up in a compromise that we could all support, both Senator Stewart and his co-member recommended many changes that we incorporated into what we did and had many good suggestions. This was a very difficult issue we had to deal with. Let me explain what this bill does. We passed solar power

last session. It actually was sponsored by the Republican Floor Leader in this Legislature and we got an overwhelming response for it and we began to get concerned about what impact it would have on rates. So we put together this subcommittee and we tried to, I never like to do this because investors have already invested in developing these solar projects, but we tried to determine a cut-off point at which it would only allow projects that had completed that cut-off point to go ahead under the old rate system. We did a cut-off point. It was a little bit higher than what I had wanted but that's part of compromise. So, we set up a cut-off point where we could grandfather, essentially, a group of the projects in and then we set up a second program to be designed by the PUC to allow solar power to continue but under a different rate structure and that's what this program does. I think it's a good solution. I think it's going to keep whatever rate increase there is to a modest amount and it's worthwhile because, as I mentioned, distributive generation in solar power enhances our grid and enhances our ability to come up with a clean, renewable energy strategy. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you, Mr. President and ladies and gentlemen of the Senate. This may be something that I would like to support but there are some questions, many questions, about this that cause me to pause. I think there are questions we don't even know yet, let alone answers. That worries me a bit that we're going to send something to the voters that we don't have answers to, the experts don't have answers to, and here we are, saying to make a decision.

**THE PRESIDENT:** Senator, I could be wrong, but I think we're on a different bill. That's an awkward role for you, Senator.

Senator **DIAMOND:** Would you mind if I just sat down and be embarrassed?

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you, Mr. President. Just goes to show that we who have been here a while occasionally get confused.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#387)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **LAWRENCE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-638) **READ**.

On motion by Senator **MIRAMANT** of Knox, Senate Amendment "A" (S-326) to Committee Amendment "A" (H-638) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you again, Mr. President and colleagues. This is a great bill. It, as usual, leaves off a few of the things that are going to benefit the ratepayers. Even if there's a modest increase it's offset by many of the things that will meet our energy needs and reduce pollution and help transition to what's going to come more quickly than you would ever imagine as far as electric vehicles and other things. The technology's here. The time is here. So, not only that, but we found a way to enhance it with this amendment and I encourage you to do it because it provides more clearness in the system and expands its scope without costing any extra money. Thank you.

On motion by Senator **MIRAMANT** of Knox, Senate Amendment "A" (S-326) to Committee Amendment "A" (H-638) **ADOPTED**.

Committee Amendment "A" (H-638) as Amended by Senate Amendment "A" (S-326) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-638) AS AMENDED BY SENATE AMENDMENT "A" (S-326)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Create the Pine Tree Power Company, a Nonprofit Utility, To Deliver Lower Rates, Reliability and Local Control for Maine Energy Independence"  
H.P. 1269 L.D. 1708

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-640)**.