An Act to Eliminate the Current Net Energy Billing Policy in Maine

(EMERGENCY)

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

ROBERT B. HUNT
Clerk

Presented by Representative FOSTER of Dexter.
Cosponsored by Senator STEWART of Aroostook and Representatives: DRINKWATER of Milford, DUNPHY of Embden, LYMAN of Livermore Falls, MASON of Lisbon, NESS of Fryeburg, PAUL of Winterport, POLEWARCZYK of Wiscasset, WOOD of Greene.
Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, net energy billing is unnecessary to incentivize more renewable energy projects; and

Whereas, the longer net energy billing is in effect, the more it will add to ratepayers' energy bills, making this legislation necessary to end net energy billing as soon as possible; 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. 26 MRSA §1304, sub-§1-A, as enacted by PL 2021, c. 705, §2, is amended by amending the first blocked paragraph to read:

"Assisted project" does not include a project for which the Public Utilities Commission approved a term sheet or contract or otherwise provided project-specific authorization or approval pursuant to Title 35-A on or before June 29, 2021 or a project that is participating in net energy billing and that meets the requirements of Title 35-A, section 3209-A, subsection 7 or Title 35-A, section 3209-B.

Sec. 2. 35-A MRSA §3209-A, as amended by PL 2021, c. 659, §§17 and 18 and c. 705, §13, is repealed.

Sec. 3. 35-A MRSA §3209-B, as amended by PL 2021, c. 659, §19, is repealed.

Sec. 4. 35-A MRSA §3209-C is enacted to read:

§3209-C. Net energy billing requirement prohibited

The commission may not by rule or order require a transmission and distribution utility to allow a customer to participate in net energy billing. For the purposes of this section, "net energy billing" means a billing and metering practice under which a customer of a transmission and distribution utility has the ability to receive a bill credit or other adjustment of the customer's transmission and distribution service bill by delivering electricity to the transmission and distribution utility from an electric generating facility owned or operated by that customer or in which that customer has a financial interest that is located in the service territory of the transmission and distribution utility in the State.

Sec. 5. 35-A MRSA §3623, sub-§3, ¶C, as enacted by PL 2021, c. 604, §3, is amended to read:

C. Satisfy the limits on net generating capacity established in subsection 2, paragraph A; and

Sec. 6. 35-A MRSA §3623, sub-§3, ¶D, as enacted by PL 2021, c. 604, §3, is amended to read:

D. Be highly efficient, as determined by the commission; and
Sec. 7. 35-A MRSA §3623, sub-§3, ¶E, as enacted by PL 2021, c. 604, §3, is repealed.

Sec. 8. 36 MRSA §1760, sub-§80, as enacted by PL 1999, c. 286, §1, is repealed.

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

SUMMARY

This bill repeals the laws that authorize the Public Utilities Commission to adopt rules governing net energy billing and that direct the commission to establish a net energy billing program for commercial and institutional customers of investor-owned transmission and distribution utilities and prohibits the commission from adopting rules that require a transmission and distribution utility to allow a customer to participate in net energy billing.