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Senate Legislative Record

One Hundred and Thirty-First Legislature

State of Maine

Daily Edition

First Special Session

Beginning April 5, 2023

Beginning with Page S-387

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Ensure Efficiency in Petitions Reviewed by the Secretary of State by Clarifying Deadlines Related to Those Petitions"

H.P. 154 L.D. 233

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-613)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613)**.

Report **READ** and **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-613) **READ** and **ADOPTED**, in concurrence.

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

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

Senate

Pursuant to Public Law

Senator HICKMAN for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Spirits Price Regulation"

S.P. 836 L.D. 2014

Reported that the same be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**, pursuant to Public Law 2021, chapter 622, section 6.

Report **READ** and **ACCEPTED**, in concurrence.

Bill and accompanying papers **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

RECESSED until 4:30 in the afternoon.

After Recess the Senate was called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Relating to Net Energy Billing and Distributed Solar and Energy Storage Systems"

S.P. 815 L.D. 1986

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-421)**.

Signed:

Senators:
LAWRENCE of York
GROHOSKI of Hancock

Representatives:
ZEIGLER of Montville
BOYLE of Gorham
GEIGER of Rockland
KESSLER of South Portland
RUNTE of York
WARREN of Scarborough

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

Signed:

Senator:
HARRINGTON of York

Representatives:
BABIN of Fort Fairfield
DUNPHY of Embden
FOSTER of Dexter
PAUL of Winterport

Reports **READ**.

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

On motion by Senator **STEWART** of Aroostook, 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 Hancock, Senator Grohoski.

Senator **GROHOSKI**: Thank you very much, Mr. President. Better late than never with the button, I find. Good afternoon, I think almost good evening, colleagues. I'm glad to be here with you, as always, and glad to talk about an important issue that all of our constituents are facing, and that is just the cost of living and the cost of energy as part of the cost of living and part of the cost of energy are things that are out of our control, things like the cost of natural gas. But other things are within our control, and it pains me greatly to say that part of what is costing our ratepayers, the people that we serve, money right now is a program that we expanded significantly in the first year that I was in office, and I supported a bill at that time that really was a response to a lack of forward progress on clean energy. And I am very concerned, personally and on behalf of my coastal communities that I represent, about the impacts of climate change. And so, I have been working in here, as solidly and as steadily as I can, to help with our clean energy transition. And so, five years ago, I voted for a bill that has gone, in my opinion, much too far in the wrong direction. And the reason that I say that is because we know, and we have proven in this state, that we can develop clean energy, and we can do it in a way that actually saves ratepayers money. We have done that through grid scale, very, very large solar fields, and wind and other investments. But on the flipside of that, we have also made some foolish decisions which the net energy billing program has drastically expanded. I now have come to the conclusion, based on numbers, that we have gone too far. And so, I do regret the vote that I made five years ago, and I am here to tell you that I am working very hard to protect the ratepayers and to make sure that we don't do any further damage and, in fact, apply the precautionary principle of slowing down the hemorrhaging that's happening and ensuring that we don't keep going forward doing what we're doing until we're sure of what the actual impact of that is. So, I don't know if you all saw the press release from the Maine Public Utilities Commission last week, but I have some numbers to share with you. The Public Utilities Commission, using data that was provided by the utilities about every single community solar project and other net energy bill project that has already been built, ones that they expect to come online within the next year, they used that data because they have access to it to determine what is the cost of that for ratepayers and they found that they are going to have to apply, starting July 1, a $135 million cost increase to the people that we serve and the businesses that need affordable energy to stay open. So, you can do the math in however way you want to do it, but the truth of the matter is rates are going up. If you live in CMP territory, for an average residence, your constituent is going to get a $6 increase. Where I live, it's going to be $9 a month. In northern Maine, $5.50 a month. That's real money that is leaving peoples' pockets starting July 1. I don't care what we do today, that's happening, and so I want to make sure that it doesn't keep happening to that extent. We need to stop this. And I have to tell you guys something, it could've been a lot worse. Those numbers are lower because of the investments we have made in large-scale renewable energy. We know that we can build solar in this state at five cents a kilowatt hour, maybe even less in some cases - we've seen that in bids - and community solar is costing us closer to 20 cents a kilowatt hour. These numbers just don't add up. I am not opposed to clean energy, what I'm opposed to is being foolish with ratepayer dollars. I feel very strongly that the bill in front of us is making an attempt to slow that increase on our constituents' bills, on our own bills, but it does not go far enough. For example, it has an opportunity for people that have built community solar farms to move from the very lucrative place that they're in now to a much less lucrative place through a competitive bid. I love competitive bids, I think that's the smart way to do it and it's how we should've done it from the start. I take part of the blame for that. It's going to have this option, but the PUC doesn't even have to run the procurement, the language is completely permissive. And if they do run the procurement, there's really not a lot to compel people to get into it, other than the nervousness that we provide, as a Legislature, just existing and having these debates. I think that we could provide a much stronger compulsion for people to get into what would be a significant rate saving for our constituents, but this bill doesn't do that. I really wish I could say that it went far enough, and I wish that we could've worked on this in committee more, but quite frankly, it came out a day before we voted on it and it was worked on by stakeholders, yes it was, but a bunch of stakeholders who are the most cost sensitive users we have in this state said to me and to others and to the stakeholder group this didn't - this isn't going far enough, and we're not going to be protected. We have data from a family-owned potato processing company in Northern Maine that, because of the rate increases that were just approved, starting July 1 and for the next year they are paying $218,000 per year, and that is just for the NEB program. That's not the entirety of that section of the bill, but that is the 70-ish percent that is attributable to the program that we're debating today. And I don't know how we can expect people to keep putting food on the table and businesses to stay open and employ Mainers if we're just throwing money out willy-nilly. And I know that was no one's intention, it was not my intention, but it is what happened, and I think it needs to stop. I've been thinking about this a lot and working on it a lot, and I just want to let you all know, I think we have a fundamental failure of policymaking that happens in the Energy, Utilities, and Technology Committee, and that is we make decisions without knowing the impact of cost to ratepayers. Every other committee in this building, basically, has to have OFPR look at the fiscal impact of our decisions. But because the Energy, Utilities, and Technology Committee does not take money from the General Fund, but instead takes it from ratepayers, we just make decisions based on what we're told by the people who come to our committee and tell it to us. There is no nonpartisan professional staff who helps us figure this out, and so we don't always get it right. I'm fully convinced, as I'm sure you can tell, that we didn't get it right four years ago. I appreciate that two years ago, we made some changes that have really slowed what was going to happen if we hadn't, and I know that was hard for some folks, and we're coming back again, but we keep coming back because every time we make a change it's not enough. The data shows that this is still an incredibly expensive program. And so, I am asking you all, you know, I think you can see on the supplement that I was originally in support of this bill. I happen to also be in support of a different bill that's much stricter and, truthfully, it was because I didn't really like either, but because we had no time to discuss this in committee, I said you know, I'm going to vote for both, and I'm going to keep working, and that is what I've been doing right along since that committee vote. And so, today, I am going to vote no on this bill and, unfortunately, I don't have anything else to offer you all today, but there will be other opportunities to vote yes on something that really puts in

some - some helpful cost containment mechanisms but also respects that people who have put solar on their rooftops can keep doing that, people who have already made investments significantly in projects that they're building, those will be able to move forward but with cost containment, ideally. There are - it's not a full, you know, pulling the rug out from everyone, but what it is is something sensible that's really going to make a difference for the people we serve. Last night, I talked to you all about a $60 million increase, now I'm talking to you about something that's double that. And I was really heartened by the fact that many, many of you responded to the fact that we are the people that can make decisions that affect the bottom line for the families and businesses we represent, and we have the opportunity again here today. And so, I want to thank you again for your time and for considering what is a challenging policy issue, and I hope that you will follow my vote on this. Thank you.

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

Senator **HARRINGTON**: Thank you, Mr. President. I had a speech prepared, but for the sake of brevity and bipartisanship, I will just say ditto to my good colleague from Hancock.

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

Senator **LAWRENCE**: Thank you, Mr. President. Men and women of the Senate, I rise to disagree with the Senator from Hancock, Senator Grohoski. Net energy billing is not a mistake, it was never a mistake. It's a program designed to work well. It is a program that has developed, or has unexpected developments, in the economy that nobody could've predicted at the time it was adopted. We face a critical question here, whether we try to improve this program, whether we try to get this program to work better on behalf of our constituents, or we pull the rug out from underneath this program. We pull the rug out from underneath this program, every one of us has constituents who have signed up to save 15% on their electric bills. Those projects begin to go away. They lose that savings. And these are not just individuals, they are businesses, schools, nonprofits, who have signed up to make - get the savings under this program. Nobody could've predicted what's gone on with natural gas in this country. Nobody could've predicted the level of the amount of investment that has wanted to be done in the state of Maine, and that's both a good thing but something we've addressed before. This bill does many good things to address this. What it does, it allows us to take advantage of federal money to offset those costs to our ratepayers, to create essentially a new program to move storage into, into with the net energy billing that allow us to take advantage of that. It cures an error that the PUC is doing and that nobody expected the PUC to do. The PUC has taken an antiquated law called stranded costs and try to apply this to net energy billing. Stranded cost was never intended to be applied to net energy billing and of course you get a negative result when you do that, and that was what was done on this initial process. What this bill does, it says to the PUC you not only have to include the cost, but you have to also include the benefits that offset the costs in making what the transmission and distribution utilities are going to get reimbursed. And it also provides stability to the program in a way that allows people who are in net energy billing program, and we've capped the people who are in net energy billing and that was done in the last legislature, it allows them to convert their contracts into more stable contracts. In other words, they don't have to deal with a fluctuation in price. And the good Senator from Hancock, Senator Grohoski, is quoting the prices at their highest. At the time we adopted this program they were half of that. And if they go down there again these net energy billing companies are going to lose that amount of money. And this says you can go to the PUC, you can opt out of the net energy billing program, you can get into a program that guarantees you a certain amount of reimbursement that will allow you to meet your contractual obligations. And that's what they want, and we've heard from the net energy billing community and the developers that this is what they want, they want that stability going forward. They don't want the Legislature to keep coming back and revisiting this and have them put their investments in jeopardy. A lot of these - well, all of them go for financing. And if you go for financing, if you've ever gone to financing on a business project, you will find out that if you can't guarantee your revenue stream you're going to get charged a much higher interest rate, and that's what's happening with these projects. The carrot is is that they get out of the net energy billing program, they no longer have a variable reimbursement rate and they can get much lower rates in their financing, which will help save ratepayers money going forward. We need a reasonable solution. We don't need a solution that pulls the rug out from under our constituents and people invested in the net energy program and invested in the savings that they're going to get. What isn't being discussed here, and we're just looking at the numbers that CMP and Versant have put forward, and I will say, you know, one of the problems with stranded costs is they're looking forward three years, and I questioned this, and I said why are you looking forward three years, why are you not looking at what has actually happened? Well, nobody has asked that question before. Well, why isn't the public advocate asking that question? Why aren't other people asking these questions? Why does it take the Legislature to ask these questions? And that's why we're making the changes that need to be made. It's done on projections that nobody knows if they're going to be fulfilled or not. This says you have to do things on really what takes place in the energy marketplace. So, I would encourage you to support it, it's a great way to keep this program functioning, and save the ratepayers money down the road. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY**: Thank you, Mr. President. I don't mean to wade too much into this debate, I think that what's been said by Senator Grohoski and Senator Harrington speaks for me and my feelings. I just wanted to correct the record on one thing. I heard the good Senator Lawrence say that no one could've predicted this. I just want to note in a veto letter by he who shall not be named, Paul LePage, in L.D. 1504 in 2017, he said that net energy billing would subsidize, quote, 'the cost of solar panels at the expense of the elderly and poor who can least afford it.' So, some people predicted it. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI**: Thank you, Mr. President. Thank you, men and women of the Senate. I rise in strong support of this legislation and proposal that is before us. As a former member of the Energy, Utility, and Technology Committee, I learned a couple things about this very complex area of policy. Having set ourselves on a path towards cleaner energy, cleaner air, moving away from the fossil fuels that have caused so much damage to our environment, takes patience, persistence, and practicality. So, my philosophy developed, as I started to understand what some of the issues are as we move in this direction, that this is a very dynamic universe. There are changes happening all the time, in all facets - whether it's in the technology or in the marketplace, and as we've seen recently, in global conditions, that all have an impact on how and when we can move forward towards our clean energy goals. But we have to keep moving forward. So, that was my - one of my first guiding principles, is that we have to figure out how to keep taking steps forward towards achieving our goals, towards establishing more solar, more wind, more clean energy, and at the same time, try to avoid predictable pitfalls. They're not all predictable. I think that's been pointed out. You can't always know what the future will bring. But you need to apply some reasoning to what is possible to expect. And then, at the same time, you need to be prepared for change and adapt, and that's what this bill is doing. It is helping us to adapt a program that has been effective, that has moved us forward, but clearly needs updating and changing given the current circumstances. That's just the nature of this world of electricity and energy in general. So, let's keep going forward. Let's adopt a program that will, I believe, keep us out of the worst of the pitfalls and that will move us towards our goals. So, I would ask that you support this and follow my light. Thank you.

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

Senator **STEWART**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise, as my good colleague from Sagadahoc County mentioned, as a former member of the EUT Committee. And oh, what fun we did have there. You know, one of the things that we did try to address previously around net energy billing, when I was on the EUT Committee, was this recognition that because of the price of natural gas, for some reason, we're now going to increase the subsidy substantially in the renewables market. And again, this is a finite universe, right, money doesn't just fall out of anywhere, it comes from the ratepayers, and so the net effect of that is that the ratepayers are then on the hook. And I really have to commend my colleague from Hancock who also is, in a different capacity, but we've got quite an alumni class from the 130th EUT committee that's here today, and you know, look, I was in the House at the time when net energy billing came along the first time, I voted against it then, but that doesn't mean that I'm opposed to all renewables. In fact, I worked with you, Mr. President, on a way to try to move some type of renewable program forward because it made sense. Monetarily, it made sense. Financially, it made sense. They had gone out and they had gotten the financing, and they locked it in at a rate that was competitive. That's the most important piece here is that just because it's renewables doesn't mean that it has to be overly expensive. And I appreciate the principles that were laid out by my colleague from Sagadahoc. I think, you know, lining those up and trying to use those as a way to guide yourself into making decisions in the Legislature makes a lot of sense. I don't see it enough and my hat's off to you for doing that. But the one thing that was missing there, in my opinion, is what's the impact to the ratepayer and is there a better way that we could be going about doing the same thing that we're seeking. And if what we're seeking is a shift away from fossil fuels and more renewable energy, this isn't the way to do it. This program doesn't make sense in that regard, and I don't think it made sense originally, I don't think it makes sense now. We've made some progress and kind of nibbled around the edges, but it needs to be changed. And I can't talk about some of the other changes that are coming because they're in a different bill, that's fine, but I will say about this bill is that the voluntary nature of it will not have the desired effect of lowering costs to ratepayers. It's not going to. It's pure speculation. I know we're going to just rely on the word of the solar industry here that they're just going to voluntarily move to this new program at a fixed rate and, by the way, not a lower, but a fixed rate, that's a problem. Now, here's some context if you - you know, to put these figures on the record here, if you were to go out and bid grid scale competitive solar, you're looking at a rate of four and a half to five cents. Instead, we're going to go through this program for 4.99 or less megawatts of solar all over the place - that also is challenging for the grid and costs more there, but I'll put a pin in that for now - and that's going to be done at a rate of 20 cents. What the heck are we doing? And who is voluntarily going to leave that scheme that we set up at a rate that's four or five times what they would get if they went out and bid competitively. It's simply not going to happen, and so I would just push back on this notion that if we just pass this bill, you're going to be able to go home and tell your constituents and tell those seniors and tell those others that are on fixed income and all the talking points that politicians love to use, right, you can't hold this bill up and say that you're saving them anything. You can't. We've got to get away from this voluntary model. There's a different fix coming. I'd implore you to do the homework that our colleague from Hancock has done here. Put the work in, dig into this issue. It's complicated, it's tough, I know. It doesn't mean that you're opposed to renewables if you don't vote for this. That is not the takeaway. But it does mean that you're willing to look at renewables done right, and that, more than anything, more than any other principle, ought to be what this Legislature becomes known for, that ought to be what we all strive for is doing this process, this shift, the right way. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Grohoski.

Senator **GROHOSKI**: Thank you, Mr. President. I really appreciate this debate, and I think this is a really important part of serving in the Legislature, so I thank you for that. I just wanted to add a few things which, for me, are guiding principles in the transition to clean energy. We have heard in our committee from Efficiency Maine Trust that for every dollar peoples' costs go up, it is measurably harder for them to convince people to make choices like installing heat pumps. If we are going to make this transition work, people have to feel that it is in their best interest. And I'll tell you what, when we hear that net energy billing, this particular compensation mechanism for this particular type of clean energy is driving up costs that much, that really erodes peoples' support for the work we're trying to do, and I think that is dangerous, and I think we need to really turn it around because if we're going to make this work, we need to have the support of the

people that we represent, and I worry that we are teetering, because of the calls that I get from people who have been supportive of this work historically. This is happening that peoples' minds are changing because - I appreciate that the Senator from Sagadahoc said we need to move forward, but what I'm asking everyone here is at what cost. We know we can do this affordably, and if we can bring rates back into control, people are going to feel a lot more confident buying things like heat pumps or electric vehicles. They're not going to do that if they think their rates are going up every six months. Right now, there's uncertainty out there, the uncertainty is for the people that we serve. And yes, there's uncertainty for people who are trying to develop clean energy and a lot of them are doing good work that I support, but this is a bridge too far and, honestly, I hope that people in that community and in that industry can see that when we have the most generous program of its type in the country, that that isn't going to work for a state like Maine forever. And this is a program that was created by government, so there was uncertainty from the beginning about getting involved. It's not a natural market that we created. I just want to finish with a philosophy that I have about how you get clean energy to lower income people at an affordable way. We do that not by sending them $100 Visa cards in the mail, not by telling them you can get 15% off if you want to read this contract and you feel safe in doing so, you know, and people are asking me well, I'm getting 15% off, where does that come from? I'll leave you to figure that out when we talk about the $135 million price tag that's about to happen a couple days from now. The way that we help everyone get clean energy is we build it as affordably as possible, we know that when we build it affordably it actually brings rates down, that's what we need to be doing, and then we need to be building more of that kind of clean energy so that it touches every single person in this state - not the people that, you know, are able to - and have the resources to make it happen for themselves personally. So, once again, I ask you to think very hard about who you're in here representing. And if you're questioning that and you have a little time here before you push your button, I did deliver an op-ed from AARP that is worth a read. And I'm pointing that out because these are some of the most cost sensitive people in the state, and we need to - I feel that I need to be doing more to work for them, and I know everyone here is trying - I'm not trying to insinuate that they're not - but I think this bill is not enough. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACCI**: Thank you, Mr. President. I just want to ask or maybe some rhetorical questions first, but if we don't go forward with this, we're undermining the solar industry. We're also undermining people who have existing contracts, we're undermining commercial investment in renewable energies. I don't know how that serves our interests. And when I'm asked who am I representing, who are we representing, going back to my constituents, we're - my constituents are concerned about the future, about renewable energy, about a cleaner environment, and how we get there. And it's very rich that, you know, it's been mentioned the prior administration's veto message, I would point out the prior administration totally tanked offshore wind off the coast of Washington County that would've invested hundreds of millions of dollars in the state of Maine and brought clean, renewable energy to Maine, but we won't - I don't want to go back to the past. The future is that not passing this bill means we throw uncertainty into the renewable energy market. And there may be better solutions, there may be better things we can work on, but the last thing we need to do is to throw uncertainty into something that is a primary goal for all of us and has been successful in promoting a renewable energy market.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI**: Thank you, Mr. President. I just wanted to rise again in response also to the question that was posed by my colleague in terms of who I represent. One of my constituents is Bath Iron Works, and they're a pretty important economic driver not just for my district but for the state as a whole, and they are very engaged in the solar industry and have contracts to - with companies to provide them with the energy they need to keep going and to employ all of the people not just in my district but throughout the state, frankly. So, I want to represent their interests and it's partly with them in mind, plus all the other constituents who I've heard from in the last few weeks, who want to make sure that solar is preserved and the contracts that they're dependent on are going to move forward and be there to provide them the energy they need. So, again, I would ask you to support this motion.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Timberlake.

Senator **TIMBERLAKE**: I find it interesting - and good afternoon, or is it evening yet, Mr. President, ladies and gentlemen of the Senate. I find it interesting that we stand here debating this, and my seatmate talks about the people that made investments and where we're at, but I look at around my district and I watch what's happened and when solar was first coming out, everybody was trying to get their feels into solar or whatever and putting solar everywhere. And now, I look at the towns surrounding around me and every one of them is putting up a moratorium on solar panels because they don't think they look good, they don't think they're efficient, they know it's costing them money. But the thing that I - I listen to all this is but as I also ride around my district, I don't see solar panels on elderly housing, people that are living in very low income, I only see solar panels on people that are usually very successful. And I look at all the things that we do in this building this year, when we talk about affecting business, the laws that we're passing that are tearing down businesses within this state, it really baffles me because what we're doing to small business - and I can look around my community, because I've heard from almost every country store and every little store of what it's costing them now for electricity, and it's all because of net energy billing. It's - that's where it all comes. I'm one of the lucky ones because I guess I'm one of the ones who could say that when we passed the bill in the Senate, I said it was a bad idea. Mr. President, I think if you remember that day, you looked at the board and I was the only red light on the board, and you looked back at me about three times. Because we knew then that the government can't buy our way out, and now we got people that we're worried about that could totally afford buying these solar panels and putting them on their properties, and I hear all the time, the wealthy, well, they made a business decision, it's hurting the people of the state of Maine, we need to protect the people that we represent. And the people are, in my opinion, everybody we represent, but the ones that need our help the most are the

elderly and those that are living on a very fixed income. They're not paying their bills - and I think heat pumps are efficient. I put them in my house. I don't have any solar panels, we put some on one of our farms over in Harrison, but I just - I don't think continuing down this path is the way to go. So, stop and think about what you're saying and what you're doing if you continue to support 20 cent a kilowatt electricity. Because it should only be costing us four or five cents. But by supporting this net energy billing, we're driving up the cost to every house in the state of Maine and every small business, every Mom-and-Pop store in our rural communities. Sure, the big conglomerates like BIW and so forth, they can - that's because the government's sending them money and going to keep them afloat, anyway, they're not going anywhere. But the little Mom-and-Pop stores who aren't getting that money and the little grocery stores around and the restaurants, they're paying this bill. Hannaford, Walmart, Shaw's, those guys aren't paying the bill, they're going to survive. It's the little people that we need to think about. So, as you're going to make this vote, you think about how that's going to affect what you're doing to the people of the state of Maine. Thank you.

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

Senator **HARRINGTON**: Thank you, Mr. President. Well, I was going to bite my tongue, but now a lot's been said since the first speech. Let's be very clear about what this bill is. This bill was put forward as a pretend measure to address the elephant in the room that is net energy billing, a massive problem facing the people of Maine and ratepayers in Maine. This bill was written by the solar industry, by and large, and effectively does nothing. And it won't do really any harm if we pass this, but I do hope, without discussing future legislation, there will be other bills to come forward that will hopefully actually address this problem. So, like I said, this bill won't - this bill isn't going to cause a whole lot of harm, but I hope that as other legislation comes forward, we can actually do something to address net energy billing and we'll still have another shot at that this session, but furthermore, I keep hearing about investment and business who have invested in Maine, and I would draw your attention to what the public advocate that I had distributed, and let's look at where net energy billing, community solar project investments are going: Texas, Canada, Massachusetts, Colorado, Vermont, Paris, France, Tokyo, Japan, Germany, Rhode Island, Virginia, New Zealand, Germany, more to Japan, San Francisco, California, more to Vermont, Minnesota, more to Massachusetts, New Hampshire, New York, Colorado, some more to Germany, some more to Pennsylvania, some more to New York, all on the backs of our ratepayers. So, I really hope that regardless of the outcome of this, that when we do have a shot at really addressing net energy billing this session, that you really stop and think because all summer long, after we adjourn here, you're going to be getting calls from ratepayers, I can't be the only one in this room getting calls from ratepayers, our constituents, that are getting raked over the coals by this program, that we can actually address it this session. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY**: Thank you, Mr. President. This is what it feels like to be caught in a bad romance, as I think we discussed in a previous bill, and the long-term consequences of committing to something before we know what the consequences are. I just wanted to touch briefly on one thing - and look, I - while I'm not a novice an energy policy, I'm certainly not as well-versed as those who have been on this committee in recent years. But I just wanted to raise one thing, I keep hearing this word contracts, and I could be wrong, but I know we had a conversation with the public advocate, who mentioned we're not talking about contracts, there are no contracts, there are - there's a sentence or two in state statute which this is based upon. So, as I understand it, if we were to make changes, we're not invalidating any contracts, we're just changing the state law, which is what we do all the time. So, if we - anyway, I just want to take issue with that characterization because I don't believe that's accurate. Thank you.

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

Senator **LAWRENCE**: Thank you, Mr. President. I just apologize, I need to rise to correct several inaccuracies. First of all, this bill was not drafted by the solar industry, this bill was drafted by me. I'm the one who came up with the ideas in this bill and it's because we didn't have people who are supposed to be out there advocating for us, coming up with these ideas about how to solve this problem. We didn't have the public advocate questioning what was going on and finding a better way to do it. So, this bill was not drafted by the solar industry. I'm the one who came up with the ideas in this bill and sat down and got the stakeholders together and said you need to put this and get this to work. And I had to go to the solar industry and say you have to give up, you have to give up something, and they did. But let me tell you, I can guarantee you - and first of all, on the idea of contract, these are absolutely involved contracts. Anyone putting in one of these net energy billing projects probably enters into between ten to 20 contracts - with developers, with landowners, with consumers, with everything. I'm going to give you a little bit of math. You know, you had a little bit of math saying this is going to put $5 or $6 on an electric bill. If the average electric bill for a low-income homeowner is $100 a month and they can save 15% on this program, that takes $15 off their bill. And that's why this community solar was created, so just not the wealthy people could get access to this 15% savings, so every single one of your constituents could sign up and get that $15 off their monthly bill. Finally, it is a voluntary program because I guarantee you, if you make it mandatory, Statoil is what will happen again. They will withdraw the investment from Maine. They will also, the same people are invested in grid scale solar, they're not going to want to invest in Maine if Maine changes the terms midstream, so grid scale solar will be negatively affected by this. I can guarantee you; it's going to create more uncertainty. Thank you.

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

Senator **STEWART**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise because I feel prompted to respond to the comments from the previous speaker about the public advocate in particular. And I really take issue with his characterization of what happened here. The cold, hard reality is there was not going to be anything like this put forward until finally the Legislature and, in particular, the EUT Committee decided to

actually listen to the public advocate, who has been for - since his swearing in, his confirmation from this Body - been railing about the need to do something specifically with regard to this program. And to now sit here today, after we put forward this ruse of a fix, and characterize him as somebody who hasn't been doing his job, that is insane, Mr. President. That is wrong, and it is, frankly, a lie. And I'm not going to just sit here while we play this game and act like this is some solution we should hold up as an actual fix to benefit ratepayers. He has been doing his job, we haven't. And that is a fact, and I'm not going to sit here and stand for more of that mischaracterization of that office and the work that they've been doing. They have been representing the public well, and I'm glad that we have them there. Thank you, Mr. President.

THE PRESIDENT: The Chair would remind Members not to impugn the motives of others. The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#444)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, HICKMAN, INGWERSEN, LAWRENCE, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, BRAKEY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, LIBBY, LYFORD, MOORE, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senators: KEIM, LAFOUNTAIN

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **LAWRENCE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-421) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Laws Regarding the Mi'kmaq Nation"
H.P. 1045 L.D. 1620

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-699)**.

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:
MOONEN of Portland
ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Representative:
POIRIER of Skowhegan

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

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-699)**.

Reports **READ**.

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

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY**: Thank you, Mr. President. I just did not want this historic occasion to go by without it being remarked on. I think that this is a remarkable piece of legislation that has been a bipartisan collaboration, not just between members of the Judiciary Committee, but also with the Executive Branch, the Attorney General, and of course, the - I'm always trying to make sure I get the pronunciation right - the - because it's not Mi'kmaq anymore, the Mi'kmaq Nation. I know they have been - they are