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Legislative Record

House of Representatives

One Hundred and Thirty-First Legislature

State of Maine

Daily Edition

First Special Session

Beginning April 5, 2023

Beginning with Page H-277

An Act to Prohibit Campaign Spending by Foreign Governments and Promote an Anticorruption Amendment to the United States Constitution

(I.B. 1) (L.D. 1610)
(C. "A" H-688)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative FAULKINGHAM of Winter Harbor, was **SET ASIDE**.

The same Representative **REQUESTED** a division on **PASSAGE TO BE ENACTED**.

The Chair ordered a division on **PASSAGE TO BE ENACTED**.

A vote of the House was taken. 73 voted in favor of the same and 53 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act Relating to Net Energy Billing and Distributed Solar and Energy Storage Systems

(S.P. 815) (L.D. 1986)
(C. "A" S-421)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative FOSTER of Dexter, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Madam Speaker. Madam Speaker, I stand in opposition to the pending action. After further scrutiny of this bill over the weekend, I could find that it offers no savings to ratepayers. As a matter of fact, you may recall that no one speaking in support of this bill said that it would save ratepayers any amount, nor was any amount by percentage or otherwise given. So, with concern that not all bills have been addressed here yet that may support ratepayer reductions due to net energy billing, I would ask that we defeat the action of enactment on this bill and I ask for a Roll Call.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of enactment of LD 1986. LD 1986 makes cost reduction improvements to the net energy billing program established by the Legislature in 2019. The program encourages small scale distributed solar and allows the benefits to be shared at the community level. I repeat, Madam Speaker; the community level. It has been a resounding success while allowing participants; schools, municipalities and small businesses; to lower electricity rates. LD 1986 furthers these goals while tightening eligibility requirements to ensure ratepayer savings.

Madam Speaker, three separate small solar companies are in my town, one of which is Branch Renewable Energy. The founder of that company, Chris Byers, moved to Maine because he saw what a positive thing he could do not only to provide solar, to have a healthier environment and to help people have clean energy. Chris let me know that by our previous vote, it saved his business. I urge all of you to please support enactment of this bill.

The SPEAKER: The Chair recognizes the Representative from York, Representative Runte.

Representative **RUNTE**: Thank you, Madam Speaker. I think I'd like to express the fact that I think there's just not a clear understanding of the distinction between grid-scale solar and local power. They have very different roles and they have very different values. We won't be able to achieve decarbonization and beneficial electrification without both. Beneficial electrification creates a lot of new demand and we can't afford to do this without local generation because it reduces the amount of investments necessary in the infrastructure to be able to support that demand.

Now, I think the comments about the concerns over not doing enough for ratepayers fails to understand this distinction. If we have pricing that includes system benefits, as LD 1986 does, a portion of what is paid to the developers for their generation is for those benefits. Benefits that offset costs that ratepayers would otherwise have to pay if that project did not exist. Just looking at the price paid for that power is an incomplete picture and the idea that the value of local generation is more than just a kilowatt hour is not some hypothetical or a theoretical calculation. Thirty years ago, utilities began quantifying these benefits by looking at local generation as an alternative to the traditional ways to improve their infrastructure. And, in fact, in 1992, I created a for-utility program funded by the U.S. DOE where we examined these benefits. The utilities were in New Jersey and Pennsylvania. LD 1986 has pricing in it that hypothetically would be in the neighborhood of, say, 11-12 cents, of which three or four cents would be offsetting rate base elsewhere. So, 1986 is the best solution for correcting our problem of eliminating the subsidization while maintaining progress to our long-term goals. So, I urge everyone to vote to enact 1986. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Warren.

Representative **WARREN**: Thank you very much, Madam Speaker. I rise in opposition to the pending motion and just want to say briefly, again, I believe in climate change, I believe in electrification, I even believe in smaller-scale net energy billing as a program. This bill that is before us today makes some needed reforms going forward to the 30% still in the queue. But unfortunately, it is my belief today that we ought not support this pending motion because no Maine ratepayer ought to shoulder the costs of the staggering windfall profits that this program, when passed in 2019, allowed for as it fixed the rate of subsidy to fossil fuels. No one could have anticipated the inflation, COVID-19, the war in Ukraine. And, as a result, Maine ratepayers are forced to shoulder the burdens of this extremely generous subsidy, the most generous in the country. I think Maine ratepayers deserve better. I think it would be a false statement to say that this program in its current iteration at the astronomical subsidy, the windfall profit that we're being asked to support and continue to keep codified is a solution that is necessary to address climate change. It is not. I ask we consider alternate solutions that will be before us and oppose this motion today.

The SPEAKER: The Chair recognizes the Representative from Harrington, Representative Strout.

Representative **STROUT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. When I was working through my bill, I asked the Public Advocate's Office, talking about the expense to ratepayers, and I just wanted to share the data that I received; that from April 1, 2023 to May 16, 2023, there were a total of 72,424 CMP and 9,053 Versant customers who received disconnect notices. We know that as of July 1st,

these rates are going up already, so, I think it would be worthy of us to look at what best works for our ratepayers and try to make sure that we can work together for the solar, the clean energy, but also have the biggest impact on them. Thank you.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Madam Speaker. Madam Speaker, this bill is very limited in what it does in terms of cutting costs and that's the reason that the bill should not have been introduced. It is a poor compromise to continue massive windfalls for a few constituents and a few contractors in Maine and burdens the majority of Maine ratepayers who are truly struggling to survive. This bill as written is a very, very small step in correcting a very large problem. So, I hope you follow our light and kill this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Let me be very clear. First of all, no bill that I know of that came out of Committee Ought to Pass is looking to eliminate rooftop solar or small community solar projects. These small companies would still have that opportunity.

Secondly, in regards to the ratepayers who are seeing benefits from net energy billing solar, they are relatively few compared to others, and let me explain. Years ago, some of us may remember when the aluminum siding salesmen were going house to house. Now, they might've seemed a bit unscrupulous and there's even been a movie made about them, but they did not tell people about the benefits and what they should invest in for siding on their house with the idea that their neighbors were going to help pay for that. That, Madam Speaker, is exactly what those promoting net energy billing solar, the large community projects, do when they go house to house. I had a young man come to my house. I was outside washing a vehicle. He didn't know me, I didn't know him, but he stopped by, said hello, I said what can I do for you, he says I just wanted to chat. I said well, what would you like to chat about? And he said well, I want to talk about the opportunity you may have to join a community solar project. Now, there is no solar farm anywhere near me. So, I said well, what would that be, and he said well, I can offer you an opportunity to save 15% on your electric bill. I said well, that sounds pretty good. My bill's been going up. Who pays for that? Madam Speaker, he told me; the utilities. Those bad utilities are going to pay for that. Well, by the time he left my driveway, I think he had a very good understanding that, in fact, if I join his program, my neighbors, including the recently widowed neighbor down the road that I offered to plow her driveway for free, who is now living on Social Security that her husband had left for her as her only means of buying her groceries, paying her bills, she would be paying for that as well. So, when we hear of the great benefit net energy billing is giving to those who join the programs, we must not forget who is paying for that and, besides that 15%, when we're talking 20-25 cents per kilowatt-hour for net energy power over the 4-5 cents that competitive bid solar is paying, we have to realize the bulk of what is left goes to the profiteers who are making the windfall profits from this form of solar power and the billing system that there is for it. It's not helping the ratepayers of Maine in general. That's why it is expected that it will cost $220 million extra per year for 20 years to pay the extra funds for net energy billing.

Now, I will leave it with you, Madam Speaker, that whatever we do here in this Legislature, rooftop solar, backyard solar for those who can afford it, who want it, and also small community solar for the towns that want to join into that type of program and have actual use of the power for some of their supply, that'll still be available. I ask that we vote down the enactment of this bill. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Geiger.

Representative **GEIGER**: Thank you, Madam Speaker. I rise in support of the enactment of LD 1986. I think we need to look at where we are and how we got here. Maine citizens use oil for heat at the highest rate of anyone in the nation. Our ratepayers and our citizens have long suffered from very high utility rates because they use fossil fuels. The Chief Executive and her climate change strategies realized that in order for that to change, Maine citizens needed more electrification, help moving from heating oil to heat pumps, and that we needed more renewables. Every electron that comes from renewables is one electron less that we get from gas and from oil and from coal. This bill seeks to take back some of the windfall profits that a small number of solar projects have received because of unexpected increases in the price of fossil fuels and gas. We, the Legislature, chose to offer the solar industry an opportunity to jumpstart in Maine by tying their price to the price of gas. That was a mistake. We didn't realize that we would be followed by a once-in-a-lifetime pandemic or the war in Ukraine. Last Session, we rolled back that program and said no one else can join it. We went further than that and put tight time restrictions so that 70% of those who had entered into those possible projects were no longer able to do so. So, now we're down to 30%. This bill seeks to offer them some carrots to let go of that kind of profit but, in the meantime, it protects community solar, rooftop solar and other projects that add electrons from renewable energy. The only way our ratepayers and our low-income citizens get out of the mess we are in is to increase renewables and decrease our reliance on oil and gas. Those are the drivers of heating expenses; those are the drivers of our electrical rates now. Please vote for 1986. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Boyle.

Representative **BOYLE**: Thank you, Madam Speaker. This bill does provide relief, potentially, for ratepayers and there's language in it that directs the Governor's Energy Office to work with the PUC to apply for federal grants for funding that is in the Inflation Reduction Act at the federal level that will be billions of dollars nationally available. This bill has a provision that allows us as a State to apply for that money. And it could be hundreds of millions of dollars. The example given, a $300 million grant could support a 20% bill discount for up to 115,000 low and moderate customers in Maine which would result in $857 million in energy savings for customers at no additional cost to Maine ratepayers over the life of those projects. Thank you.

The SPEAKER: The Representative from Dexter, Representative Foster, having spoken twice requests unanimous consent to address the House for a third time. Hearing no objection, the Representative may proceed.

Representative **FOSTER**: Thank you, Madam Speaker. I apologize for rising again and thank you for the opportunity. First of all, I would only say that this bill indeed does allow the PUC to seek federal monies to expand solar. However, none of that money goes to reducing the cost of net energy billing. Secondly, this bill does not address the tie between the cost of fossil fuel generation or coal generation and net energy billing. This bill ignored that opportunity. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Underwood.

Representative **UNDERWOOD**: Thank you, Madam Speaker. May I pose a question to the Chair, please?

The SPEAKER: The Member may proceed.

Representative **UNDERWOOD**: How does net energy billing interact with solar?

The SPEAKER: The Member has posed a question to anyone who can answer.

Seeing none, a roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 332

YEA - Abdi, Ankeles, Arford, Bell, Boyle, Brennan, Bridgeo, Cloutier, Collings, Copeland, Craven, Dhalac, Dill, Dodge, Doudera, Fay, Gattine, Geiger, Golek, Graham, Hepler, Hobbs, Jauch, Kuhn, Lajoie, Landry, Lee, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Montell, Moonen, Murphy, Paulhus, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Williams, Zager, Zeigler, Madam Speaker.

NAY - Albert, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carmichael, Cluchey, Costain, Crafts, Crockett, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Eaton, Faulkingham, Foster, Fredericks, Galletta, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lanigan, LaRochelle, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Milliken, Morris, Ness, Nutting, O'Connell, O'Neil, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Riseman, Sampson, Simmons, Smith, Soboleski, Strout, Swallow, Terry, Theriault, Thorne, Underwood, Walker, Warren, White J, Wood, Woodsome.

ABSENT - Adams, Andrews, Carlow, Collamore, Cray, Gere, Gifford, Gramlich, Hasenfus, Kessler, Lookner, Moriarty, Newman, Osher, Parry, Rielly, Rudnicki, Schmersal-Burgess, White B, Worth.

Yes, 62; No, 69; Absent, 20; Vacant, 0; Excused, 0.

62 having voted in the affirmative and 69 voted in the negative, with 20 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED**.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 23, 2023, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-388)** - Minority (4) **Ought Not to Pass** - Committee on **JUDICIARY** on Bill "An Act to Implement Certain Recommendations of the Commission to Examine Reestablishing Parole"

(S.P. 278) (L.D. 720)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-388)**.

TABLED - June 23, 2023 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Representative MOONEN of Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Moonen. The Member may proceed.

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, I just want to clarify that the title can be a little bit confusing because it does mention recommendations of the Commission to Examine Reestablishing Parole. Despite that title, this bill has nothing to do with parole. It's actually a different recommendation that came out of that Commission dealing with allowing some folks who have a prognosis that is likely to result in a terminal or severely incapacitating medical condition to be eligible for the supervised community confinement program and, specifically, hospice care through that program. So, I just wanted to clarify what this bill was about. Thank you, Madam Speaker.

Representative POIRIER of Skowhegan **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Albion, Representative Cyrway.

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I was on the Commission and one thing that came up and we had Judge Stokes and we had several DAs and attorneys and the big part that came up that wasn't listened to was the victims, the victims that had to be heard when any parole hearing comes up. And I don't know if this includes that but there's concern for some of the victims. In fact, we heard from one of the former Representatives that we had here that actually, him and his daughter had a home invasion and they used a machete on them. His daughter would move out of this State if that person got paroled. And there are situations I know of people that are maybe not well or that would qualify for this and one I know of that was released and then ended up killing two more people. So, I'd have big concerns about this bill being passed. I think that it would need to be more deliberation and knowing exactly what will take place in order for them to be released. So, thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Haggan.

Representative **HAGGAN**: Thank you, Madam Speaker. This bill does address the terminal and severely incapacitated. With Commissioner approval, a person that has this terrible condition can be sent to hospitals or residential care facilities that are licensed to do hospice. The problem that I have with this bill is when I was in high school, I had a friend who was murdered and her family never got over it, they are just destroyed to this day, and that's a long time ago. I do have friends who have had other loved ones murdered. I feel like the part of this amended version also says that with Commissioner approval, the person who did these deeds may live at home. And I know that some people have had terminal illness and lasted a long time. In my opinion, I would hope that we would not do that and it would be hurtful to the families, I think, or victims of the loved ones. So, please vote no on this motion.