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Legislative Record

House of Representatives

One Hundred and Thirty-First Legislature

State of Maine

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First Special Session

Beginning April 5, 2023

Beginning with Page H-277

SENATE PAPERS

Non-Concurrent Matter

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

(S.P. 815) (L.D. 1986)

(C. "A" S-421)

FAILED of **PASSAGE TO BE ENACTED** in the House on June 26, 2023.

Came from the Senate **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

Speaker TALBOT ROSS of Portland moved that the House **RECEDE AND CONCUR**.

Representative FOSTER of Dexter **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. We've all heard a lot and had a lot of discussion about net energy billing in the last couple of weeks. I believe this is the last bill standing, if you will, and would like to take this opportunity to once again address the issue. I hope that we've all learned some facts. I know that there's been a lot said out in the halls, in the papers, amongst ourselves and in this Chamber about net energy billing. The bill that's before us now, 1986, Madam Speaker, I would like to say a few things about it.

First of all, one of the things I heard out in the hall just today was that natural gas prices are down, so therefore, the net energy billing prices won't be as bad as what we thought, the extra money that people would be paying. Well, that's as we predicted. But, guess what, come wintertime, those natural gas prices will be back up because of the lack of supply for home heating and also producing electricity. As a matter of fact, today, I believe that natural gas energy production was up around 59% of what New England is getting for generation. One thing that this bill doesn't do, it does not disconnect us from that tie with the price of natural gas and the standard offer.

The Big Solar lobby has been out there saying that, you know, there have been attempts to pull the rug out from under the industry on solar expansion in the State of Maine. One of the things that this bill would do is it suggests that the State Government, the Governor's Energy Office and others should go out and look for federal dollars that are now available. Well, Madam Speaker, I believe that that's exactly what they can and should do, anyway, without this bill. I would also suggest that this bill does not affect something that was done in the last Legislature, Madam Speaker, to try to alleviate some of the cost of net energy billing. In that Legislature, what we did was we set a date by which the projects had to be online and that was set three years in advance back in 2021 for a completion date of December 31, 2024. If that date was not met, the developer could be paid net NEB rates only if it got a good cause exemption from the PUC. This bill doesn't really touch that. However, again, out in the halls today, I heard a rumor that there's possible litigation that might be brought by the solar industry to try to change that part of the bill. You know, whether that's true or not, I can't say, but if that should happen, if that date should be moved, it could mean hundreds of more projects that would now qualify for the great subsidy that net energy billing offers, Madam Speaker. If that was done, there's no question that somebody would be having the rug pulled out from under them and I would suggest that it might be the ratepayers in Maine.

Madam Speaker, what does that have to do with this bill? Well, whether those actions are dependent on the fact that some were emboldened by what has happened in the Legislature in this term with net energy billing bills, I would say, Madam Speaker, that is possible and I would suggest that we follow the actions that we took earlier on this bill, I ask that we do so and vote against the recede and concur, kill this bill and then we can start from scratch to address net energy billing again in January, in the next Session, on the Energy, Utilities and Technology Committee when we will have more real data and true facts that will tell us what net energy billing is going to cost our ratepayers in Maine. I ask that people follow my light. Thank you, Madam Speaker.

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

Representative **WARREN**: Thank you, Madam Speaker. I want to rise briefly just to say that what I'm going to say here is going to be consistent with the message that I communicated on more than one bill, this being the last bill standing.

I want a just and fair transition to clean energy, Madam Speaker. I don't believe this bill even scratches the surface of what we ought to be discussing seriously on fairness, on providing for economic justice in this transition, something that's fair to ratepayers as well as those that are involved with solar development in the State of Maine. That said, I'll be supporting this motion for two reasons, quite specifically. One is the elimination of the tariff program, which is extremely unfair and extremely regressive, and two, there are certain projects that are in the queue, as the Representative from Dexter mentioned, that have deadlines in 2024. This bill as written does have certain limitations in sizes for those programs that are still in the queue and I believe that can do something to mitigate the costs onto ratepayers.

Again, I think there is a tremendous amount of work that has gone in already in this Legislature, and I hope that everyone in this Body feels that they are, regardless of where they stand on this bill right now, are open to continue this dialogue. I know it can be tough for; it seemed like a lot in the short session. I think a lot more work can be done and ought to be done to both address climate change but also provide for economic justice and I know that some of these questions that we ought to be addressing in a much bigger picture way are sometimes difficult, might challenge our preconceived notions around climate change and our clean energy solutions but my hope in this vote now is an attempt to say that I want to keep working, that I want to find some solution here now and continue that dialogue and continue to seek compromise, hopefully in a bipartisan manner, in future legislation. So, I do hope that others would consider following my light, but I also very much understand that this is not remotely enough to meet this moment and do what I think Maine people deserve both on climate as well as on economic justice. Thank you for your time and consideration.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 353

YEA - Abdi, Ankeles, Arford, Bell, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Crockett, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Jauch, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Paulhus, Perry A, Perry J, Pluecker, Rana, Reckitt, Rielly, Riseman, Roeder, Runte, Russell, Sachs,

Salisbury, Sargent, Sayre, Shagoury, Sheehan, Skold, Stover, Supica, Terry, Warren, White B, Williams, Zager, Zeigler, Madam Speaker.

NAY - Arata, Ardell, Babin, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Hall, Henderson, Jackson, Javner, Lemelin, Lyman, Mason, Millett H, Morris, Ness, Nutting, Parry, Paul, Perkins, Polewarczyk, Pomerleau, Quint, Schmersal-Burgess, Simmons, Soboleski, Strout, Swallow, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Adams, Albert, Andrews, Bagshaw, Dhalac, Galletta, Haggan, Hobbs, Hymes, Lanigan, Lavigne, Libby, Newman, Poirier, Pringle, Roberts, Rudnicki, Sampson, Shaw, Smith, Theriault, Worth.

Yes, 77; No, 52; Absent, 22; Vacant, 0; Excused, 0.

77 having voted in the affirmative and 52 voted in the negative, with 22 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Non-Concurrent Matter

An Act to Protect Employee Freedom of Speech

(S.P. 702) (L.D. 1756)

(S. "A" S-291)

- In House, **PASSED TO BE ENACTED** on June 15, 2023.
- In Senate, **PASSED TO BE ENACTED** on June 15, 2023, in concurrence.
- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 841.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-291) AND "B" (S-436)** in **NON-CONCURRENCE**.

Speaker TALBOT ROSS of Portland moved that the House **RECEDE AND CONCUR**.

Representative BRADSTREET of Vassalboro **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Madam Speaker. I hope everybody will join me in voting against this motion. You know, there are two Amendments that have been placed on this bill and they actually underscore the weakness of the bill and the lack of necessity for the bill but they don't actually do anything, which is the most objectionable part of the bill and that's that it's unconstitutional. Just yesterday, as a matter of fact, in Connecticut, the state's motion to dismiss a similar bill, a lawsuit about a similar bill, was rejected on constitutional grounds and we certainly don't need to open ourselves up to expensive litigation here, which will be the ultimate consequence if this bill were to become law. So, I think it's very unwise to vote for this bill, it would be the proper thing to do to vote against the motion. Thank you, Madam Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 354

YEA - Abdi, Ankeles, Arford, Bell, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Crockett, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Jauch, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, Pluecker, Rana, Reckitt, Rielly, Riseman, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Sheehan, Skold, Stover, Supica, Terry, Warren, White B, Williams, Zager, Zeigler, Madam Speaker.

NAY - Arata, Ardell, Babin, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Hall, Henderson, Jackson, Javner, Lemelin, Lyman, Mason, Millett H, Morris, Ness, Nutting, Parry, Paul, Perkins, Polewarczyk, Pomerleau, Quint, Schmersal-Burgess, Simmons, Soboleski, Strout, Swallow, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Adams, Albert, Andrews, Bagshaw, Dhalac, Galletta, Haggan, Hobbs, Hymes, Lanigan, Lavigne, Libby, Newman, Paulhus, Poirier, Pringle, Roberts, Rudnicki, Sampson, Shaw, Smith, Theriault, Worth.

Yes, 76; No, 52; Absent, 23; Vacant, 0; Excused, 0.

76 having voted in the affirmative and 52 voted in the negative, with 23 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act to Improve the Health of Maine Residents by Removing Exclusions to the MaineCare Program"

(H.P. 123) (L.D. 199)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-103) AS AMENDED BY HOUSE AMENDMENT "B" (H-720) thereto in the House on July 6, 2023.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.
