

PLEASE NOTE: The Office of the Revisor of Statutes **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

**Resolve**  
124th Legislature  
First Regular Session

---

**Chapter 20**  
**H.P. 272 - L.D. 336**

**Resolve, Regarding Legislative Review of Chapter 313:  
Net Energy Billing Rule To Allow Shared Ownership, a  
Major Substantive Rule of the Public Utilities Commission**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1 Adoption. Resolved:** That final adoption of Chapter 313: Net Energy Billing Rule to Allow Shared Ownership, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

**1. Definition of "eligible facility."** That portion of the rule designated as definitions must be amended to include micro-combined heat and power systems within the definition of "eligible facility;"

**2. Definition of "micro-combined heat and power system."** That portion of the rule designated as definitions must be amended to add a definition of "micro-combined heat and power system" that specifies that a micro-combined heat and power system is a system that:

A. Produces heat and electricity from one fuel input, without restriction to specific fuel or generating technology;

B. Has an electric generating capacity rating of at least one kilowatt and not more than 30 kilowatts and a fuel system efficiency of not less than 80% in the production of heat and electricity or has an electric generating capacity of at least 31 kilowatts and not more than 660 kilowatts and a fuel system efficiency of not less than 65% in the production of heat and electricity;

C. May work in combination with supplemental or parallel conventional heating systems;

D. Is manufactured, installed and operated in accordance with applicable government and industry standards; and

E. Is connected to the electric grid and operated in conjunction with the facilities of a transmission and distribution utility; and

**3. Installed capacity limit of eligible facilities.** That portion of the rule regarding eligible facilities within the section on annualized consumer net energy billing must be amended to change the installed capacity limit for eligible facilities from 500 kilowatts to 660 kilowatts.

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