

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 1207 - L.D. 1683

An Act To Clarify the Definitions of Consumer-owned Utilities

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 fast pace of change in the electric industry has created confusion within the current legal parameters under which new forms of transmission and distribution electric utility ownership are being introduced in the State; and

Whereas, the confusion in the electric industry caused by the current legal parameters of transmission and distribution electric utility ownership could cause harm to ratepayers and inhibit the beneficial growth of the industry; 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. 35-A MRSA §3201, sub-§6, as enacted by PL 1997, c. 316, §3, is amended to read:

6. Consumer-owned transmission and distribution utility. "Consumer-owned transmission and distribution utility" means any transmission and distribution utility wholly owned by its consumers, including, its consumers served in the State. "Consumer-owned transmission and distribution utility" includes but is not limited to:

- A. The transmission and distribution portion of a rural electrification cooperative organized under chapter 37;
- B. The transmission and distribution portion of an electrification cooperative organized on a cooperative plan under the laws of the State;
- C. A municipal or quasi-municipal transmission and distribution utility located in the State;

D. The transmission and distribution portion of a municipal or quasi-municipal entity located in the State providing generation and other services; and

E. A transmission and distribution utility wholly owned by a municipality located in the State.

Sec. 2. 35-A MRSA §3501, sub-§1, as amended by PL 1999, c. 398, Pt. A, §85 and affected by §§104 and 105, is further amended to read:

1. Consumer-owned transmission and distribution utility. For the purposes of this chapter, "consumer-owned transmission and distribution utility" means any transmission and distribution utility that is wholly owned by its consumers, including, its consumers served in the State. "Consumer-owned transmission and distribution utility" includes but is not limited to:

A. Any rural electrification cooperative organized under chapter 37;

B. Any electrification cooperative organized on a cooperative plan under the laws of the State;

C. Any municipal or quasi-municipal transmission and distribution utility located in the State;

D. The portion of any municipal or quasi-municipal entity located in the State providing transmission and distribution services; and

E. Any transmission and distribution utility wholly owned by a municipality located in the State.

Sec. 3. 35-A MRSA §6101, sub-§1-A, as enacted by PL 1987, c. 490, Pt. B, §11, is repealed and the following enacted in its place:

1-A. Consumer-owned water utility. "Consumer-owned water utility" means any water utility which is wholly owned by its consumers, including its consumers served in the State. "Consumer-owned water utility" includes but is not limited to:

A. Any municipal or quasi-municipal water district or corporation located in the State;

B. Any municipal water department located in the State; or

C. The water portion of any utility wholly owned by a municipality or district located in the State.

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