

**AN ACT TO INCREASE INVESTMENT IN RENEWABLE ENERGY AND ENERGY EFFICIENCY**

**DATE OF ISSUANCE: November 2, 2011**

**Filing Deadline for the November 2012 Ballot: January 30, 2012**

**18 month petition expiration date: May 2, 2013**

<hr/> Printed Name of Circulator
<hr/> Unique Identifying Number

**Freedom of Citizen Information:** Before a registered voter signs any initiative petition, signature gatherers must offer the voter the opportunity to read the proposed initiative summary and fiscal impact statement prepared by the Secretary of State.

**SUMMARY OF PROPOSED INITIATIVE**

This initiated bill increases the amount of Maine's electricity supply that must come from new renewable resources, such as solar, hydropower and wind, by increasing incrementally the percentage of new renewable resources in a competitive electricity provider's portfolio of supply sources. Current law requires competitive electricity providers to demonstrate that new renewable resources represent 10% of their sources of supply for retail electricity by 2017. This bill increases that target to 14% in 2017 and requires further incremental increases each year, ending with 20% by 2020.

It requires the Efficiency Maine Trust to identify in its triennial plan for energy efficiency, alternative energy resources and conservation, all the programs to be implemented that are designed to reduce energy costs for electricity consumers, as well as the costs and benefits of those programs.

It requires the Public Utilities Commission to approve all elements of the triennial plan shown to be cost-effective and to require electric transmission and distribution utilities to procure all energy efficiency resources found by the commission to cost less than energy supply and to be cost-effective, reliable and achievable.

It removes the requirement that the Public Utilities Commission submit any proposed increase in assessments on electric transmission and distribution utilities to the Legislature for prior review. It also removes the requirement that the Public Utilities Commission obtain legislative review and approval prior to requiring utilities to enter into certain long-term contracts with the Efficiency Maine Trust to meet the energy efficiency program budget allocations set forth in the triennial plan.

**ESTIMATE OF FISCAL IMPACT**

This citizen's initiative will not significantly affect the operating budgets of either the Public Utilities Commission or the Efficiency Maine Trust. The additional independent review required of the Public Utilities Commission for the cost-effective element of the triennial plan can be implemented within existing budgeted resources. The Efficiency Maine Trust indicated that the triennial plan would already have effectively included the new requirements for identifying all cost-effective conservation programs.

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*Please See Pages 2 and 3 for Legislation and Instructions and Page 4 for Additional Signature Lines.*

# AN ACT TO INCREASE INVESTMENT IN RENEWABLE ENERGY AND ENERGY EFFICIENCY

## To the Legislature of the State of Maine:

In accordance with Section 18 of Article IV, Part Third of the Constitution of the State of Maine, the electors of the State of Maine, qualified to vote for Governor, residing in said State, whose names have been certified on this petition, hereby respectfully propose to the Legislature for its consideration the following entitled legislation: "An Act To Increase Investment in Renewable Energy and Energy Efficiency".

## Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 35-A MRSA §3210, sub-§3-A, ¶A,** as corrected by RR 2007, c. 2, §20, is amended to read:

A. Except as provided in paragraph B, beginning January 1, 2008, as a condition of licensing pursuant to section 3203, each competitive electricity provider in this State must demonstrate in a manner satisfactory to the commission that the percentage of its portfolio of supply sources for retail electricity sales in this State accounted for by new renewable capacity resources is as follows:

- (1) One percent for the period from January 1, 2008 to December 31, 2008;
- (2) Two percent for the period from January 1, 2009 to December 31, 2009;
- (3) Three percent for the period from January 1, 2010 to December 31, 2010;
- (4) Four percent for the period from January 1, 2011 to December 31, 2011;
- (5) Five percent for the period from January 1, 2012 to December 31, 2012;
- (6) Six percent for the period from January 1, 2013 to December 31, 2013;
- (7) ~~Seven~~ Eight percent for the period from January 1, 2014 to December 31, 2014;
- (8) ~~Eight~~ Ten percent for the period from January 1, 2015 to December 31, 2015;
- (9) ~~Nine~~ Twelve percent for the period from January 1, 2016 to December 31, 2016; ~~and~~
- (10) ~~Ten~~ Fourteen percent for the period from January 1, 2017 to December 31, 2017; ~~;~~
- (11) Sixteen percent for the period from January 1, 2018 to December 31, 2018;
- (12) Eighteen percent for the period from January 1, 2019 to December 31, 2019; and
- (13) Twenty percent for the period from January 1, 2020 to December 31, 2020.

New renewable capacity resources used to satisfy the requirements of this paragraph may not be used to satisfy the requirements of subsection 3.

**Sec. 2. 35-A MRSA §3210-C, sub-§2, ¶A,** as enacted by PL 2005, c. 677, Pt. C, §1, is amended to read:

A. That the share of new renewable capacity resources as a percentage of the total capacity resources in this State on December 31, 2007 increase by ~~10%~~ 20% by ~~2017~~ 2020 and that, to the extent possible, the increase occur in uniform annual increments;

**Sec. 3. 35-A MRSA §3210-C, sub-§12,** as enacted by PL 2011, c. 413, §3, is amended to read:

**12. Triennial plan energy efficiency contracts.** The commission, ~~in accordance with this subsection,~~ may direct transmission and distribution utilities to enter into long-term contracts with the trust to meet the energy efficiency program budget allocations articulated in the

triennial plan approved by the commission pursuant to section 10104, subsection 4.

~~A. If the commission determines that the assessments on transmission and distribution utilities under section 10110, subsections 4 and 5 will not provide sufficient funds to meet the energy efficiency program budget allocations articulated in the triennial plan or any annual update plan approved by the commission pursuant to section 10104, subsection 6, the commission may direct investor-owned transmission and distribution utilities to enter into long term contracts for energy efficiency capacity resources and any available energy associated with those resources to the extent necessary to meet the energy efficiency program budget allocations articulated in the triennial plan or annual update plan. If those contracts result in a fee or assessment on ratepayers, the commission may only direct an investor-owned transmission and distribution utility to enter into those contracts if:~~

~~(1) The commission provides notification to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters of the proposed contract or contracts; and~~

~~(2) The Legislature:~~

~~(a) Specifically authorizes the contract or contracts; or~~

~~(b) Allocates an amount of funds from the account established under paragraph B that is no less than the total funds that will be deposited in the account under all proposed contracts over the full terms of those contracts.~~

~~B. The Energy Efficiency Capacity Contract Account, referred to in this paragraph as "the account," is established in the Efficiency Maine Trust. The account is a nonlapsing account. Except as otherwise expressly directed by legislation approving the contract or contracts pursuant to paragraph A, subparagraph (2), division (a), all payments from contracts entered into pursuant to this subsection must be deposited in the account. Notwithstanding Title 5, section 1667-B, the State Budget Officer may not allot an amount in any fiscal year that is greater than the allocation pursuant to paragraph A, subparagraph (2), division (b).~~

**Sec. 4. 35-A MRSA §10104, sub-§4, ¶A,** as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

A. The triennial plan must be developed by the trust, in consultation with entities and agencies engaged in delivering efficiency programs in the State, to authorize and govern or coordinate implementation of energy efficiency and weatherization programs in the State. The triennial plan must identify all cost-effective conservation programs to be implemented pursuant to section 10110, the costs and benefits of such programs and the basis and support for such identified costs and benefits.

(1) Transmission and distribution utilities and natural gas utilities shall furnish data to the trust that the trust requests under this subsection subject to such confidential treatment as a utility may request and the board determines appropriate pursuant to section 10106. The costs of providing the data are deemed reasonable and prudent expenses of the utilities and are recoverable in rates.

**Sec. 5. 35-A MRSA §10104, sub-§4, ¶D,** as amended by PL 2009, c. 518, §8, is further amended to read:

D. Prior to submission of the triennial plan to the commission, the trust shall offer to provide a detailed briefing on the draft plan to the joint standing committee of the Legislature having jurisdiction over energy matters and, at the request of the committee, shall provide such a briefing and opportunity for input from the committee. After providing such opportunity for input and making any changes as a result of any input received, the board shall deliver the plan to the commission for its review and approval. The commission shall open ~~a~~ an adjudicatory proceeding and issue an order either approving the plan and issuing the appropriate orders to transmission and distribution utilities or rejecting the plan and stating the reasons for the rejection. The commission shall reject elements of the plan that propose to use funds generated pursuant to sections 3210-C, 10110, 10111 or 10119 if the plan fails to reasonably explain how these elements of the program would achieve the objectives and implementation requirements of the programs established under

those sections or the measures of performance under subsection 3. Funds generated under these statutory authorities may not be used pursuant to the triennial plan unless those elements of the plan proposing to use the funds have been approved by the commission. The commission shall approve ~~or reject any~~ all elements of the triennial plan shown to be cost-effective and shall order transmission and distribution utilities to procure energy efficiency resources pursuant to section 10110, subsection 4-A in a manner determined by the commission within ~~60~~ 120 days of its delivery to the commission. The board, within 15 days of final commission approval of its plan, shall submit the plan to the joint standing committee of the Legislature having jurisdiction over energy matters together with any explanatory or other supporting material as the committee may request and, at the request of the committee, shall provide a detailed briefing on the final plan. ~~After receipt of the plan, the joint standing committee of the Legislature having jurisdiction over energy matters may submit legislation relating to the plan.~~

**Sec. 6. 35-A MRSA §10110, sub-§1, ¶C-1** is enacted to read:

C-1. "Cost-effective" means having greater benefits than costs for electricity consumers as determined by applying the modified societal test described in the rules of the trust that govern electric energy conservation programs.

**Sec. 7. 35-A MRSA §10110, sub-§4**, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

**4. Funding level; base assessment.** The commission shall assess transmission and distribution utilities to collect funds for conservation programs and administrative costs in accordance with this subsection and shall make other assessments in accordance with subsection 5. The amount of all assessments by the commission under this subsection plus expenditures of a transmission and distribution utility associated with prior conservation efforts must result in conservation expenditures by each transmission and distribution utility, not including expenditures on assessments under subsection 5, that are fixed at a rate of 0.145 cent per kilowatt-hour. If at any point the commission determines that this assessment will create funding levels in excess of what is required to fulfill the requirement in subsection 4-A, it shall report that finding to the joint standing committee of the Legislature having jurisdiction over public utilities matters not later than January 15th in the year following the year in which the finding is made.

**Sec. 8. 35-A MRSA §10110, sub-§4-A** is enacted to read:

**4-A. Procurement of all cost-effective energy efficiency resources.** The commission shall require transmission and distribution utilities to procure, on behalf of electricity consumers in the State, all

energy efficiency resources found by the commission to be cost-effective pursuant to section 10104, subsection 4, to cost less than energy supply and to be reliable and achievable.

**Sec. 9. 35-A MRSA §10110, sub-§5**, as amended by PL 2009, c. 518, §10, is further amended to read:

**5. Other assessments on transmission and distribution utilities.**

~~In accordance with the triennial plan implementing the requirement in subsection 4-A, the commission shall may assess each transmission and distribution utility based on the utility's gross operating revenue as necessary to realize all available energy efficiency and demand reduction resources in this State that are cost-effective, reliable and feasible after consideration of . In determining all available cost-effective energy efficiency resources, the commission shall consider any funding available for conservation programs pursuant to the following:~~

- A. The amount of assessments pursuant to subsection 4 and their payment schedule;
- B. The funding for conservation programs provided by the Regional Greenhouse Gas Initiative Trust Fund pursuant to section 10109;
- C. The amount of payments received from a forward capacity market as a result of conservation programs funded under this chapter; and
- D. Any other predictable sources of funding for or investment in conservation programs.

For the purposes of this subsection, "gross operating revenue" means revenue derived from filed rates, except from sales for resale. The commission may correct any errors in the assessments under this subsection by means of a credit or debit to the following year's assessment rather than reassessing all utilities in the current year. The commission shall determine the assessments under this subsection annually prior to June 1st and assess each utility for its pro rata share for expenditure, including funds for energy conservation programs, during the fiscal year beginning July 1st. ~~The commission may not increase any assessment under this subsection until the Legislature has approved the Efficiency Maine Trust's budget. Following the commission's approval of the triennial plan pursuant to section 10104, subsection 4 or any update plan pursuant to section 10104, subsection 6, the commission shall present any recommended increase in the assessment under this subsection to the joint standing committee of the Legislature having jurisdiction over public utilities matters.~~ Each utility shall pay the assessment charged to that utility under this subsection on the same schedule that payment of assessments under subsection 4 is required.

**INSTRUCTIONS FOR CIRCULATION**

**PETITIONER – MUST:**

- BE A MAINE REGISTERED VOTER
- **SIGN** NAME AS IT APPEARS ON THE VOTING LIST
- SIGN ONLY ONCE
- **NOT** SIGN ANOTHER'S NAME
- PRINT NAME; DATE OF SIGNING; STREET ADDRESS & MUNICIPALITY OF RESIDENCE (UNLESS PRINTED BY CIRCULATOR)

**PETITION CIRCULATOR – MUST:**

- BE A MAINE RESIDENT & REGISTERED VOTER
- COMPLETE THE CIRCULATOR'S VERIFICATION
- TAKE THE OATH BEFORE A NOTARY PUBLIC PRIOR TO SUBMISSION OF PETITIONS TO REGISTRAR
- **NOT** COLLECT SIGNATURES AFTER TAKING OATH

**WARNING: MAKING A FALSE STATEMENT BY THE CIRCULATOR, SIGNING A PETITION WITH THE NAME OF ANOTHER, OR SIGNING A NAME MORE THAN ONCE ON THESE PETITIONS IS A CLASS E CRIME.**

**REGISTRAR – MUST:**

- DATE AND TIME STAMP PETITION INDICATING WHEN IT IS RECEIVED

- COMPLETE THE "REGISTRAR USE ONLY" SPACE USING THE CODES DESCRIBED IN THE BOX TO THE RIGHT

- COMPLETE AND SIGN THE CERTIFICATION BY INDICATING WHICH NAMES ON THE PETITION APPEAR ON THAT MUNICIPALITY'S VOTING LIST

**NOTE:** IF THE SIGNATURE ALONE SUFFICIENTLY IDENTIFIES THE VOTER, IT SHOULD BE ACCEPTED

**CERTIFICATION CODE FOR VALID SIGNATURES:**

- ✓ INDIVIDUAL SIGNING PETITION IS A REGISTERED VOTER

**THE MOST COMMON REASONS FOR REJECTION OF SIGNATURES OR PETITIONS (WITH APPLICABLE CODES) ARE AS FOLLOWS:**

OF INDIVIDUAL SIGNATURES

- DUP** INDIVIDUAL PREVIOUSLY SIGNED THE PETITION (DUPLICATE NAME)
- NR** INDIVIDUAL IS NOT A REGISTERED VOTER
- DATE** INDIVIDUAL SIGNED AFTER THE DATE OF CIRCULATOR'S VERIFICATION
- ANO** INDIVIDUAL'S SIGNATURE MADE BY ANOTHER PERSON
- SIG** INDIVIDUAL DID NOT SIGN THE PETITION (PRINTED NAME ONLY)

OF ENTIRE PETITIONS

- CERT** THE REGISTRAR'S CERTIFICATION IS NOT COMPLETED OR IS NOT SIGNED
- ALT** INFORMATION WRITTEN ON THE PETITION HAS BEEN ALTERED IN A MATERIAL WAY
- OATH** THE CIRCULATOR'S VERIFICATION IS NOT COMPLETED OR IS NOT SIGNED
- OATH** THE CIRCULATOR DID NOT TAKE THE OATH BEFORE A VALID NOTARY PUBLIC
- OATH** THE NOTARY DID NOT COMPLETE OR SIGN THE NOTARIZATION
- OWN** THE NOTARY IS AN IMMEDIATE FAMILY MEMBER OF THE CIRCULATOR
- FORM** THE PETITION IS NOT IN THE FORM APPROVED BY THE SECRETARY OF STATE (e.g. PAGES MISSING, DAMAGED OR OUT OF ORDER, ETC.)

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<p align="center"><b>CIRCULATOR'S OATH</b></p> <p>I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be.</p> <p>Signature of Circulator _____ Printed Name _____</p> <p>Signature of Notary _____ Printed Name _____</p> <p>Subscribed to and sworn before me on this date: _____ (Date must be completed by Notary)</p> <p>Date my Notary Commission expires: _____</p> <hr/> <p align="center"><b>REGISTRAR'S CERTIFICATION</b></p> <p>Municipality _____ TOTAL VALID _____ TOTAL INVALID _____</p> <p>I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote for Governor.</p> <div style="border: 1px solid black; width: 150px; height: 40px; margin-bottom: 5px;"></div> <p>DATE &amp; TIME PETITION RECEIVED: _____</p> <p>Signature of Registrar: _____</p> <p>Date petition certified: _____</p>	<p align="center"><b>PETITION LOG</b></p> <p align="center"><u>FOR SECRETARY OF STATE USE ONLY</u></p> <p>PETITION #: _____ VALID: _____ INVALID: _____</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%; text-align: left;"># INVALID</th> <th style="width: 30%; text-align: left;">REASON</th> <th style="width: 40%; text-align: left;">SIGNATURE LINES</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table> <p>S.O.S. STAFF: _____ COMMENTS: _____</p>	# INVALID	REASON	SIGNATURE LINES												
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*Please See Pages 2 and 3 for Legislation and Instructions and Page 1 for Summary and Additional Signature Lines.*