

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 711

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H.P. 450

House of Representatives, February 25, 2025

### **An Act to Facilitate the State Meeting Its Climate Goals While Protecting Farms**

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Received by the Clerk of the House on February 20, 2025. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative COLLAMORE of Pittsfield.  
Cosponsored by Representatives: DILL of Old Town, GUERRETTE of Caribou, HALL of  
Wilton, LANIGAN of Sanford, ROBERTS of South Berwick.

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

2 **Sec. 1. 35-A MRSA §3209-A, sub-§7**, as amended by PL 2021, c. 659, §17, is  
3 further amended by amending the first blocked paragraph to read:

4 An entity proposing the development of a distributed generation resource that does not  
5 meet one or more of the requirements of this subsection may petition the commission for a  
6 good-cause exemption due to external delays outside of the entity's control, which the  
7 commission may grant if it finds that, without the external delays, the entity could  
8 reasonably have been expected to meet the requirements. The commission shall find that  
9 delays related to site inspections and local government approvals for a distributed  
10 generation resource constructed on nonfertile land are external delays outside of the entity's  
11 control. The commission shall adopt rules to establish a process by which an entity  
12 proposing the development of a distributed generation resource on nonfertile land may  
13 appeal a denial of a good-cause exemption. The process must allow an entity proposing the  
14 development of the distributed generation resource to provide documentation regarding the  
15 reasons for the delay. For the purposes of this subsection, "nonfertile land" means land that  
16 cannot be used for or is not capable of use without substantial modification for production  
17 of agriculturally related products, including, but not limited to, crops, livestock, poultry,  
18 dairy products and sod. In adopting rules required by this subsection, the commission may  
19 consult with the Department of Agriculture, Conservation and Forestry.

20 **SUMMARY**

21 This bill requires the Public Utilities Commission to adopt rules to establish a process  
22 by which an entity proposing the development of a distributed generation resource for net  
23 energy billing on nonfertile land may appeal a denial of a good-cause exemption related to  
24 delays. The bill requires the commission to find that delays related to site inspections and  
25 local government approvals are external delays outside of the entity's control. The bill  
26 defines "nonfertile land" as land that cannot be used for or is not capable of use without  
27 substantial modification for production of agriculturally related products, including, but not  
28 limited to, crops, livestock, poultry, dairy products and sod.