

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2288

H.P. 1625

House of Representatives, February 4, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative GRAY of Sedgwick.

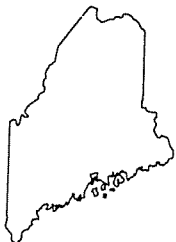
Cosponsored by Representative CROWLEY of Stockton Springs, Senator FOSTER of Hancock and Senator McCORMICK of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Require a Total Least-cost Energy Plan and to Establish a
Moratorium on Fossil-fuel Fired Electric Generation Facilities in This
State.**

(EMERGENCY)



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

4 Whereas, a fossil-fuel fired electric generation plant has
6 been proposed for a location on Maine's coast and others may be
proposed; and

8 Whereas, fossil-fuel fired electric generation plants have
10 not been constructed in the State in recent years and fossil-fuel
12 fired electric generation plants may be an inappropriate energy
source for this State; and

14 Whereas, the application of existing laws and rules will be
inadequate to protect the State and the public from serious harm
16 if new plants are licensed, constructed or operated prior to the
implementation of a total least-cost energy policy that considers
18 the harmful effects of air pollution and the threat of global
warming; and

20 Whereas, a moratorium on fossil-fuel fired electric
22 generation plants must be imposed before the expiration of the
90-day period in order that the implementation of such a
24 comprehensive policy can be completed; and

26 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
28 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
30 safety; now, therefore,

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

34 **Sec. 1. 35-A MRSA §3191**, as enacted by PL 1987, c. 671, §2,
is amended to read:

36 **§3191. Energy policy**

38 The Legislature finds that it is in the best interests of
40 the State to ensure that Maine and its electric utilities pursue
a total least-cost energy plan policy. The Legislature further
42 finds that a total least-cost energy plan policy takes into
account many factors including cost, risk, diversity of supply
44 and, exhaustion of nonrenewable resources, all available
alternatives, including purchases of power from Canadian sources,
46 and factors that have an external or delayed cost such as
increased air pollution or effects on human health or other
48 larger scale environmental effects. When the available
alternatives are otherwise equivalent, the commission shall give
50 preference first to conservation and demand management, then to

2 power from sources that do not contribute to air pollution or
4 that significantly lower existing levels of air pollution or from
6 sources that do not increase or that significantly lower the
8 State's contribution to large scale environmental problems and
then to other power purchased from qualifying facilities.
Nothing in this section is intended to modify the commission's
authority under section 3133, subsection 9.

10 **Sec. 2. Rules; Public Utilities Commission report.** The Public
12 Utilities Commission shall adopt rules to implement a total
14 least-cost energy policy as a component of all commission
16 determinations pending on or after the effective date of this
18 Act. The commission shall report to the joint standing committee
20 of the Legislature having jurisdiction over utilities matters by
January 1, 1993, concerning the implementation of the policy
established by this Act and whether the moratorium established by
this Act needs to be continued to allow for complete
implementation of a total least-cost energy policy. The
commission shall also recommend any other statutory changes
necessary to allow for full implementation of the policy.

22 **Sec. 3. Moratorium on permits.** Notwithstanding any other
24 provision of law, a state or municipal permit may not be issued
26 for the operation of a fossil fuel fired electric generation
plant before October 15, 1993.

28 **Sec. 4. Moratorium on construction and operation.**
30 Notwithstanding any other provision of law, construction or
operation of any fossil fuel fired electric generation plant may
not begin before October 15, 1993.

32 **Sec. 5. Application.** Notwithstanding the Maine Revised
34 Statutes, Title 1, section 302 and Title 38, section 344, this
36 Act applies to any application pending before the Department of
Environmental Protection or any municipality on or after the
effective date of this Act.

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

42 STATEMENT OF FACT

44 This bill establishes a total least-cost energy plan that
46 continues the existing preference for conservation and demand
48 management and then gives preference to electric generation
50 facilities that significantly reduce the harmful effects of air
pollution and the threat of global warming such as solar and wind
electric generation facilities. The bill also imposes a
moratorium on the permitting, construction or operation of

2 fossil fuel fired electric generation plants until February 1,
1993 and provides for a report by the Public Utilities Commission
4 by January 1, 1993 so that the Legislature can determine whether
an extension of the moratorium or enactment of other measures to
fully implement a total least-cost energy policy is necessary.