

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

---

Legislative Document

No. 651

H.P. 465

House of Representatives, February 19, 2009

### **An Act To Amend the Wind Energy Rebate Program Eligibility Requirements**

---

Reference to the Committee on Utilities and Energy suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BROWNE of Vassalboro.  
Cosponsored by Senator SHERMAN of Aroostook and  
Representatives: CHASE of Wells, CLARK of Millinocket, GIFFORD of Lincoln, SARTY of  
Denmark, SAVIELLO of Wilton, SCHATZ of Blue Hill.

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

2 **Sec. 1. 35-A MRSA §3211-C, sub-§1, ¶D** is enacted to read:

3 D. "Class 1 wind resource" means an average wind speed of less than 9.8 miles per  
4 hour at a height of 10 meters;

5 **Sec. 2. 35-A MRSA §3211-C, sub-§1, ¶E** is enacted to read:

6 E. "Class 2 wind resource" means an average wind speed of at least 9.8 miles per  
7 hour but less than 11.5 miles per hour at a height of 10 meters;

8 **Sec. 3. 35-A MRSA §3211-C, sub-§1, ¶F** is enacted to read:

9 F. "Class 3 wind resource" means an average wind speed of at least 11.5 miles per  
10 hour but less than 12.5 miles per hour at a height of 10 meters;

11 **Sec. 4. 35-A MRSA §3211-C, sub-§1, ¶G** is enacted to read:

12 G. "Net energy" means the difference between the kilowatt-hours consumed by a  
13 customer and the kilowatt-hours generated by the customer's generating facility over  
14 any time period determined as if measured by a single meter capable of registering  
15 the flow of electricity in 2 directions;

16 **Sec. 5. 35-A MRSA §3211-C, sub-§1, ¶H** is enacted to read:

17 H. "Net energy billing" means the billing and metering practice under which a  
18 customer is billed on the basis of net energy consumed or generated over the billing  
19 period;

20 **Sec. 6. 35-A MRSA §3211-C, sub-§1-A** is enacted to read:

21 **1-A. Solar and wind energy rebate program.** To the extent that funds are  
22 available in the fund established in subsection 3 and the requirements of subsection 2-A  
23 are satisfied, an owner or tenant of residential or commercial property located in the State  
24 is entitled to a rebate for a qualified solar energy system that is installed in accordance  
25 with this subsection after July 1, 2005 that will be connected to the electrical grid or a  
26 qualified wind energy system that is installed in accordance with this subsection after  
27 January 1, 2009 that will be connected to the electrical grid.

28 A. The commission shall set rebate levels for qualified solar energy systems. In  
29 setting rebate levels for qualified solar energy systems, the commission may consider  
30 market demand for qualified solar energy systems, program implementation  
31 experience and other factors relevant to the solar energy rebate program.

32 B. Rebate levels for qualified wind energy systems must be \$500 per 1/2 kilowatt of  
33 peak generating capacity of the system up to a maximum of:

34 (1) One thousand dollars when the system is installed at a site with a Class 1  
35 wind resource;

36 (2) Fifteen hundred dollars when the system is installed at a site with a Class 2  
37 wind resource; and

1                   (3) Two thousand dollars when the system is installed at a site with a Class 3  
2                   wind resource.

3                   C. To qualify for a rebate, a solar photovoltaic system must meet the following  
4                   installation requirements:

5                   (1) For a system installed after July 1, 2005 but before January 1, 2007, the  
6                   system must be installed by a master electrician who has completed a training  
7                   course to prepare for certification by a North American board of certified energy  
8                   practitioners or by a master electrician working in conjunction with either a  
9                   person who has been certified by a North American board of certified energy  
10                   practitioners or a person who has completed a training course to prepare for  
11                   certification by a North American board of certified energy practitioners; or

12                   (2) For a system installed on or after January 1, 2007, the system must be  
13                   installed by a master electrician who has been certified by a North American  
14                   board of certified energy practitioners or by a master electrician working in  
15                   conjunction with a person who has been certified by a North American board of  
16                   certified energy practitioners.

17                   D. To qualify for a rebate, a solar thermal system designed to heat water must be  
18                   installed by a qualified solar thermal water system installer and, if the solar thermal  
19                   system is designed to heat potable water, it must be installed by a qualified solar  
20                   thermal water system installer who holds a current license as a master plumber or by  
21                   a qualified solar thermal water system installer working in conjunction with a master  
22                   plumber.

23                   E. To qualify for a rebate, the electrical components of a qualified wind energy  
24                   system must be installed by a master electrician or by a factory trained and approved  
25                   dealer for the qualified wind energy system working under the supervision of a  
26                   master electrician.

27                   In the case of a newly constructed residence, the rebate must be available to the original  
28                   owner or occupant.

29                   Sec. 7. 35-A MRSA §3211-C, sub-§2, as amended by PL 2007, c. 661, Pt. D, §1,  
30                   is repealed.

31                   Sec. 8. 35-A MRSA §3211-C, sub-§2-B is enacted to read:

32                   2-B. Eligibility requirements; wind energy system. In establishing eligibility  
33                   requirements for rebates for qualified wind energy systems, the commission:

34                   A. May not require that an owner or tenant of a residential property demonstrate that  
35                   the wind resource available at the site of the qualified wind energy system installation  
36                   is Class 2 or higher;

37                   B. Shall require a minimum distance of 20 feet between the tip of the blade of the  
38                   wind energy system at its lowest point and any structures or trees within a 200-foot  
39                   radius of the system;

40                   C. May not require a minimum height for the tower of the qualified wind energy  
41                   system; and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

D. Shall require the applicant to sign a net energy billing contract with the transmission and distribution utility.

**SUMMARY**

This bill makes changes to the eligibility requirements and rebate levels for wind energy system rebates under the solar and wind energy rebate program. The bill establishes the rebate amount for wind energy systems in statute as an increasing function of the kilowatt capacity of the wind energy system and the classification of the wind resource at the site of the installation. The bill also amends the law to require that the wind energy system be installed by a factory trained or approved installer under the supervision of a master electrician. The bill also places certain limitations on the eligibility requirements that the Public Utilities Commission may establish for wind energy rebates under the program. Specifically, the bill prohibits the Public Utilities Commission from requiring a residential applicant to demonstrate a minimum wind speed of 9.8 miles per hour or more at the site, prohibits the commission from requiring a minimum tower height for the wind energy system installation, establishes 20 feet as the minimum allowed distance between the wind energy system's blade and any structure or trees within a 200-foot radius and requires the applicant for the rebate to enter into a net energy billing agreement with the transmission and distribution utility.