

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1323

H.P. 969

House of Representatives, March 28, 2011

An Act To Support Solar Energy Development in Maine

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative FLOOD of Winthrop.

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

2 **Sec. 1. 35-A MRSA c. 34-B** is enacted to read:

3 **CHAPTER 34-B**

4 **THE MAINE SOLAR ENERGY ACT**

5 **§3471. Short title**

6 This chapter may be known and cited as "the Maine Solar Energy Act."

7 **§3472. Legislative findings**

8 The Legislature finds that it is in the public interest to explore opportunities for and
9 encourage the development, where appropriate, of solar energy production in the State in
10 a manner that is consistent with all state and federal environmental standards and that
11 achieves reliable, cost-effective, sustainable energy production on those sites in the State
12 that will attract investment and permit the development of viable solar energy projects.
13 The Legislature finds that the development of the solar energy potential in the State needs
14 to be integrated into the existing energy supply and transmission systems in a way that
15 achieves system reliability, total capital cost-effectiveness and optimum short-term and
16 long-term benefits to the people of the State. The Legislature finds it is in the public
17 interest to encourage the construction and operation of community solar power generation
18 facilities in the State. The Legislature also finds it is in the public interest to encourage
19 solar energy research and the development of solar generation equipment manufacturing
20 facilities in the State.

21 **1. Contribution of solar energy development.** The Legislature finds and declares
22 that the solar energy resources of the State constitute a valuable indigenous and
23 renewable energy resource and that solar energy development, which is unique in its
24 benefits to and impacts on the natural environment, makes a significant contribution to
25 the general welfare of the citizens of the State for the following reasons:

26 A. Solar energy is an economically feasible, large-scale energy resource that does
27 not rely on fossil fuel combustion or nuclear fission, thereby displacing electrical
28 energy provided by these other sources and avoiding air pollution, waste disposal
29 problems and hazards to human health from emissions, waste and by-products;
30 consequently, solar energy development may address energy needs while making a
31 significant contribution to achievement of the State's renewable energy and
32 greenhouse gas reduction objectives, including those in Title 38, section 576;

33 B. At present and increasingly in the future with anticipated technological advances
34 that promise to increase the number of places in the State where grid-scale solar
35 energy development is economically viable and changes in the electrical power
36 market that favor clean power sources, solar energy may be used to displace electrical
37 power that is generated from fossil fuel combustion and thus reduce our citizens'
38 dependence on imported oil and natural gas and improve environmental quality and
39 state and regional energy security; and

1 C. Renewable energy resources within the State have the potential, over time, to
2 provide enough energy for the State's homeowners and businesses to reduce their use
3 of oil and liquid petroleum-fueled heating systems by transition to alternative,
4 renewable energy-based heating systems and to reduce their use of petroleum-fueled
5 motor vehicles by transition to electric-powered motor vehicles. Electrification of
6 heating and transportation has potential to increase the State's energy independence,
7 to help stabilize total residential and commercial energy bills and to reduce
8 greenhouse gas emissions.

9 **2. Need for modification of regulatory process for siting solar energy**
10 **developments.** The Legislature finds that it is in the public interest to reduce the
11 potential for controversy regarding siting of grid-scale solar energy development by
12 expediting development in places where it is most compatible with existing patterns of
13 development and resource values when considered broadly at the landscape level.
14 Accordingly, the Legislature finds that certain aspects of the State's regulatory process for
15 determining the environmental acceptability of solar energy developments should be
16 modified to encourage the siting of solar energy developments in these areas.

17 The Legislature further finds that development of the State's solar energy resources
18 should be undertaken in a manner that ensures significant tangible benefits to the people
19 of the State, including, but not limited to, residents of communities that host solar energy
20 facilities, and that the State should seek to host a substantial amount of solar energy as
21 part of a strategy to reduce greenhouse gas emissions and meet the goals established in
22 the state climate action plan developed pursuant to Title 38, section 577.

23 **§3473. Specific measures to support solar energy**

24 **1. Monitoring.** The commission shall monitor electricity markets and sale
25 opportunities physically accessible to solar power installations in this State to determine
26 whether such markets and opportunities are available for the sale of solar energy in
27 accordance with federal and state law.

28 **2. Legal action.** After consultation with the Attorney General, the commission may
29 initiate regulatory and other legal action to protect access to markets by solar power
30 facilities located in the State.

31 **3. Certification.** The commission may certify a person as a community solar power
32 generator if the commission determines that such a certification would support
33 construction of a community solar power generation facility in this State and that the
34 person will be the owner of that facility. The commission may not certify a person as a
35 community solar power generator with respect to a community solar power generation
36 facility for which the person commenced the site permit application process prior to
37 August 23, 2006. For the purposes of this subsection, "community solar power generation
38 facility" means an electricity-generating facility at any one site with instantaneous
39 generating nameplate capacity of not more than 10 megawatts that is powered entirely by
40 solar energy.

1 **§3474. Determination of public policy; state solar energy generation goals**

2 **1. Encouragement of solar energy-related development.** It is the policy of the
3 State in furtherance of the goals established in subsection 2 to encourage the attraction of
4 appropriately sited development related to solar energy, including any additional
5 transmission and other energy infrastructure needed to transport additional offshore solar
6 energy to market, consistent with all state environmental standards; the permitting and
7 financing of solar energy projects; and the siting, permitting, financing and construction
8 of solar energy research and manufacturing facilities.

9 **2. State solar energy generation goals.** The goals for solar energy development in
10 the State are that there be:

- 11 A. At least 150 megawatts of installed capacity by 2015;
- 12 B. At least 250 megawatts of installed capacity by 2020; and
- 13 C. At least 500 megawatts of installed capacity by 2030.

14 **SUMMARY**

15 This bill creates the Maine Solar Energy Act, which:

16 1. States specific legislative findings that it is in the public interest to explore
17 opportunities for and encourage development, where appropriate, of solar energy
18 production in the State. This includes finding that solar energy development makes a
19 significant contribution to the general welfare of the citizens of the State and that there is
20 a need for modification of the regulatory process for siting solar energy developments;

21 2. Requires the Public Utilities Commission to take specific measures to support
22 solar energy, including monitoring electricity markets, taking legal action to protect
23 access to markets by solar power facilities located in the State and certifying a person as a
24 community solar power generator; and

25 3. Encourages solar energy-related development and establishes state solar energy
26 generation goals.