

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1781

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S.P. 708

In Senate, February 18, 2014

### An Act To Amend Tidal Energy Demonstration Project Laws

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator YOUNGBLOOD of Penobscot.  
Cosponsored by Representative HOBBS of Saco and  
Senator: BURNS of Washington, Representatives: BEAVERS of South Berwick, DUNPHY of  
Emden, LOCKMAN of Amherst.

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

2 **Sec. 1. 38 MRSA §636-A, sub-§1, ¶A**, as enacted by PL 2009, c. 270, Pt. D, §8,  
3 is amended to read:

4 A. "Tidal energy demonstration project" or "project" means a hydropower project  
5 that uses either in-stream tidal action or the difference between water levels on either  
6 side of a marine enclosure as a source of electrical power and that:

7 (1) Has a ~~total~~ net installed generating capacity of ~~5~~ 25 megawatts or less; and

8 (2) Is proposed for the primary purpose of testing new or advanced tidal energy  
9 generation ~~technology~~ technologies, which may include a mooring or anchoring  
10 system ~~and~~, transmission line, turbine designs and construction techniques, and  
11 collecting and assessing information on the environmental and other effects of  
12 the ~~technology~~ technologies.

13 **Sec. 2. PL 2009, c. 615, Pt. A, §6, 3rd ¶** is amended to read:

14 Subject to the requirements of this section, the commission may direct one or more  
15 transmission and distribution utilities, as appropriate, to enter into a long-term contract  
16 for an initial term of up to 20 years and with an option, exercisable at the commission's  
17 discretion, for one or more renewal terms up to a maximum aggregate extension period of  
18 25 years for the installed capacity and associated renewable energy and renewable energy  
19 credits of one or more deep-water offshore wind energy pilot projects or tidal energy  
20 demonstration projects.

21 **Sec. 3. PL 2009, c. 615, Pt. A, §6, sub-§1, first sentence** is amended to read:

22 Following review of proposals submitted in response to ~~the~~ a competitive solicitation, the  
23 commission may negotiate with one or more potential suppliers to supply an aggregate  
24 total of no more than ~~30~~ 45 megawatts of installed capacity and associated renewable  
25 energy and renewable energy credits from deep-water offshore wind energy pilot projects  
26 or tidal energy demonstration projects as long as no more than ~~5~~ 30 megawatts of the total  
27 is supplied by tidal energy demonstration projects.

28 **Sec. 4. Competitive solicitation of proposals for tidal energy**  
29 **demonstration projects.** Notwithstanding any other provision of law, the Public  
30 Utilities Commission shall conduct an additional competitive solicitation of proposals as  
31 described in Public Law 2009, chapter 615, Part A, section 6, as amended, for tidal  
32 energy demonstration projects as soon as practicable after the effective date of this  
33 section. The commission shall make all reasonable efforts to complete its review of  
34 proposals under this solicitation and finalize a long-term contract within 3 months of  
35 initiating this solicitation.

36 **SUMMARY**

37 This bill expands the definition of "tidal energy demonstration project" under the  
38 laws governing general permits for tidal energy demonstration projects to cover so-called  
39 tidal range projects, which extract energy from the differential head across a marine

1 enclosure. The bill further directs the Public Utilities Commission to conduct an  
2 additional competitive solicitation of proposals for tidal energy demonstration projects  
3 and increases the allowed capacity derived from tidal energy demonstration projects to 30  
4 megawatts and total allowed capacity contracted for by the commission to 45 megawatts.