

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1830

S.P. 746

In Senate, April 27, 2023

An Act to Advance Maine's Clean Energy Goals

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 VITELLI of Sagadahoc.
Cosponsored by Speaker TALBOT ROSS of Portland and
Senators: President JACKSON of Aroostook, RENY of Lincoln.

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

2 **Sec. 1. 35-A MRSA §3209-C** is enacted to read:

3 **§3209-C. Distributed renewable generation**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Combined project" means a Class IA resource that is paired with an energy storage
7 system in accordance with rules adopted by the commission.

8 B. "Contaminated land" means:

9 (1) Land that is or may be polluted in a manner that impedes development, as
10 determined by the commission by rule in consultation with the Department of
11 Agriculture, Conservation and Forestry; or

12 (2) Farmland, as defined in Title 7, section 52, subsection 4, that the Department
13 of Agriculture, Conservation and Forestry has found to be contaminated with
14 perfluoroalkyl and polyfluoroalkyl substances.

15 C. "Eligible Class IA resource" means a Class IA resource, as defined in section 3210,
16 subsection 2, paragraph A-3, that is located on contaminated land.

17 D. "Energy storage system" has the same meaning as in section 3481, subsection 6.

18 **2. Competitive procurement.** The commission shall direct investor-owned
19 transmission and distribution utilities to enter into one or more contracts for energy or
20 renewable energy credits from eligible Class IA resources or combined projects in
21 accordance with this section. Customers who have made an election pursuant to section
22 3210, subsection 10 are subject to prohibitions on bidding on or obtaining a contract under
23 this section as provided in section 3210, subsection 10 for contracts under section 3210-G.

24 A. The commission shall initiate a competitive solicitation for contracts under this
25 paragraph and ensure that the solicitation results in the approval of contracts by
26 December 31, 2024 for energy or renewable energy credits equal to 5% of the retail
27 electricity sales in this State for the period from January 1, 2021 to December 31, 2021
28 plus any amount determined pursuant to paragraph B.

29 B. If the commission, in consultation with the Governor's Energy Office, finds that any
30 entity awarded a contract under section 3210-G is not making demonstrable progress
31 in bringing the contracted resources into commercial viability, the contract must be
32 voided in accordance with this paragraph. The commission shall provide notice to the
33 entity that if such progress is not achieved within a reasonable time frame established
34 by the commission, the contracts will be deemed unfulfilled and void and the amount
35 of output that was specified in the contract must be added to the amount to be procured
36 under paragraph A.

37 C. In conducting a solicitation and selecting Class IA resources or combined projects
38 for contracts under this section, the commission shall:

39 (1) Consider project viability. The commission shall reject a bid if the commission
40 finds that the system impact study required by the New England independent
41 system operator for the Class IA resource has not been filed;

1 brought into commercial viability within a reasonable time frame established by the
2 commission. Eligible projects must be located on land that is contaminated in some way
3 and may include energy storage systems paired with renewable resources. In conducting a
4 solicitation and selecting projects for contracts, the commission is directed to consider
5 project viability and consider the expected effect on other renewable resources due to
6 congestion and curtailment. The commission is also directed to apply a weight of 70% to
7 the benefits to ratepayers and a weight of 30% to the economic use of contaminated land.
8 The commission may only select projects the commission finds will benefit ratepayers. Bid
9 prices must be less than the then-current standard-offer service rate.