

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1943

S.P. 792

In Senate, May 16, 2023

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### **An Act Regarding Future Energy Procurements for Renewable Energy Development in Northern Maine**

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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 President JACKSON of Aroostook.  
Cosponsored by Representative BABIN of Fort Fairfield and  
Senators: LAWRENCE of York, STEWART of Aroostook, Representatives: GEIGER of  
Rockland, THERIAULT of Fort Kent, ZEIGLER of Montville.

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

2 **Sec. 1. 35-A MRSA §3210-I, sub-§3-A** is enacted to read:

3 **3-A. Requests for proposals; additional generation capacity.** If, after selecting  
4 contracts under subsections 2 and 3, more than 5% of capacity of the selected transmission  
5 proposal would not be used by the selected generation proposal, the commission shall  
6 approve an additional contract or contracts to ensure that the selected transmission proposal  
7 is fully used in accordance with this section. The commission shall:

8 A. Approve a contract for additional generation capacity that is no less than 750,000  
9 megawatt-hours per year;

10 B. Approve a contract as long as the commission determines that the contract meets  
11 the requirements of subsection 2, paragraph C and is in the public interest; and

12 C. Consider bids in any previous request for proposals issued under subsection 3 by:

13 (1) Providing those bidders with an opportunity to submit updated proposals that  
14 account for any previous contract awards in order to ensure that proposals are  
15 expeditiously received and most cost-effective in consideration of those previous  
16 awards; and

17 (2) Applying evaluation criteria set forth in this subsection, except that the  
18 commission must give greatest preference to proposals that:

19 (a) Demonstrate the greatest likelihood of ensuring the success of the program  
20 by contributing to the likelihood of successful completion of the transmission  
21 proposal selected under subsection 2 and other generation proposals selected  
22 under subsection 3;

23 (b) Are submitted by a bidder that demonstrates significant experience in the  
24 successful completion of renewable energy projects similar to that proposal;  
25 and

26 (c) Complements the proposals previously selected under subsection 3, but  
27 mitigates overall risk to the success of the program by diversifying bidder  
28 selection and economic development opportunities in northern Maine.

29 If a selected proposal under this subsection is unable, at any time after selection and before  
30 commercial operation, to fulfill the obligations of the contract, the commission may  
31 consider other proposals received under this subsection or subsection 3 to ensure the  
32 successful implementation of the program. If the commission finds that a proposal or  
33 proposals, whether in whole or in part, received under this subsection or subsection 3 would  
34 support the overall successful implementation of the program, the commission shall  
35 approve and order a contract or contracts accordingly.

36 The commission shall make every effort to ensure that the competitive bidding process  
37 directed by this subsection results in the approval of contracts pursuant to this subsection  
38 no later than December 1, 2023. If the commission determines that no contract satisfies  
39 these requirements, the commission shall report that determination to the joint standing  
40 committee of the Legislature having jurisdiction over energy and utilities matters.

**SUMMARY**

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This bill requires the Public Utilities Commission to approve an additional contract or contracts to ensure that the selected transmission proposal under the Northern Maine Renewable Energy Development Program is fully used if more than 5% of the capacity of the selected transmission proposal is not being used under other generation contracts.