

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2009**

**CHAPTER 51**  
**S.P. 395 - L.D. 1061**

**Resolve, Regarding Maine's  
Renewable Resource Portfolio  
Requirements**

**Sec. 1. Portfolio requirements for new renewable capacity resources. Resolved:** That the Public Utilities Commission, referred to in this resolve as "the commission," shall review and make recommendations for improvements to the portfolio requirements for new renewable capacity resources in Title 35-A, section 3210, subsection 3-A, referred to in this section as "new renewable portfolio requirements." In fulfilling the requirements of this section, the commission shall:

1. Examine the number, type and location of the resources used to satisfy the new renewable portfolio requirements based on the compliance reports due July 1, 2009 pursuant to commission rule;

2. Analyze the costs and benefits of:

A. Establishing a requirement that the owner or operator of a new renewable capacity resource used to satisfy the new renewable portfolio requirements supply all or a fixed percentage of the electricity from its generating facility to the New England Power Pool control area or to the area administered by the independent system administrator for northern Maine for a minimum period of time; and

B. Establishing a prohibition on economic withholding or curtailment with respect to the delivery of electricity that is imported into the State from a renewable resource generating facility located outside of the New England Power Pool control area or the area administered by the independent system administrator for northern Maine by the owner or operator of a new renewable capacity resource used to satisfy the new renewable portfolio requirements, with an exception to the prohibition for the event of a planned or forced transmission line outage preventing the import of the electricity or when the applicable interpool tie lines are operating at full transfer capacity.

The analysis of costs and benefits must consider impacts on prices of renewable energy credits; retail electricity prices; regional resource diversity and power supply; the development of new renewable capacity resources within the State and the New England Power Pool control area and related economic impacts within the State; and the extent to which renewable resource generating facilities located outside of the New England Power Pool control area or the area administered by the independent system administrator for northern Maine are used to meet the new renewable portfolio requirements;

3. Review current law and commission rules regarding the new renewable portfolio requirements and assess the potential risks and costs associated with making no change to the existing new renewable portfolio requirements; and

4. Develop recommendations regarding changes to the law, rule or other efforts that could be undertaken to strengthen incentives for the development of new renewable resources within the State, to enhance the commission's ability to address any cost concerns associated with the new renewable portfolio requirements and to ensure delivery of power from renewable resources into the State or the New England Power Pool control area during periods of high prices or peak loads; and be it further

**Sec. 2. Report; authority for legislation. Resolved:** That, by January 15, 2010, the commission shall submit to the Joint Standing Committee on Utilities and Energy a report of its findings and recommendations pursuant to section 1. After receipt and review of the report, the committee may submit legislation concerning the subject matter of the report to the Second Regular Session of the 124th Legislature.

See title page for effective date.

**CHAPTER 52**  
**S.P. 379 - L.D. 1015**

**Resolve, To Study Aging and  
Outdated Long-term Care  
Facilities**

**Sec. 1. Study. Resolved:** That the Department of Health and Human Services shall use existing resources available for long-term care purposes to perform a study of aging and outdated long-term care facilities. The study must evaluate the adequacy of existing nursing facilities and residential care facilities, safety risks, recent changes in facility and program design, the ability of current facilities to serve residents with special needs and the financial and regulatory barriers associated with developing modern long-term care facilities. In performing the study the department shall involve a broad range of stakeholders and shall engage the services of consultants and experts as appropriate. The department shall report to the Joint Standing Committee on Health and Human Services by January 15, 2010, including in the report recommendations for legislative action. The committee may submit legislation regarding aging and outdated long-term care facilities to the Second Regular Session of the 124th Legislature.

See title page for effective date.