



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1323

H.P. 969

House of Representatives, March 28, 2011

### An Act To Support Solar Energy Development in Maine

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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.

