

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Facilitate the Marketing of Power Produced by Small Generators**

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

**Sec. 1. 35-A MRSA §3201, sub-§7-A** is enacted to read:

**7-A. Efficient combined heat and power system.** "Efficient combined heat and power system" means a system that:

A. Produces heat and electricity from one fuel input, without restriction to specific fuel or generating technology;

B. Has an electric generating capacity rating of at least one kilowatt and not more than 30 kilowatts and a fuel system efficiency of not less than 80% in the production of heat and electricity, or has an electric generating capacity of at least 31 kilowatts and a fuel system efficiency of not less than 65% in the production of heat and electricity;

C. May work in combination with supplemental or parallel conventional heating systems;

D. Is manufactured, installed and operated in accordance with applicable government and industry standards; and

E. Is connected to the electric grid and operated in conjunction with the facilities of a transmission and distribution utility.

**Sec. 2. 35-A MRSA §3201, sub-§8-A** is enacted to read:

**8-A. Eligible small generator.** "Eligible small generator" means a generator that has a generating capacity of 5 megawatts or less and generates electricity using:

A. A renewable resource, as defined in section 3210, subsection 2, paragraph C; or

B. An efficient combined heat and power system.

**Sec. 3. 35-A MRSA §3210-A, sub-§2,** as enacted by PL 2003, c. 555, §1, is amended to read:

**2. Transmission and distribution utility administration.** Transmission and distribution utilities shall administer the purchase and sale of electricity to a standard-offer service provider required under ~~this section~~subsection 1. Administrative costs incurred by a transmission and distribution utility under this subsection must be paid, in a manner established by the commission, by the generators of the electricity the purchase and sale of which the utility administers.

**Sec. 4. 35-A MRSA §3210-A, sub-§2-A** is enacted to read:

**2-A. Purchase by competitive electricity providers.** In addition to its obligations under subsection 2, a transmission and distribution utility may administer on behalf of any eligible small generator the purchase and sale of electricity to a competitive electricity provider. In carrying out this function, a transmission and distribution utility may in its discretion aggregate the output of multiple eligible small generators for the purpose of obtaining the most favorable purchase price on behalf of the generators. The parties to any resulting sale must be the eligible small generators and the competitive electricity provider.

If a transmission and distribution utility aggregates the output of eligible small generators under this subsection and is unable to sell the aggregated output to a competitive electricity provider, the transmission and distribution utility shall administer the purchase and sale of the aggregated output to a standard-offer service provider in accordance with the provisions of subsections 1 and 2.

**Sec. 5. 35-A MRSA §3210-A, sub-§3,** as enacted by PL 2003, c. 555, §1, is amended to read:

**3. Rules.** The commission shall adopt rules to implement ~~this section~~the provisions of subsections 1 and 2, including, but not limited to, rules identifying how the commission assigns purchasing obligations to particular standard-offer service providers and the timing and manner of such obligations. The commission may adopt rules and may amend any rules necessary to implement the requirements of subsection 2-A, including rules to allow a transmission and distribution utility to collect an administrative fee from participating eligible small generators to cover reasonable costs incurred by the transmission and distribution utility under subsection 2-A. Rules adopted pursuant to this section~~subsection~~ are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Effective September 12, 2009