131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document	**No. 1227**
H.P. 775	House of Representatives, March 21, 2023

An Act to Balance Renewable Energy Development with Natural and Working Lands Conservation

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

ROBERT B. HUNT
Clerk

Presented by Representative PLUECKER of Warren.
Cosponsored by Representatives: CRAFTS of Newcastle, GRAMLICH of Old Orchard Beach, HEPLER of Woolwich, O'CONNELL of Brewer, ZEIGLER of Montville.

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

Sec. 1. 2 MRSA §9, sub-§3, ¶I, as enacted by PL 2007, c. 656, Pt. C, §1, is amended to read:

I. Monitor energy transmission capacity planning and policy affecting this State and the regulatory approval process for the development of energy infrastructure pursuant to Title 35-A, section 122 and make recommendations to the Governor and the Legislature as necessary for changes to the relevant laws and rules to facilitate energy infrastructure planning and development; ~~and~~

Sec. 2. 2 MRSA §9, sub-§3, ¶J, as amended by PL 2011, c. 55, §2, is further amended to read:

J. Take action as necessary to carry out the goals and objectives of the state energy plan prepared pursuant to paragraph C including lowering the total cost of energy to consumers in this State~~.~~; and

Sec. 3. 2 MRSA §9, sub-§3, ¶K is enacted to read:

K. Create and maintain a publicly accessible database of fully permitted or constructed energy facilities that may be used to identify land use and other energy trends. For purposes of this paragraph, "energy facility" means a facility constructed and operated for the purpose of generating energy for sale and that is connected to the electric transmission and distribution utility system within the State. The database must include key characteristics, including, but not limited to, geospatial data. The director may collect the data from state permitting agencies, the Public Utilities Commission and other relevant entities and may determine the format and schedule of data collection.

Sec. 4. Department of Agriculture, Conservation and Forestry to plan for pilot program to study feasibility of dual-use projects. The Department of Agriculture, Conservation and Forestry, referred to in this section as "the department," in collaboration with the Governor's Energy Office, the Public Utilities Commission and other state agencies and stakeholders, including research institutions, shall develop a plan to implement a dual-use energy pilot program, referred to in this section as "the pilot program plan," to test and study the efficacy and potential benefits of innovative solar energy systems that are connected to the electric transmission and distribution utility system and are located on natural and developed areas, including, but not limited to, farmland that is maintained in active agricultural or horticultural use, parking lots and aquatic sites. For purposes of this section, "dual-use project" means a mixed-use system combining use of land or aquatic sites with solar energy production.

The pilot program plan must:

1. Identify potential dual-use projects that collectively have a total capacity of 30 megawatts, with at least 20 megawatts reserved for dual-use projects on agricultural land, and that may warrant inclusion in a pilot program based on criteria including but not limited to emerging or potential commercial viability, potential applicability to the State, and potential to contribute meaningfully and cost-effectively to achievement of the goals established in the Maine Revised Statutes, Title 35-A, section 3210, subsection 1-A;

2. Identify and include eligibility criteria for dual-use projects to be included in the pilot program, including, but not limited to, the continuation of agricultural or horticultural uses of the affected land;

3. Identify if financial incentives, location-based incentives or other incentives to dual-use projects that would be considered for inclusion in the pilot program would be necessary, including mechanisms to minimize the cost of the pilot program to electric ratepayers in the State;

4. Ensure all approved agricultural dual-use projects permit the department to conduct or direct research on compatible crops, grazing operations and other agricultural or horticultural uses of the land to determine best practices for dual-use projects. The determination of best practices must consider both the duration of uses of the land and the energy production of the solar energy system;

5. Include an application process for landowners seeking to be included in the pilot program, including landowners who have already deployed or are planning to deploy solar energy systems;

6. Examine benefits of dual-use project applications to individual landowners, the electric transmission and distribution utility system and the State's ability to meet clean energy and climate goals; and

7. Include an evaluation process and selection criteria that may result in the approval of dual-use projects of varying sizes, in different geographic locations, that involve diverse types of sites, including agricultural sites, and, if applicable, minimize negative impacts to farmland and the environment, and ensure appropriate innovation as well as planning for technical and financial feasibility, including interconnection with the electric transmission and distribution utility system.

The department in coordination with the Governor's Energy Office shall submit a report with a plan for implementing the pilot program to the joint standing committees of the Legislature having jurisdiction over agriculture, conservation and forestry matters; energy and utilities matters; and environment and natural resources matters no later than February 1, 2025 and each joint standing committee may submit legislation relating to the subject matter of the report to the First Regular Session of the 132nd Legislature.

SUMMARY

This bill directs the Governor's Energy Office to create and maintain a publicly accessible database of fully permitted or constructed energy facilities using renewable resources that may be used to identify land use trends.

The bill requires the Department of Agriculture, Conservation and Forestry, in collaboration with the Governor's Energy Office and the Public Utilities Commission and other state agencies, stakeholders and research institutions, to develop a plan to implement a dual-use energy pilot program and requires the department to submit a report with a plan for implementing a pilot program to the joint standing committees of the Legislature having jurisdiction over agriculture, conservation and forestry matters; energy and utilities matters; and environment and natural resources matters no later than February 1, 2025. Each joint standing committee is authorized to submit a bill relating to the subject matter of the report to the First Regular Session of the 132nd Legislature.