



130th MAINE LEGISLATURE

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Legislative Document

No. 1819

H.P. 1352

House of Representatives, December 17, 2021

An Act To Define "Discrete Electric Generating Facility"

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 15, 2021. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GROHOSKI of Ellsworth.

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

2 **Sec. 1. 35-A MRSA §3209-A, sub-§1, ¶A-1** is enacted to read:

3 A-1. "Discrete electric generating facility" means a facility that:

4 (1) Is not located on a lot or parcel or more than one adjoining lot or parcel created
5 by a division on or after November 22, 2019, except when the commission
6 determines that the primary purpose for such division was not the development of
7 a discrete electric generating facility on the resulting lot or parcel;

8 (2) Has its own point of interconnection with an investor-owned transmission and
9 distribution utility separate from any adjacent facility, including distinct metering
10 and the ability to be connected to or disconnected from the transmission and
11 distribution utility's system;

12 (3) Is fenced separately from any adjacent facility and not commingled with or
13 connected to any adjacent facility other than by the investor-owned transmission
14 and distribution utility's system;

15 (4) Has generation components, including, but not limited to, panels and inverters,
16 that are separate from the generation components of any adjacent facility but may
17 share nonoperational infrastructure with an adjacent facility such as access roads,
18 utility poles and other infrastructure necessary to provide physical access to each
19 facility; and

20 (5) Is located on a lot or a parcel or more than one adjoining lot or parcel where
21 the total nameplate capacity of the facility does not exceed 5 megawatts.

22 **Sec. 2. 35-A MRSA §3209-A, sub-§1, ¶B**, as enacted by PL 2019, c. 478, Pt. A,
23 §3, is amended to read:

24 B. "Distributed generation resource" means ~~an~~ a discrete electric generating facility
25 that uses a renewable fuel or technology under section 3210, subsection 2, paragraph
26 B-3 and is located in the service territory of a transmission and distribution utility in
27 the State.

28 **Sec. 3. 35-A MRSA §3481, sub-§4-A** is enacted to read:

29 **4-A. Discrete electric generating facility.** "Discrete electric generating facility" has
30 the same meaning as in section 3209-A, subsection 1, paragraph A-1.

31 **Sec. 4. 35-A MRSA §3481, sub-§5**, as enacted by PL 2019, c. 478, Pt. B, §1, is
32 amended to read:

33 **5. Distributed generation resource.** "Distributed generation resource" means ~~an~~ a
34 discrete electric generating facility with a nameplate capacity of less than 5 megawatts that
35 uses a renewable fuel or technology under section 3210, subsection 2, paragraph B-3 and
36 is located in the service territory of a transmission and distribution utility in the State.

37 **SUMMARY**

38 This bill defines "discrete electric generating facility" for the purposes of net energy
39 billing and distributed generation laws.