



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1279

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S.P. 399

In Senate, March 14, 2019

### An Act To Modernize Maine's Renewable Portfolio Standard

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LAWRENCE of York.

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

2 **Sec. 1. 35-A MRSA §3210, sub-§2, ¶B-3**, as amended by PL 2015, c. 220, §1, is  
3 further amended to read:

4 B-3. "Renewable capacity resource" means a source of electrical generation:

5 (1) Whose total power production capacity does not exceed 100 megawatts and  
6 relies on one or more of the following:

7 (a) Fuel cells;

8 (b) Tidal power;

9 (c) Solar arrays and installations;

10 (d) Geothermal installations;

11 ~~(e) Hydroelectric generators that meet all state and federal fish passage~~  
12 ~~requirements applicable to the generator;~~

13 (f) Biomass generators that are fueled by wood, wood waste or landfill gas;  
14 or

15 (g) Anaerobic digestion of by-products of waste from animals or agricultural  
16 crops, food or vegetative material, algae or organic refuse; ~~or~~

17 (2) That relies on wind power installations; or

18 (3) That relies on hydroelectric generators that meet all state and federal fish  
19 passage requirements applicable to the generator, whose total power production  
20 capacity is greater than or equal to 25 megawatts and is located in the service  
21 territory of a transmission and distribution utility in this State.

22 **Sec. 2. 35-A MRSA §3210, sub-§3-A**, as amended by PL 2017, c. 291, §1, is  
23 further amended to read:

24 **3-A. Portfolio requirements; new renewable capacity resources.** Portfolio  
25 requirements for new renewable capacity resources are governed by this subsection. The  
26 use of hydroelectric generators to meet the requirements of this subsection is limited by  
27 subsection 3-B.

28 A. Except as provided in paragraph B, beginning January 1, 2008, as a condition of  
29 licensing pursuant to section 3203, each competitive electricity provider in this State  
30 must demonstrate in a manner satisfactory to the commission that the percentage of  
31 its portfolio of supply sources for retail electricity sales in this State accounted for by  
32 new renewable capacity resources is as follows:

33 (1) One percent for the period from January 1, 2008 to December 31, 2008;

34 (2) Two percent for the period from January 1, 2009 to December 31, 2009;

35 (3) Three percent for the period from January 1, 2010 to December 31, 2010;

36 (4) Four percent for the period from January 1, 2011 to December 31, 2011;

- 1 (5) Five percent for the period from January 1, 2012 to December 31, 2012;
- 2 (6) Six percent for the period from January 1, 2013 to December 31, 2013;
- 3 (7) Seven percent for the period from January 1, 2014 to December 31, 2014;
- 4 (8) Eight percent for the period from January 1, 2015 to December 31, 2015;
- 5 (9) Nine percent for the period from January 1, 2016 to December 31, 2016; and
- 6 (10) Ten percent for the period from January 1, 2017 to December 31, 2022.

7 New renewable capacity resources used to satisfy the requirements of this paragraph  
8 may not be used to satisfy the requirements of subsection 3.

9 B. Suspensions of scheduled increases in the portfolio requirements as provided in  
10 paragraph A are governed by this paragraph.

11 (1) If by March 31st of the years 2010, 2012, 2014 and 2016 the commission  
12 determines that investment in new renewable capacity resources in the preceding  
13 2 calendar years has not been sufficient for competitive electricity providers to  
14 meet the portfolio requirements under paragraph A and that the resulting use of  
15 renewable energy credits pursuant to subsection 8 or the alternative compliance  
16 payment mechanism pursuant to subsection 9, or both of these methods, has  
17 burdened electricity customers in the State without providing the benefits of new  
18 renewable capacity resources, the commission may suspend all or some of the  
19 future scheduled increases in the portfolio requirements under paragraph A.

20 (2) If the commission finds that alternative compliance payments are made  
21 pursuant to subsection 9 in 3 consecutive calendar years, the commission shall  
22 temporarily suspend all or some of the future scheduled increases in the portfolio  
23 requirements under paragraph A.

24 (3) If the commission suspends any scheduled increases in the portfolio  
25 requirements under paragraph A pursuant to subparagraph (1) or (2), the  
26 commission may resume increases, limited to no more than one percentage point  
27 per year over the previous year, in the portfolio requirements after a minimum of  
28 one year.

29 C. No later than March 31, 2008 and annually thereafter, the commission shall  
30 submit a report regarding the status of new renewable capacity resources in the State  
31 and compliance with the portfolio requirements under paragraph A to the joint  
32 standing committee of the Legislature having jurisdiction over utilities and energy  
33 matters. The report must include, but is not limited to, a description of new renewable  
34 capacity resources available to meet the portfolio requirements under paragraph A,  
35 documentation of the loss of any existing renewable generation capacity in the State,  
36 the status of implementation of the new renewable capacity resources portfolio  
37 requirements, including any suspensions pursuant to paragraph B, and  
38 recommendations to stimulate investment in new renewable capacity resources.

39 D. Retail electricity sales pursuant to a supply contract or standard-offer service  
40 arrangement executed by a competitive electricity provider that is in effect on the  
41 effective date of this subsection is exempt from the requirements of this subsection



1 limits competitive electricity providers in the use of output from qualifying hydroelectric  
2 generators to meet the new renewable capacity resource portfolio requirements over a 15-  
3 year period, beginning with a limit of 25% of output from January 1, 2020 through  
4 December 31, 2020 and increasing by 5% each year to reach 100% as of January 1, 2035.  
5 The legislation has an effective date of January 1, 2020.