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## ENERGY, UTILITIES AND TECHNOLOGY

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### STATE OF MAINE

### SENATE

### 132ND LEGISLATURE

### FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 402, L.D. 912, “An Act to Address the Use of Electricity by Data Centers”

Amend the bill by striking out the title and substituting the following:

**'An Act to Limit the Amount of Electricity That May Be Provided to Data Centers on a Certain Commercial or Industrial Site'**

Amend the bill by inserting after the title and before the enacting clause the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** economic development in certain areas of the State requires ensuring that energy resources are available to a variety of employers and industries; and

**Whereas,** this legislation is immediately necessary to ensure that local sources of electricity generation are not monopolized by data centers; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 35-A MRSA §102, sub-§20-B, ¶B,** as enacted by PL 2019, c. 205, §2, is amended to read:

B. The entity's tenants; or

**Sec. 2. 35-A MRSA §102, sub-§20-B, ¶C,** as enacted by PL 2019, c. 205, §2, is repealed and the following enacted in its place:

C. Commercial or industrial consumers located on the property where the entity is located or on abutting property; or

D. Commercial or industrial consumers located on a commercial or industrial site within the control area of the New England independent system operator and located in a municipality north of the Town of Chester that was served by the entity or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018. The exception under this paragraph does not apply if more than 25% of the nameplate capacity of the entity is used to serve data centers located on the commercial or industrial site. For the purposes of this paragraph, "data center" means any facility in the State, which may be a freestanding structure or a facility within a larger structure, that primarily contains electronic equipment used to process, store and transmit digital information that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.'

**'Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.'

## SUMMARY

This amendment replaces the bill, changes the title and adds an emergency preamble and emergency clause. It amends an existing statutory exception to the definition of "transmission and distribution utility" for certain entities on commercial or industrial sites to provide that an entity that otherwise would qualify for the exception must be located within the control area of the New England independent system operator in a municipality north of the Town of Chester and may not use more than 25% of its nameplate capacity to serve data centers located on the commercial or industrial site.