

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

S.P. 402 - L.D. 912

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

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,

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

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Sec. 2. 35-A MRSA §102, sub-§20-B, ¶C, as enacted by PL 2019, c. 205, §2, is repealed and the following enacted in its place: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

Sec. 3. 35-A MRSA §102, sub-§20-B, ¶D is enacted to read:

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.