

NEW Title: An Act to Establish the Maine Data Center Coordination Council and Place a Temporary Limitation on Certain Data Centers

Sec. 1. 35-A MRSA §125 is enacted to read:

§125. Temporary limitation on certain data centers

Notwithstanding any provision of law to the contrary, prior to July 1, 2028, a municipality, a quasi-independent state entity or any agency of the State may not issue a permit, certificate or other approval for the development, construction or operation of a data center with a load of 20 megawatts or more. For the purposes of this section, "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.

This section is repealed July 1, 2028.

Sec. 2. Establishment of the Maine Data Center Coordination Council. The Department of Energy Resources shall convene the Maine Data Center Coordination Council, referred to in this resolve as “the council,” to provide strategic input, facilitate coordinated state planning considerations and evaluate policy tools to address data center opportunities and related benefits and risks to the State. For the purposes of this section, "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.

1. The council shall evaluate issues related to data centers located or proposed to be located in the State, with the goals of protecting ratepayers, maintaining electric grid reliability, minimizing environmental impacts and enabling responsible and appropriately sited economic development. In conducting its evaluation, the council shall consider the State’s policy goals related to renewable energy in the Maine Revised Statutes, Title 35-A, section 3210, greenhouse gas reduction objectives, including those in Title 38, section 576-A, goals for broadband service established in Title 35-A, section 9202-A, the state economic development strategy and the legislative findings described in Title 38, section 480-A. In carrying out its work, the council shall:

- A. Review and consider legislation related to data centers considered or adopted in other states;

B. Evaluate projections of electric load growth, infrastructure needs and system reliability and resource adequacy impacts associated with data centers in Maine and the ISO-New England region;

C. Identify strategies to protect ratepayers from rate inflation or negative financial effects resulting from data centers including, but not limited to, cost-allocation approaches, rate design changes, impact fees, efficiency standards, energy supply obligations and demand response and load flexibility during periods of high demand or grid emergencies;

D. Review applicability of existing state programs and financial tools to data centers;

E. Assess potential environmental and natural resource impacts including, but not limited to, water use, emissions, land use and other impacts on host communities, and identify strategies to minimize adverse impacts;

F. Consider data sharing requirements and processes for proposed data centers, including use of non-disclosure agreements and identify information essential to grid operators, electric utilities, state agencies and policymakers regarding electric load, peak demand, water use and other operational characteristics necessary to inform state and local planning;

G. Offer guidance to assist municipalities in assessing potential data center impacts and benefits, including the use of community benefit agreements; and

H. Develop recommendations to clarify roles, responsibilities, information-sharing practices and timelines among state agencies, utilities, municipalities and other governmental entities to support coordinated, timely and well-informed responses to data center development inquiries.

2. The council shall be chaired by the Commissioner of Energy Resources or the commissioner's designee and include the following 13 individuals:

A. The **Director of the Maine Office of Community Affairs** or the director's designee;

B. The **Commissioner of Economic and Community Development** or the commissioner's designee;

C. The **Public Advocate** or the Public Advocate's designee;

D. The **chair of the Public Utilities Commission** or the chair's designee;

E. The **President of the Maine Connectivity Authority** or the president's designee;

F. The **Commissioner of Environmental Protection** or the commissioner's designee;

G. A representative of the **Maine Municipal Association** appointed by the Commissioner of Energy Resources;

H. The executive director of the **Wabanaki Alliance** or the executive director's designee;

I. **One representative each from the two investor-owned transmission and distribution utilities in the state and one member representing the interests of cooperative and**

municipally-owned utilities in the state appointed by the Commissioner of Energy Resources;

J. **One representative of an environmental advocacy organization** appointed by the Commissioner of Energy Resources; and

K. **One representative of organized labor** appointed by the Commissioner of Energy Resources.

The Commissioner of Energy Resources or the commissioner's designee may invite additional agency representatives, experts or stakeholders to provide comment or provide assistance to the commission as the commissioner determines appropriate to address technical, economic and environmental factors of data center development.

3. The council shall hold at least 5 meetings. The council shall provide an opportunity for public comment on the council's draft findings prior to submitting the final strategy report described in subsection 4.

4. By February 1, 2027, the council shall submit a final strategy report with the findings of its evaluation and recommendations developed in accordance with section 2, including any proposed legislation, to the Governor and the joint standing committee of the Legislature having jurisdiction over energy matters. The committee may report out a bill related to the report to the 133rd Legislature in 2027.

SUMMARY

This amendment replaces the bill, which is a concept draft, and changes the title. It requires the Department of Energy Resources to convene the Maine Data Center Coordination Council to provide strategic input, facilitate coordinated state planning considerations and evaluate policy tools to address data center opportunities and related benefits and risks to the State. By February 1, 2027, the council is required to submit a final strategy report including the findings of its evaluation and recommendations to the Governor and the joint standing committee of the Legislature having jurisdiction over energy matters. The amendment also establishes a temporary limitation that applies prior to July 1, 2028, on the issuance of permits, certificates or other approvals for the development, construction or operation of data centers in the State with a load of 20 megawatts or more.

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Most recent amendment for LD 307