



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 295

S.P. 110

In Senate, February 10, 2015

An Act To Promote Tidal Energy Projects

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BURNS of Washington.
Cosponsored by Representative MAKER of Calais and
Senators: COLLINS of York, DAVIS of Piscataquis, HAMPER of Oxford, LANGLEY of
Hancock, SAVIELLO of Franklin, Representatives: DeCHANT of Bath, HOBBS of Saco,
TUELL of East Machias.

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

2 **Sec. 1. 38 MRSA §636-A, sub-§1, ¶A**, as enacted by PL 2009, c. 270, Pt. D, §8,
3 is amended to read:

4 A. "Tidal energy demonstration project" or "project" means a hydropower project
5 that uses either in-stream tidal action or the difference between water levels on either
6 side of a marine enclosure as a source of electrical power and that:

7 (1) Has a ~~total~~ net installed generating capacity of ~~5~~ 25 megawatts or less; and

8 (2) Is proposed for the primary purpose of testing new or advanced tidal energy
9 generation ~~technology~~ technologies, which may include a mooring or anchoring
10 system ~~and~~, transmission line, turbine designs and construction techniques, and
11 collecting and assessing information on the environmental and other effects of
12 the ~~technology~~ technologies.

13 **Sec. 2. PL 2009, c. 615, Pt. A, §6, 3rd ¶** is amended to read:

14 Subject to the requirements of this section, the commission may direct one or more
15 transmission and distribution utilities, as appropriate, to enter into a long-term contract
16 for an initial term of up to 20 years and with an option, exercisable at the commission's
17 discretion, for one or more renewal terms up to a maximum aggregate extension period of
18 25 years for the installed capacity and associated renewable energy and renewable energy
19 credits of one or more deep-water offshore wind energy pilot projects or tidal energy
20 demonstration projects.

21 **Sec. 3. PL 2009, c. 615, Pt. A, §6, sub-§1, first sentence** is amended to read:

22 Following review of proposals submitted in response to ~~the~~ a competitive solicitation, the
23 commission may negotiate with one or more potential suppliers to supply an aggregate
24 total of no more than ~~30~~ 45 megawatts of installed capacity and associated renewable
25 energy and renewable energy credits from deep-water offshore wind energy pilot projects
26 or tidal energy demonstration projects as long as no more than ~~5~~ 30 megawatts of the total
27 is supplied by tidal energy demonstration projects.

28 **Sec. 4. Competitive solicitation of proposals for tidal energy**
29 **demonstration projects.** Notwithstanding any other provision of law, the Public
30 Utilities Commission shall conduct an additional competitive solicitation of proposals as
31 described in Public Law 2009, chapter 615, Part A, section 6, as amended, for tidal
32 energy demonstration projects as soon as practicable after the effective date of this
33 section. The commission shall make all reasonable efforts to complete its review of
34 proposals under this solicitation and finalize a long-term contract as soon as practicable
35 after initiating this solicitation. The long-term contract may not result in an increase in
36 electric rates in any customer class that is greater than the amount of the assessment
37 charged under the Maine Revised Statutes, Title 35-A, section 10110, former subsection
38 4 at the time the long-term contract is entered into, after taking into account any increase
39 in those electric rates from the sale of energy under any other long-term contract entered
40 into with a tidal energy demonstration project or deep-water offshore wind energy pilot
41 project finalized prior to the long-term contract finalized pursuant to this section.

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SUMMARY

2 This bill expands the definition of "tidal energy demonstration project" under the
3 laws governing general permits for tidal energy demonstration projects to cover so-called
4 tidal range projects, which extract energy from the differential head across a marine
5 enclosure. The bill further directs the Public Utilities Commission to conduct an
6 additional competitive solicitation of proposals for tidal energy demonstration projects
7 and increases the allowed capacity derived from tidal energy demonstration projects to 30
8 megawatts and total allowed capacity contracted for by the commission to 45 megawatts.