CHAPTER 31

GENERAL PROVISIONS

SUBCHAPTER 1

ELECTRIC RATES

§3101. Fuel adjustment clause

(REPEALED)

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 253, §1 (AMD). PL 1987, c. 671, §1 (AMD). PL 1999, c. 398, §A42 (RP). PL 1999, c. 398, §§A104,105 (AFF).

§3102. Recovery of cost of canceled or abandoned electric generating facility or transmission or distribution plant

1. Determining rate-making treatment. In determining the rate-making treatment for a utility's investment in a canceled or abandoned electric generating facility or transmission or distribution plant, the commission shall balance the interests of the utility and ratepayers in a just and reasonable manner in each individual case. The commission may not permit a utility to recover in rates any costs incurred imprudently in relation to an investment in a canceled or abandoned electric generating facility or transmission or distribution plant.

[PL 1999, c. 398, Pt. A, §43 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

2. Canceled or abandoned generating facility or transmission or distribution plant. As used in this section, the term "canceled or abandoned generating facility or transmission or distribution plant" means any electric generating facility or transmission or distribution plant canceled or abandoned by the owner or by the joint participants in the facility in accordance with the terms of applicable agreements or otherwise.

[PL 1999, c. 398, Pt. A, §43 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

3. Exception.

[PL 1999, c. 398, Pt. A, §43 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

4. This section not intended to indicate preference.

[PL 1999, c. 398, Pt. A, §43 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

5. Canceled plant recovery filing fee.

[PL 1999, c. 398, Pt. A, §43 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 490, §A4 (AMD). PL 1999, c. 398, §A43 (AMD). PL 1999, c. 398, §§A104,105 (AFF).

§3103. Minimum charge

1. Utilities required to provide minimum charge. Any transmission and distribution utility serving more than 5,000 customers that has a residential rate combining energy and demand costs in a single rate that neither declines nor increases, but is flat as consumption increases shall recover its customer costs through the same rate. As part of that rate, each such transmission and distribution

utility shall provide for a minimum charge to include such an amount of kilowatt hours as the commission determines.
[PL 1999, c. 398, Pt. A, §44 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

2. Billing of minimum charge. The minimum charge must be billed to the customer in such a manner that all transmission and distribution charges to the customer for residential service appear on the bill as a single item.
[PL 1999, c. 398, Pt. A, §44 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1999, c. 398, §A44 (AMD). PL 1999, c. 398, §§A104,105 (AFF).

§3104. Schedule of regular meter readings required

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Investor-owned transmission and distribution utility" means a transmission and distribution utility other than a consumer-owned transmission and distribution utility as defined in section 3201. [PL 2003, c. 412, §1 (NEW).]
[PL 2003, c. 412, §1 (NEW).]

2. Requirement. An investor-owned transmission and distribution utility shall adopt and ordinarily follow as a general operating policy a schedule of reading customer meters on a monthly basis. Any investor-owned transmission and distribution utility that plans to adopt a different policy, such as bimonthly meter readings, must receive prior approval of the commission.
[PL 2003, c. 412, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 412, §1 (NEW).

§3104-A. Metering and billing system accuracy

A transmission and distribution utility shall conduct testing of its metering and billing systems in accordance with rules adopted by the commission. [PL 2017, c. 448, §2 (NEW).]

1. System accuracy; rulemaking. The commission shall amend or adopt rules governing the testing of the metering and billing systems of transmission and distribution utilities to ensure accuracy regarding the measurement of the usage of electricity and the determination of customer bills. Rules adopted by the commission must include but are not limited to requirements for the following:

A. The frequency of testing of the metering and billing systems; [PL 2017, c. 448, §2 (NEW).]

B. The method by which the transmission and distribution utility shall conduct testing of its metering and billing system; and [PL 2017, c. 448, §2 (NEW).]

C. The statistical analysis to be used as part of the testing procedures. [PL 2017, c. 448, §2 (NEW).]

The commission may adopt alternative testing procedures based on different metering or billing system technologies, such as for analog meters and digital meters.
[PL 2017, c. 448, §2 (NEW).]

2. Metering and billing system audits. In adopting rules pursuant to this section, the commission shall consider and may require periodic, independent audits of the metering and billing systems and the commission may determine that such audits are applicable to only residential and small commercial customers of an investor-owned transmission and distribution utility. If the commission requires

periodic, independent audits of the metering and billing systems of an investor-owned transmission and distribution utility, the rules must contain at a minimum the following provisions:

A. The method by which the commission will choose an independent auditor; [PL 2017, c. 448, §2 (NEW).]

B. The allocation of costs of a periodic metering and billing systems audit; and [PL 2017, c. 448, §2 (NEW).]

C. The statistical analysis to be used in an audit. [PL 2017, c. 448, §2 (NEW).]
[PL 2017, c. 448, §2 (NEW).]

Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2017, c. 448, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 448, §2 (NEW).

§3105. Heat pump program

Notwithstanding any other provision of law, a transmission and distribution utility may develop and implement, upon approval of the commission, a program within its service territory to enable customers to access the benefits of efficient electric heat pumps as set forth in this section and may advertise the availability of its program to its customers. The program may serve any customer but must target low-income customers, senior citizens, customers who are unable to finance the purchase of a heat pump, customers who reside in rental dwellings and small businesses. For purposes of this section, "efficient electric heat pump" means an electric heat pump that is consistent with eligibility criteria of the Efficiency Maine Trust, as established in section 10103, or criteria established by the commission by rule if the Efficiency Maine Trust does not establish such criteria. Rules adopted by the commission pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2015, c. 446, §1 (NEW).]

1. Approval; activities of the utility. A transmission and distribution utility that elects to offer a program pursuant to this section must submit a proposed program to the commission for approval. The commission shall examine the proposed program and, if it finds the proposed program is reasonably designed and consistent with the provisions and program elements of this section, shall approve the program. Notwithstanding any provision of law limiting the amount of investment or revenue a utility may make or receive in a business venture separate from the delivery of electricity, all activities of a transmission and distribution utility under an approved program must be considered an unregulated business venture of the utility in accordance with section 713. The prudent costs associated with the program are recoverable only from customers participating in a program through just and reasonable rates and charges approved by the commission.
[PL 2015, c. 446, §1 (NEW).]

2. Program elements. A transmission and distribution utility may, subject to approval under subsection 1, elect to offer a program consistent with the program elements set forth under paragraph A or B, or both. Based on the best available information at the outset of the program, the overall energy costs to customers under a program must be expected to decrease as a result of participation in the program, as measured by the overall energy costs to customers over the lifespan of the efficient electric heat pumps, regardless of the source of energy, and the costs associated with participation in the program.

A. A transmission and distribution utility may offer incentives to customers participating in the program to acquire efficient electric heat pumps from 3rd-party sellers or installers to be used to reduce the total installation cost of such heat pumps. [PL 2015, c. 446, §1 (NEW).]

B. A transmission and distribution utility may provide an efficient electric heat pump to a customer within its service territory who requests a heat pump and who elects not to purchase and install a heat pump due to income or other reasons. The utility may own the heat pump provided to a customer participating in the program and may charge the customer for the costs associated with providing and maintaining the heat pump. Any such program must meet the following requirements:

(1) If the participating customer is delinquent in payments under the program, the utility may undertake reasonable debt collection activities as approved by the commission and otherwise consistent with applicable law, but in no event may the customer's primary electric service be disconnected as a result of the customer's delinquency under the program nor may electric service to a heat pump serving as the only heating source for the customer be disconnected during the winter;

(2) The utility must allow participating customers to select a qualified 3rd-party heat pump seller and installer and must use qualified 3rd-party installers to maintain and repair the heat pumps provided to customers. To be qualified, an installer must be listed as a registered vendor by the Efficiency Maine Trust, as established in section 10103, for purposes of heat pump installations or determined qualified by the commission by rule if the Efficiency Maine Trust does not maintain a registry of vendors;

(3) The utility must provide participating customers with the option, through a plain language notice, to later buy the heat pump provided at reasonable terms approved by the commission;

(4) At any time, a participating customer may elect to have the customer's heat pump removed at no cost or penalty; and

(5) Before a customer elects to participate in the program, the customer must be provided a plain language notice comparing the costs of the program with the costs of directly purchasing a heat pump, including any applicable rebates or incentives available for purchasing such equipment. [PL 2015, c. 446, §1 (NEW).]

[PL 2015, c. 446, §1 (NEW).]

3. Utility to provide information. A transmission and distribution utility that implements a program under this section shall, upon request from the commission, provide sufficient information to demonstrate that the program is meeting the requirements of this section. In addition, the utility shall provide a triennial report to the commission outlining the degree to which the program is meeting the needs of customers, including the needs of customers required to be targeted under this section.
[PL 2015, c. 446, §1 (NEW).]

Nothing in this section is intended to limit the authority of the commission to establish electric distribution rates for customers participating in a program under this section. [PL 2015, c. 446, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 446, §1 (NEW).

§3106. Comparative usage data on billing statements

1. Definitions. For the purposes of this section, the following terms have the following meanings.

A. "Comparative usage data" means data regarding a customer's energy usage for the previous 24 months that compares each month's usage between the first 12 months and the 2nd 12 months of usage. [PL 2019, c. 81, §1 (NEW).]

B. "Medium commercial customer" means a nonresidential customer that meets the availability criteria to take service under a core customer class of the transmission and distribution utility that includes a demand charge and in which a customer's maximum demand does not exceed 500

kilowatts or the utility's kilowatt break-point between classes that is closest to but does not exceed 500 kilowatts, whichever is lower. [PL 2019, c. 81, §1 (NEW).]

C. "Residential customer" means a customer defined as residential under the terms and conditions of the transmission and distribution utility. [PL 2019, c. 81, §1 (NEW).]

D. "Small commercial customer" means a nonresidential customer that meets the availability criteria to take service under a core customer class of the transmission and distribution utility that does not include a demand charge. [PL 2019, c. 81, §1 (NEW).]

[PL 2019, c. 81, §1 (NEW).]

2. Billing statements. Except as provided in subsection 3, an investor-owned transmission and distribution utility shall provide comparative usage data on customer billing statements of residential customers, small commercial customers and medium commercial customers.

[PL 2019, c. 81, §1 (NEW).]

3. Waiver. The commission, by rule or order, may waive the requirements of this section for an investor-owned transmission and distribution utility for the portion of the service territory of that utility that is located in an area of this State in which the retail market is administered by the independent system administrator for northern Maine if the commission finds that implementation of the requirements of this section is unduly burdensome or cost-prohibitive in that portion of the utility's service territory.

[PL 2019, c. 81, §1 (NEW).]

REVISOR'S NOTE: §3106. Consumer protections; bill information as enacted by PL 2019, c. 88, §1 is REALLOCATED TO TITLE 35-A, SECTION 3107

REVISOR'S NOTE: §3106. Utility service standards as enacted by PL 2019, c. 104, §1 is REALLOCATED TO TITLE 35-A, SECTION 3108

SECTION HISTORY

PL 2019, c. 81, §1 (NEW).

§3107. Consumer protections; bill information

(REALLOCATED FROM TITLE 32, SECTION 3106)

The commission by rule shall establish customer bill information requirements for investor-owned transmission and distribution utilities that: [PL 2019, c. 88, §1 (NEW); RR 2019, c. 1, Pt. A, §49 (RAL).]

1. Historical rate information. Require investor-owned transmission and distribution utilities to include, once per year, as an insert or attachment to customer bills, an informational chart produced by the commission that displays a 10-year history of transmission, distribution and standard-offer service rates available to the customer's rate class, along with a statement of the total percentage change in transmission, distribution and standard-offer service rates over the 10-year period. The commission shall post the informational charts produced pursuant to this subsection on the commission's publicly accessible website;

[PL 2019, c. 88, §1 (NEW); RR 2019, c. 1, Pt. A, §49 (RAL).]

2. Consumer assistance. Require a customer bill issued by an investor-owned transmission and distribution utility to display clearly and prominently the toll-free telephone number for the commission's consumer assistance and safety division and a statement of the consumer assistance services available by calling the division;

[PL 2025, c. 766, §2 (AMD).]

3. Correction of misleading information. Establish a process by which, if the commission finds that an investor-owned transmission and distribution utility has included on customer bills, or inserts

or attachments to customer bills, information that is misleading, deceptive or inaccurate, the transmission and distribution utility is required to provide to customers a statement that corrects the misleading, deceptive or inaccurate information that was disseminated. Upon request of the Public Advocate, the commission shall investigate the truth and accuracy of information included on customer bills, or inserts or attachments to customer bills; and
[PL 2025, c. 766, §3 (AMD).]

4. Expenses that may be recovered in rates; disclosure. If an investor-owned transmission and distribution utility does not include all expenses that may be recovered in rates in a customer's delivery cost, prohibit the utility from labeling such expenses or any combination thereof as public policy charges or a substantially similar term on customer bills. The rules must require the investor-owned transmission and distribution utility to label such expenses or combination of expenses on customer bills in a way that the commission determines is objective and assists customers in understanding these expenses.

The commission shall also require, to the extent practicable without incurring additional costs for ratepayers, an investor-owned transmission and distribution utility to include a brief, objective description of each of the expenses that may be recovered in rates paid by the customer or include a link to the utility's publicly accessible website where a customer may obtain an objective description of such expenses. For the purposes of this subsection, "expenses that may be recovered in rates" means charges or costs paid by a customer, other than those charges or costs for electricity supply, delivery and transmission, including, but not limited to, charges or costs for energy efficiency programs and services, renewable energy programs and low-income energy assistance programs.
[PL 2025, c. 766, §4 (NEW).]

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2019, c. 88, §1 (NEW); RR 2019, c. 1, Pt. A, §49 (RAL).]

SECTION HISTORY

PL 2019, c. 88, §1 (NEW). RR 2019, c. 1, Pt. A, §49 (RAL). PL 2025, c. 766, §§2-4 (AMD).

§3108. Utility service standards

(REALLOCATED FROM TITLE 32, SECTION 3106)

Except as provided in subsection 3, the commission by rule shall establish service standards for transmission and distribution utilities in accordance with this section. [PL 2019, c. 104, §1 (NEW); RR 2019, c. 1, Pt. A, §50 (RAL).]

1. Service interruption reporting. The commission shall adopt rules that require transmission and distribution utilities to track and report service interruptions. The rules must include but are not limited to requirements for the following:

A. Record keeping regarding service interruptions affecting the distribution system of the utility; and [PL 2019, c. 104, §1 (NEW); RR 2019, c. 1, Pt. A, §50 (RAL).]

B. Reporting service interruption information to the commission. [PL 2019, c. 104, §1 (NEW); RR 2019, c. 1, Pt. A, §50 (RAL).]
[PL 2019, c. 104, §1 (NEW); RR 2019, c. 1, Pt. A, §50 (RAL).]

2. Service standards; corrective actions. The commission shall adopt rules that set standards for transmission and distribution utilities regarding the frequency and duration of service interruptions. The rules must establish performance targets and specify guidelines for the commission to require a transmission and distribution utility to take corrective actions if performance targets are not met.
[PL 2019, c. 104, §1 (NEW); RR 2019, c. 1, Pt. A, §50 (RAL).]

3. Exception; small utilities. Notwithstanding any other provision of this section, the commission may exempt small transmission and distribution utilities from any rule, or portion of a rule, required by

this section if the commission determines that the rule would impose unreasonable requirements on the utility due to the small size of the utility. For the purposes of this subsection, "small transmission and distribution utility" means a transmission and distribution utility serving 50,000 or fewer retail customers.
[PL 2019, c. 104, §1 (NEW); RR 2019, c. 1, Pt. A, §50 (RAL).]

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2019, c. 104, §1 (NEW); RR 2019, c. 1, Pt. A, §50 (RAL).]

SECTION HISTORY

PL 2019, c. 104, §1 (NEW). RR 2019, c. 1, Pt. A, §50 (RAL).

§3109. Military veterans' organizations; residential customer

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 10/01/27)

(WHOLE SECTION TEXT REPEALED 10/01/27)

1. Definitions. For the purposes of this section, the following terms have the following meanings.

A. "Eligible military veterans' organization" means a military veterans' organization qualified under the federal Internal Revenue Code of 1986, 26 United States Code, Section 501(c)(19), as amended, excluding a trust or foundation for a post or organization of past or present members of the Armed Forces of the United States. [PL 2021, c. 244, §1 (NEW).]

B. "Residential customer" means a customer defined as residential under the terms and conditions of the customer's transmission and distribution utility. [PL 2021, c. 244, §1 (NEW).]
[PL 2021, c. 244, §1 (NEW).]

2. Residential rate for military veterans' organizations. A transmission and distribution utility shall, at the request of an eligible military veterans' organization, bill that organization at the same rate as the utility bills a residential customer for electric power or service provided to a facility owned by that organization or a facility rented by that organization if that organization is billed directly for electric power or service provided by the utility.
[PL 2021, c. 244, §1 (NEW).]

3. Repeal. This section is repealed October 1, 2027.
[PL 2025, c. 19, §1 (AMD).]

SECTION HISTORY

PL 2021, c. 244, §1 (NEW). PL 2025, c. 19, §1 (AMD).

§3110. Rate disclosures

1. Current transmission and distribution utility rates. On January 1st of each year, the commission shall publish on the commission's publicly accessible website residential transmission and distribution utility rates and standard-offer supply rates applicable for the period of January 1st to December 31st of that year. The commission shall update the published rates within 30 days of any change in those rates.
[PL 2023, c. 121, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 121, §1 (NEW).

SUBCHAPTER 2

ENERGY PLANNING; CONSTRUCTION; PURCHASES

§3131. Definitions

As used in this subchapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1987, c. 141, Pt. A, §6 (NEW).]

1. Domestic transmission and distribution utility. "Domestic transmission and distribution utility" means any entity organized under the laws of this State to transmit or distribute electricity.
[PL 1999, c. 398, Pt. A, §45 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

1-A. Electric utility.
[PL 1999, c. 398, Pt. A, §45 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

2. Energy.
[PL 1999, c. 398, Pt. A, §45 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

3. Foreign electric utility. "Foreign electric utility" means any entity organized under the laws of a state other than this State, or a province of Canada, that is authorized under the laws of the state or province in which it is organized to generate, transmit or distribute electricity, or to own, operate or otherwise participate in utility facilities or interests in utility facilities.
[PL 1999, c. 398, Pt. A, §45 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

3-A. Fuel conversion.
[PL 1999, c. 398, Pt. A, §45 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

4. Generating capacity.
[PL 1999, c. 398, Pt. A, §45 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

4-A. High-impact electric transmission line. "High-impact electric transmission line" means a transmission line greater than 50 miles in length that is:

A. Constructed to transmit direct current electricity; or [PL 2009, c. 655, Pt. A, §3 (NEW).]

B. Capable of operating at 345 kilovolts or more and:

(1) Is not a generator interconnection transmission facility as defined in section 3132, subsection 1-B; and

(2) Is not constructed primarily to provide electric reliability, as determined by the commission. [PL 2009, c. 655, Pt. A, §3 (NEW).]
[IB 2021, c. 1, §2 (AMD).]

4-B. Nontransmission alternative.
[PL 2023, c. 355, §1 (RP).]

4-C. Nonwires alternative. "Nonwires alternative" means an infrastructure, technology or application that either individually or collectively defers or reduces the need for capital investment in the transmission or distribution system and addresses system reliability needs proposed to be met by the transmission or distribution system investment. "Nonwires alternative" includes but is not limited to energy efficiency and conservation measures, energy storage, load management, demand response and distributed generation.
[PL 2023, c. 355, §2 (AMD).]

4-D. Nonwires alternative coordinator. "Nonwires alternative coordinator" means the person or entity providing services under contract to the Office of the Public Advocate as described in section 1701, subsection 2-A.
[PL 2019, c. 298, §5 (NEW).]

5. Transmission capacity. "Transmission capacity" means an entitlement to transmission services over a transmission line with a capacity greater than 100 kilovolts for periods greater than 3 years.
[PL 1987, c. 141, Pt. A, §6 (NEW).]

6. Utility facility. "Utility facility" means an item of plant used or useful in the transmission and distribution utility business, and includes, but is not limited to, such items of plant as transmission lines, office buildings and equipment and transportation equipment.
[PL 1999, c. 398, Pt. A, §45 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

7. Corridor. "Corridor" means an area no greater than 1/2 mile in width in which a proposed transmission line is to be located.
[PL 1991, c. 640, §1 (NEW).]

8. Cost-effective. "Cost-effective" means, with respect to nonwires alternatives, that benefits exceed costs, as determined by benefit-cost analysis conducted pursuant to section 3132-C, subsection 2.
[PL 2019, c. 298, §6 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). RR 1991, c. 2, §130 (COR). PL 1991, c. 640, §1 (AMD). PL 1997, c. 710, §5 (AMD). PL 1999, c. 398, §A45 (AMD). PL 1999, c. 398, §§A104,105 (AFF). PL 2009, c. 655, Pt. A, §3 (AMD). PL 2013, c. 369, Pt. C, §1 (AMD). PL 2019, c. 298, §§5, 6 (AMD). IB 2021, c. 1, §2 (AMD). PL 2023, c. 355, §§1, 2 (AMD).

§3132. Construction of transmission lines prohibited without prior order of the commission

Except as provided in subsection 1-B, a person may not construct any transmission line covered by subsection 2 or rebuild or relocate any transmission line as investigated by the commission under subsection 3 unless the commission has issued a certificate of public convenience and necessity approving construction. [PL 2007, c. 148, §1 (AMD).]

1. Construction of generating facility and resulting line.
[PL 1999, c. 398, Pt. A, §46 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

1-A. Purchase of capacity or energy and resulting line.
[PL 1999, c. 398, Pt. A, §46 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

1-B. Exception; generator interconnection transmission facility. The construction of a generator interconnection transmission facility is not subject to the requirements of this section. For the purposes of this subsection, "generator interconnection transmission facility" means a transmission line, together with all associated equipment and facilities, that is constructed, owned and operated by a generator of electricity solely for the purpose of electrically and physically interconnecting such generator to:

A. The transmission system of a transmission and distribution utility; or [PL 2019, c. 205, §4 (NEW).]

B. A commercial or industrial consumer of the electricity that is located on:

(1) The property where the entity that generates the electricity is located or on abutting property; or

(2) A commercial or industrial site that was served by the entity that generates the electricity or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018. [PL 2019, c. 205, §4 (NEW).]

[PL 2019, c. 205, §4 (AMD).]

2. Construction of transmission line. Except as otherwise provided in subsection 3-A, whenever any person proposes to erect within this State a transmission line capable of operating at 69 kilovolts

or more, that person shall file a petition for the approval of the proposed line in accordance with subsection 2-C. The petition for approval must be set down for public hearing. The commission shall issue its order within 12 months after the petition is filed unless this period is extended either by agreement of all the parties or by the commission upon its determination that the party seeking the extension would, because of circumstances beyond that party's control, be unreasonably disadvantaged unless the extension were granted, as long as the party to that time had prosecuted its case in good faith and with due diligence.

At the time of filing of a petition for approval of a proposed line under this section, the person filing the petition shall send a copy of the petition by certified mail to the municipal officers of the municipality or municipalities in which the line is to be located.
[PL 2023, c. 168, §7 (AMD).]

2-A. Other projects requiring approval.
[PL 2009, c. 123, §1 (RP).]

2-B. Standards for certain projects.
[PL 2009, c. 123, §2 (RP).]

2-C. Petition for approval of proposed transmission line. The petition for approval of the proposed transmission line must contain such information as the commission by rule prescribes, including, but not limited to:

A. A description of the effect of the proposed transmission line on public health and safety and scenic, historic, recreational and environmental values and of the proximity of the proposed transmission line to inhabited dwellings; [PL 2009, c. 309, §2 (NEW).]

B. Justification for adoption of the route selected, including comparison with alternative routes that are environmentally, technically and economically practical; and [PL 2017, c. 201, §2 (AMD).]

C. [PL 2017, c. 201, §3 (RP).]

D. A description of the need for the proposed transmission line. [PL 2013, c. 369, Pt. C, §3 (NEW).]
[PL 2017, c. 201, §§2, 3 (AMD).]

2-D. Nonwires alternatives investigation; consideration. In considering whether to approve or disapprove all or portions of a proposed transmission line and associated infrastructure pursuant to subsection 5, the commission shall, for a transmission line proposed by an investor-owned transmission and distribution utility, consider the results and recommendations of an investigation by the nonwires alternative coordinator conducted in accordance with section 3132-C.
[PL 2023, c. 355, §3 (AMD).]

3. Transmission line rebuilding or relocation projects. Each transmission and distribution utility shall file annually with the commission and the Office of the Public Advocate, for review by the nonwires alternative coordinator, a schedule of transmission line rebuilding or relocation projects that it intends to carry out during the next 5 years concerning transmission lines that will become, or will remain at, voltages of 69 kilovolts or more. The schedule must describe each project, showing the length, location and estimated cost.

If the commission determines that an investigation of any transmission line rebuilding or relocation project is warranted, it shall notify the transmission and distribution utility within 60 days of the annual filing and the transmission and distribution utility is then required to comply with the provisions of this section with respect to that project. The absence of commission notification requiring the utility to file a petition does not preclude such notification in subsequent years.
[PL 2019, c. 298, §8 (AMD).]

3-A. Minor transmission line construction projects. Each domestic transmission and distribution utility shall file annually with the commission and the Office of the Public Advocate, for review by the nonwires alternative coordinator, a schedule of minor transmission line construction projects that it intends to carry out during the next 5 years concerning transmission lines that will be capable of operating at 69 kilovolts or more. A minor transmission line construction project is a transmission line construction project the cost of which does not exceed 25% of the utility's current annual transmission property depreciation charge. The schedule must describe each project, showing the length, location and estimated cost.

If the commission determines that an investigation of any minor transmission line construction project is warranted, it shall notify the transmission and distribution utility within 60 days of the annual filing and the utility must then comply with the provisions of this section with respect to that project. The absence of commission notification requiring the utility to file a petition does not preclude such notification in subsequent years.
[PL 2019, c. 298, §9 (AMD).]

4. Corridor of proposed transmission line. The person filing a petition under this section for approval of a proposed transmission line shall submit a map to the commission with its application. The map must:

A. Be available to the public at the offices of the commission and at the local town office where any portion of the proposed transmission line is to be located; [PL 1991, c. 640, §3 (AMD).]

B. Indicate the proposed corridor or corridors of the transmission line and a description of any planned equipment and facilities to be placed there; and [PL 1991, c. 640, §3 (AMD).]

C. Be prepared in cooperation with the appropriate natural resource protection agencies and the affected municipalities. [PL 1991, c. 640, §3 (NEW).]
[PL 2007, c. 148, §4 (AMD).]

5. Commission approval of a proposed transmission line; nonwires alternatives. The commission may approve or disapprove all or portions of a proposed transmission line and shall make such orders regarding its character, size, installation and maintenance and regarding nonwires alternatives to the proposed transmission line as are necessary, having regard for any increased costs caused by the orders. In its review and consideration of nonwires alternatives, as required by subsection 2-D, the commission shall give preference to the nonwires alternatives that have been identified as able to address the identified need for the proposed transmission line most cost-effectively. When the cost-effectiveness of the identified nonwires alternatives are reasonably equal, the commission shall give preference to the alternatives that produce the lowest amount of local air emissions, including greenhouse gas emissions.
[PL 2023, c. 355, §4 (AMD).]

6. Commission order; certificate of public convenience and necessity. In its order, the commission shall make specific findings with regard to the public need for the proposed transmission line. The commission shall make specific findings with regard to the likelihood that nonwires alternatives can sufficiently address the identified public need over the effective life of the transmission line more cost-effectively. If the commission finds that a public need exists, after considering whether the need can be reliably and more cost-effectively met using nonwires alternatives, it shall issue a certificate of public convenience and necessity for the transmission line. In determining public need, the commission shall, at a minimum, take into account economics, reliability, public health and safety, scenic, historic and recreational values, state renewable energy generation goals, the proximity of the proposed transmission line to inhabited dwellings and nonwires alternatives to construction of the transmission line, including energy conservation, distributed generation or load management. If the commission orders or allows the erection of the transmission line, the order is subject to all other provisions of law and the right of any other agency to approve the transmission line. The commission

shall, as necessary and in accordance with subsection 7 and 8, consider the findings of the Department of Environmental Protection under Title 38, chapter 3, subchapter 1, article 6, with respect to the proposed transmission line and any modifications ordered by the Department of Environmental Protection to lessen the impact of the proposed transmission line on the environment. A person may submit a petition for and obtain approval of a proposed transmission line under this section before applying for approval under municipal ordinances adopted pursuant to Title 30-A, Part 2, Subpart 6-A; and Title 38, section 438-A and, except as provided in subsection 4, before identifying a specific route or route options for the proposed transmission line. Except as provided in subsection 4, the commission may not consider the petition insufficient for failure to provide identification of a route or route options for the proposed transmission line. The issuance of a certificate of public convenience and necessity establishes that, as of the date of issuance of the certificate, the decision by the person to erect or construct was prudent. At the time of its issuance of a certificate of public convenience and necessity, the commission shall send to each municipality through which a proposed corridor or corridors for a transmission line extends a separate notice that the issuance of the certificate does not override, supersede or otherwise affect municipal authority to regulate the siting of the proposed transmission line. The commission may deny a certificate of public convenience and necessity for a transmission line upon a finding that the transmission line is reasonably likely to adversely affect any transmission and distribution utility or its customers.
[PL 2023, c. 355, §5 (AMD).]

6-A. High-impact electric transmission line; certificate of public convenience and necessity. The commission shall evaluate and render a decision on any petition for a certificate of public convenience and necessity for a high-impact transmission line.
[IB 2021, c. 1, §3 (AMD).]

6-B. Reasonable consideration of nontransmission alternatives.
[PL 2013, c. 369, Pt. C, §6 (NEW); MRSA T. 35-A §3132, sub-§6-B (RP).]

6-C. High-impact electric transmission line; legislative approval. In addition to obtaining a certificate of public convenience and necessity, a high-impact electric transmission line may not be constructed anywhere in the State without first obtaining the approval of the Legislature, except that any high-impact electric transmission line crossing or utilizing public lands designated by the Legislature pursuant to Title 12, section 598-A, other than service land, is deemed to substantially alter the land and must be approved by the vote of 2/3 of all the members elected to each House of the Legislature.

For the purposes of this subsection, "service land" means public lands designated by the Legislature pursuant to Title 12, section 598-A that are:

A. A former railroad right-of-way that is no longer used for rail service and is owned by the State and used as a recreational trail; and [PL 2023, c. 644, §2 (NEW).]

B. Any other public land for which the crossing or utilization by a proposed high-impact electric transmission line satisfies the criteria established by rule adopted pursuant to Title 12, section 598-C for a determination by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands that the high-impact electric transmission line's crossing or utilization does not constitute a reduction or substantial alteration of those lands. [PL 2023, c. 644, §2 (NEW).]

For the purposes of this subsection, a high-impact electric transmission line is deemed to have received the majority legislative approval required by this subsection if the high-impact electric transmission line is approved for a contract after a competitive procurement conducted by the commission or a state agency pursuant to statutory authority granted under this Title.
[PL 2025, c. 340, §1 (AMD).]

6-D. High-impact electric transmission line; geographic prohibition. Notwithstanding subsection 6-C, a high-impact electric transmission line may not be constructed in the Upper Kennebec

Region. For the purpose of this subsection, "Upper Kennebec Region" means the approximately 43,300 acres of land located between the Town of Bingham and Wyman Lake, north along the Old Canada Road, Route 201, to the Canadian border, and eastward from the Town of Jackman to encompass Long Pond and westward to the Canadian border, in Somerset County and Franklin County.
[IB 2021, c. 1, §5 (NEW).]

6-E. Retroactivity. Notwithstanding Title 1, section 302 or any other provision of law to the contrary, subsections 6-C and 6-D apply retroactively to September 16, 2020 and apply to any high-impact electric transmission line the construction of which had not commenced as of that date.
[IB 2021, c. 1, §6 (NEW).]

7. Environmental protection agency modification. If the commission has issued a certificate of public convenience and necessity for a proposed transmission line and the Department of Environmental Protection in an order issued under Title 38, chapter 3, subchapter 1, article 6 makes a modification in the location, size, character or design of the transmission line, the person proposing the transmission line shall:

A. Deliver a copy of the order to the commission; and [PL 1987, c. 141, Pt. A, §6 (NEW).]

B. State the nature of the modifications and all cost adjustments occasioned by the modifications to the cost of the proposed transmission line relied upon by the commission in issuing its certificate of public convenience and necessity under this section. [PL 1999, c. 398, Pt. A, §46 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]
[PL 2009, c. 309, §4 (AMD).]

8. Cost adjustments. If the cost adjustments specified in subsection 7 exceed the cost relied upon by the commission in the original proceeding under this section by more than 20% of the original cost, the person may not proceed with any construction of the proposed transmission line, the commission's original certificate of public convenience and necessity notwithstanding. The commission, upon notification of the cost increase, shall:

A. Reopen its original decision concerning the transmission line; [PL 1999, c. 398, Pt. A, §46 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

B. Make specific findings with regard to the need for the transmission line to the same extent and with the same authority as if the person's petition for approval were before it; and [PL 2007, c. 148, §7 (AMD).]

C. Except as modified in this section, retain all authority granted to it under section 1321. [PL 1987, c. 141, Pt. A, §6 (NEW).]
[PL 2007, c. 148, §7 (AMD).]

9. Filing fee; waiver of fee. When a petition is filed under this section, the person or persons involved shall pay to the commission an amount equal to 2/100 of 1% of the estimated cost to erect, rebuild or relocate the transmission line provided that in the case of a petition filed under subsection 2, the fee is 4/100 of 1%. The person may, at the time of the filing of notice of its intent to file the petition, or, in the case of lines subject to subsection 2, at the time of the filing of the petition, request the commission to waive all or a portion of the filing fee. The commission shall rule on the request for waiver within 30 days.

Filing fees paid as required under this subsection must be segregated, apportioned and expended by the commission for the purposes of this section. Any portion of the filing fee that is received from any person and is not expended by the commission to process the petition for a certificate of public convenience and necessity must be returned to the person.
[PL 2007, c. 148, §8 (AMD).]

10. Exemption from filing fees. Notwithstanding any other requirement in this section, the commission may, by rule, exempt from filing fees applications concerning transmission lines the review of which does not place an unusual burden on the commission's budget.
[PL 1999, c. 398, Pt. A, §46 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

10-A. Filing fee to Office of the Public Advocate. When a person pays a filing fee to the commission pursuant to subsection 9, the person shall, at the same time, pay to the Office of the Public Advocate an amount equal to 2/100 of 1% of the estimated cost to erect, rebuild or relocate the transmission line, except that in the case of a petition filed under subsection 2, the fee is 3/100 of 1%. If the Office of the Public Advocate's expenses in the transmission line proceeding exceed the amount of the original filing fee, the Office of the Public Advocate may bill the person monthly for additional incurred expenses. The person may, at the time of the filing of the petition under this section, request the Office of the Public Advocate to waive all or a portion of the filing fee. The Office of the Public Advocate shall decide on the waiver request within 30 days.

Filing fees paid as required under this subsection must be segregated, apportioned and expended by the Office of the Public Advocate for the purposes of representing the interests of consumers in the proceeding before the commission or conducting public outreach to inform consumers about the proceeding. The Office of the Public Advocate shall return any portion of the filing fee that is not expended for these purposes to the person who paid the fee.
[PL 2021, c. 195, §3 (AMD).]

10-B. Office of the Public Advocate reporting requirement; repeal.
[PL 2009, c. 26, §2 (NEW); MRSA T. 35-A §3132, sub-§10-B (RP).]

11. Amendments, extensions and renewals.
[PL 1993, c. 91, §2 (RP).]

11-A. Amendments, extensions and renewals of contracts originally subject to commission approval. This section applies to any amendment, extension or renewal of any contract between a person and other parties with an ownership interest governing the terms of their participation in the construction of a transmission line subject to this section, if the original contract was subject to approval by the commission. The commission may waive the approval requirements of this section with respect to a particular amendment, extension or renewal or a group of amendments, extensions or renewals upon request. If the commission does not respond to a request for waiver within 30 days, the request is deemed to have been granted. The commission shall prescribe by rule the content of a request for waiver and procedures for the expeditious processing of requests in certain circumstances.
[PL 2007, c. 148, §9 (AMD).]

11-B. Amendments, extensions and renewals of contracts not originally subject to commission approval. For any amendment, extension or renewal of any contract otherwise subject to this section, but when the original contract was not subject to approval by the commission, the person shall file a copy of the proposed amendment, extension or renewal with the commission within 7 days of the day when the utility receives notice of the proposal, but approval under this section is not required.
[PL 2007, c. 148, §10 (AMD).]

12. Waiver of notice. The commission may waive any of the notice requirements in this section in advance of filing.
[PL 1989, c. 60, §6 (NEW).]

13. Public lands. The State, any agency or authority of the State or any political subdivision of the State may not sell, lease or otherwise convey any interest in public land, other than a future interest or option to purchase an interest in land that is conditioned on satisfaction of the terms of this subsection, to any person for the purpose of constructing a transmission line subject to this section,

unless the person has received a certificate of public convenience and necessity from the commission pursuant to this section.

A. [PL 2009, c. 123, §6 (RP).]

B. [PL 2009, c. 123, §6 (RP).]

A person who has bought, leased or otherwise been conveyed any interest in public land for the purpose of constructing a transmission line may not undertake construction of that line except under the terms of the certificate of public convenience and necessity as originally issued for that transmission line by the commission or as modified by order of the Department of Environmental Protection under subsection 7 or under the terms of an amended certificate of public convenience and necessity issued by the commission or deemed to have been issued by the commission under subsection 11-A.

As used in this subsection, "public land" means land that is owned or controlled by the State, by an instrumentality of the State or by a political subdivision of the State.

As used in this subsection, "future interest or option to purchase an interest in land" includes an option, purchase and sale agreement or other equivalent legal instrument that conveys the intent to pursue a future sale, lease or other conveyance of land.
[PL 2009, c. 655, Pt. C, §3 (AMD).]

14. Customer cost impact. Notwithstanding any other provision of this section, the commission may not issue a certificate of public convenience and necessity that has the effect of eliminating the independent system administrator for northern Maine or eliminating or materially modifying the scope of responsibilities of the independent system administrator for northern Maine unless the certificate is subject to a requirement for the full compensation for the net adverse effects on ratepayers as determined by the commission. The determination of the net adverse effects must include, but is not limited to, known and measurable transmission cost effects. Compensation required by this section must be provided to affected ratepayers through a rebate, reduction in rates or other appropriate compensation mechanism benefiting affected ratepayers in the area of the State in which the retail electricity market is administered by the independent system administrator for northern Maine. Compensation required by this section must be calculated for and provided to affected ratepayers over a period of not more than 10 years.
[PL 2009, c. 285, §1 (NEW).]

15. Advancement of nonwires alternatives policies. The commission shall advocate in all relevant venues for the pursuit of least-cost solutions to bulk power system needs on a total cost basis and for all available resources, including nonwires alternatives, to be treated comparably in transmission analysis, planning and access to funding.
[PL 2023, c. 355, §6 (AMD).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 387, §§1,2 (AMD). PL 1987, c. 490, §A5 (AMD). PL 1989, c. 60, §§1-6 (AMD). PL 1989, c. 796, §§1,2 (AMD). PL 1991, c. 640, §§2-4 (AMD). PL 1993, c. 91, §§2,3 (AMD). PL 1995, c. 254, §6 (AMD). PL 1997, c. 710, §6 (AMD). PL 1999, c. 398, §A46 (AMD). PL 1999, c. 398, §§A104,105 (AFF). PL 2003, c. 506, §§12,13 (AMD). PL 2007, c. 148, §§1-11 (AMD). PL 2007, c. 575, §1 (AMD). PL 2009, c. 26, §§1, 2 (AMD). PL 2009, c. 123, §§1-6 (AMD). PL 2009, c. 285, §1 (AMD). PL 2009, c. 309, §§1-4 (AMD). PL 2009, c. 615, Pt. A, §1 (AMD). PL 2009, c. 655, Pt. A, §§4, 5 (AMD). PL 2009, c. 655, Pt. C, §3 (AMD). PL 2011, c. 281, §1 (AMD). PL 2013, c. 369, Pt. C, §§2-7 (AMD). PL 2017, c. 201, §§1-4 (AMD). PL 2019, c. 177, §1 (AMD). PL 2019, c. 205, §4 (AMD). PL 2019, c. 298, §§7-11 (AMD). PL 2021, c. 195, §3 (AMD). IB 2021, c. 1, §§3-6 (AMD). PL 2023, c. 168, §7 (AMD). PL 2023, c. 355, §§3-6 (AMD). PL 2023, c. 644, §2 (AMD). PL 2025, c. 340, §1 (AMD).

§3132-A. Construction of transmission or subtransmission projects prohibited without approval of the commission

A person may not construct any transmission project or subtransmission project without approval from the commission. For the purposes of this section, "transmission project" means any proposed new or upgraded transmission substation infrastructure that is capable of operating at 69 kilovolts or more. "Subtransmission project" means any proposed new or upgraded transmission line, substation component or associated infrastructure that is capable of operating at less than 69 kilovolts and projected to cost in excess of $5,000,000. [PL 2023, c. 355, §7 (AMD).]

1. Submission requirement. A person that proposes to undertake in the State a transmission project or subtransmission project must provide the commission with a description of the need for the proposed transmission project or subtransmission project.

A. [PL 2017, c. 201, §5 (RP).]

B. [PL 2017, c. 201, §5 (RP).]

[PL 2023, c. 355, §7 (AMD).]

1-A. Nonwires alternatives investigation; consideration. In considering whether to approve or disapprove all or portions of a proposed transmission project or subtransmission project pursuant to subsection 2, the commission shall, for a transmission project or subtransmission project proposed by an investor-owned transmission and distribution utility, consider the results and recommendations of an investigation by the nonwires alternative coordinator conducted in accordance with section 3132-C. [PL 2023, c. 355, §7 (AMD).]

2. Commission approval of a proposed transmission project or subtransmission project; nonwires alternatives. In order for a transmission project or subtransmission project to be approved, the commission must consider whether the identified need over the effective life of the proposed transmission project or subtransmission project can be reliably and more cost-effectively met using nonwires alternatives. In its review and consideration of nonwires alternatives, as required by subsection 1-A, the commission shall give preference to nonwires alternatives that have been identified as able to address the identified need for the proposed transmission project or subtransmission project most cost-effectively. When the cost-effectiveness of the identified nonwires alternatives are reasonably equal, the commission shall give preference to the alternatives that produce the lowest amount of local air emissions, including greenhouse gas emissions.
[PL 2023, c. 355, §7 (AMD).]

3. Exception. A transmission project or subtransmission project that is constructed, owned and operated by a generator of electricity solely for the purpose of electrically and physically interconnecting the generator to the transmission system of a transmission and distribution utility is not subject to this section.
[PL 2023, c. 355, §7 (AMD).]

SECTION HISTORY

PL 2013, c. 369, Pt. C, §8 (NEW). PL 2017, c. 201, §§5, 6 (AMD). PL 2019, c. 298, §12 (AMD). PL 2023, c. 355, §7 (AMD).

§3132-B. Small transmission and distribution projects

For the purposes of this section, "small transmission project" means any proposed new or upgraded transmission line, substation component or associated infrastructure capable of operating at less than 69 kilovolts and projected to cost $5,000,000 or less. For the purposes of this section, a "distribution project" means any proposed new or upgraded distribution line, substation component or associated infrastructure capable of operating at less than 34 kilovolts. [PL 2023, c. 355, §8 (AMD).]

1. Planning study. Each investor-owned transmission and distribution utility in this State shall annually complete and submit to the commission and to the Office of the Public Advocate, for review by the nonwires alternative coordinator, a planning study for small transmission projects and distribution projects. In completing the planning study, an investor-owned transmission and distribution utility shall develop and use system planning models. The study must:

A. Analyze system needs for the next 5 years and provide a schedule of proposed projects and associated costs; [PL 2019, c. 298, §13 (NEW).]

B. Describe system capacity and load by substation and circuit; and [PL 2019, c. 298, §13 (NEW).]

C. Identify corresponding planned and anticipated growth-related investments. [PL 2019, c. 298, §13 (NEW).]

After review of a planning study submitted under this subsection, the nonwires alternative coordinator may provide comments or recommendations, which may include recommendations to achieve the policy goals established in section 3143. An investor-owned transmission and distribution utility may, at its discretion, incorporate recommendations on a planning study made by the nonwires alternative coordinator. Failure to incorporate recommendations made by the nonwires alternative coordinator may not result in a presumption of imprudence.
[PL 2025, c. 681, §1 (AMD).]

2. Nonwires alternatives investigation. Except as provided in subsection 3, for a proposed project presented in a planning study under subsection 1, the nonwires alternative coordinator:

A. Shall investigate nonwires alternatives if the project is a small transmission project or is a distribution project estimated to cost $500,000 or more; and [PL 2019, c. 298, §13 (NEW).]

B. May investigate nonwires alternatives if the project is a distribution project estimated to cost less than $500,000 and, in the judgment of the nonwires alternative coordinator, there is a reasonable likelihood that a nonwires alternative would be more cost-effective than the proposed distribution project. [PL 2019, c. 298, §13 (NEW).]

An investigation of nonwires alternatives under this subsection must be conducted in accordance with section 3132-C.
[PL 2019, c. 298, §13 (NEW).]

3. Excluded projects; criteria. The commission, by rule, shall develop criteria to exclude from investigation by the nonwires alternative coordinator small transmission projects and distribution projects best suited to transmission and distribution investments, including but not limited to projects that are:

A. Necessary for redundant supply to a radial load; [PL 2019, c. 298, §13 (NEW).]

B. Necessary to address maintenance, asset condition or safety needs; [PL 2019, c. 298, §13 (NEW).]

C. Necessary to address stability or short circuit problems; or [PL 2019, c. 298, §13 (NEW).]

D. Required to be in service within one year based on the controlling load forecast. [PL 2019, c. 298, §13 (NEW).]
[PL 2019, c. 298, §13 (NEW).]

4. Nonwires alternatives recommendations. Based on the investigation under subsection 2, the nonwires alternative coordinator shall make recommendations to the investor-owned transmission and distribution utility regarding nonwires alternatives to proposed small transmission projects and distribution projects. The nonwires alternative coordinator and the utility shall attempt to reach a good faith agreement regarding the adoption of nonwires alternatives that are most cost-effective. If

agreement is reached, the utility shall pursue the agreed-upon nonwires alternatives. If there is no agreement, the utility or the Office of the Public Advocate may petition the commission to resolve the dispute.
[PL 2023, c. 355, §9 (AMD).]

5. Dispute resolution. In responding to a petition by an investor-owned transmission and distribution utility or the Office of the Public Advocate pursuant to subsection 4, the commission shall review the planning study prepared under subsection 1 and the recommendations of the nonwires alternative coordinator under subsection 4. In resolving the dispute, the commission shall give preference to nonwires alternatives that are identified as able to address the identified need for the proposed small transmission project or distribution project and are most cost-effective. Of the identified nonwires alternatives, the commission shall give preference to the lowest-cost nonwires alternatives. When the costs to ratepayers in this State of the identified nonwires alternatives are reasonably equal, the commission shall give preference to the nonwires alternatives that produce the lowest amount of local air emissions, including greenhouse gas emissions.
[PL 2023, c. 355, §10 (AMD).]

SECTION HISTORY

PL 2019, c. 298, §13 (NEW). PL 2023, c. 355, §§8-10 (AMD). PL 2025, c. 681, §1 (AMD).

§3132-C. Nonwires alternatives investigation and recommendations

1. Investigation required. The nonwires alternative coordinator shall conduct an investigation of and make recommendations regarding nonwires alternatives to a wires project under section 3132, 3132-A or 3132-B in accordance with this section. The investigation must be conducted in coordination with the Efficiency Maine Trust. For the purposes of this section, "wires project" means a transmission line and associated infrastructure subject to the requirements of section 3132, a transmission project or subtransmission project as defined in section 3132-A or a small transmission project or distribution project covered by section 3132-B.
[PL 2023, c. 355, §11 (AMD).]

2. Investigation methods; benefit-cost analysis. An investigation under subsection 1 must set forth the total projected costs and annual carrying costs of the wires project and the nonwires alternatives over the effective life of the wires project. The investigation must include a benefit-cost analysis that evaluates the cost-effectiveness of nonwires alternatives as compared to the wires project, under which:

A. Benefits and costs are measured in net present value; [PL 2019, c. 298, §14 (NEW).]

B. Benefits reflect total, quantifiable avoided costs and are calculated from the perspective of the investor-owned transmission and distribution utility and ratepayers, including any deferral value; and [PL 2019, c. 298, §14 (NEW).]

C. Costs are calculated from the perspective of the investor-owned transmission and distribution utility. For a nonwires alternative, costs include the utility's cost of any contracts required to deliver the nonwires alternative but do not include any ratepayer contributions to the cost of the nonwires alternative. [PL 2019, c. 298, §14 (NEW).]
[PL 2019, c. 298, §14 (NEW).]

3. Data. An investor-owned transmission and distribution utility shall provide data requested by the Public Advocate or the Efficiency Maine Trust, subject to enforcement by the commission, to allow the nonwires alternative coordinator, in conjunction with the trust, to carry out investigation and analysis under this section. The trust shall use utility ratepayer usage data to identify cost-effective nonwires alternatives on the customer side of the meter. An investor-owned transmission and distribution utility may request a protective order if necessary to protect the confidentiality of customer

data or critical energy infrastructure information provided under this section in accordance with section 1311-A.
[PL 2023, c. 355, §12 (AMD).]

4. Recommendations. On the basis of the investigation under subsection 1, the nonwires alternative coordinator shall develop and provide to the commission or to an investor-owned transmission and distribution utility, as appropriate, recommendations regarding cost-effective nonwires alternatives to the wires project, including a proposed plan for procurement of the recommended nonwires alternatives that identifies components that are behind the meter or on the grid side of the meter and is consistent with the provisions of section 3132-D.
[PL 2025, c. 681, §2 (AMD).]

5. Rules. The commission may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.
[PL 2025, c. 681, §3 (NEW).]

SECTION HISTORY

PL 2019, c. 298, §14 (NEW). PL 2023, c. 355, §§11, 12 (AMD). PL 2025, c. 681, §§2, 3 (AMD).

§3132-D. Nonwires alternatives procurement

When the commission determines a nonwires alternative is appropriate under section 3132, 3132-A or 3132-B, the nonwires alternative must be prudently procured in accordance with this section. [PL 2023, c. 355, §13 (AMD).]

1. Behind the meter alternatives. For a nonwires alternative on the customer side of the meter, the investor-owned transmission and distribution utility shall contract with the Efficiency Maine Trust to deliver the nonwires alternative through the trust's programs.
[PL 2019, c. 298, §15 (NEW).]

2. Grid-side alternatives. For a nonwires alternative on the grid side of the meter, the commission shall determine an entity, which may include but is not limited to the investor-owned transmission and distribution utility or a 3rd party, to deliver the nonwires alternative and shall make orders as necessary.
[PL 2023, c. 355, §14 (AMD).]

An investor-owned transmission and distribution utility's prudently incurred costs to deliver nonwires alternatives directly or under contract with the Efficiency Maine Trust or a 3rd party are recoverable in rates. For purposes of this section, prudently incurred costs do not include a financial or performance incentive for the utility. [PL 2019, c. 298, §15 (NEW).]

SECTION HISTORY

PL 2019, c. 298, §15 (NEW). PL 2023, c. 355, §§13, 14 (AMD).

§3133. Purchase of transmission capacity prohibited without prior order of the commission

1. Commission approval required for purchases. A transmission and distribution utility may not purchase any transmission capacity unless the commission has issued a certificate of public convenience and necessity approving the purchase or has waived the approval requirements pursuant to subsection 11.
[PL 1999, c. 398, Pt. A, §47 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

2. Notice of intent to file. The utility or utilities shall file with the commission, no less than 2 months in advance of submitting its petition for a certificate of public convenience and necessity for the proposed purchase, a notice of its intent to file the petition. The notice must inform the commission of the terms of the proposed purchase and, after receiving the notice, the commission may, by rule or otherwise, require the petitioner to make available such additional information as it determines necessary. The commission may waive the requirement that at least 2 months' advance notice be given.

The commission shall rule on any request for waiver within 60 days. If there is then outstanding for the utility a long-range plan approved pursuant to section 3134, the utility need not provide an advance notice of its intent to file the petition.
[PL 1999, c. 398, Pt. A, §47 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

3. Petition for certificate of public convenience and necessity. The petition for a certificate of public convenience and necessity must contain such information as the commission may by rule prescribe.
[PL 1999, c. 398, Pt. A, §47 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

4. Hearing. The petition must be set down for public hearing.
[PL 1999, c. 398, Pt. A, §47 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

5. Deadline for issuance of commission order. The commission shall issue its order within 12 months after the petition is filed. If there is then outstanding for the utility a long-range plan approved pursuant to section 3134, the commission shall issue its order within 9 months of filing.
[PL 1987, c. 141, Pt. A, §6 (NEW).]

6. Certificate of public convenience and necessity. The following provisions apply to the issuance of a certificate of public convenience and necessity.

A. In its order, the commission shall make specific findings with regard to the need for the purchase and, if the commission finds that a need exists, it shall issue a certificate of public convenience and necessity for the purchase. [PL 1999, c. 398, Pt. A, §47 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

B. [PL 1999, c. 398, Pt. A, §47 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

C. The issuance of a certificate of public convenience and necessity establishes that, as of the date of issuance of the certificate, the decision by the utility to purchase was prudent. [PL 1999, c. 398, Pt. A, §47 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]
[PL 1999, c. 398, Pt. A, §47 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

7. Exclusions.
[PL 1999, c. 398, Pt. A, §47 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

7-A. Consumer-owned electric utilities.
[PL 1999, c. 398, Pt. A, §47 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

8. Filing fee. When the petition is filed, the utility or utilities involved shall pay to the commission an amount equal to 2/100 of 1% of the estimated cost of the purchase. The utility or utilities may, at the time of the filing of notice of its intent to file the petition, request the commission to waive all or a portion of the filing fee. The commission shall rule on a request for waiver within 30 days.

Filing fees paid as required by this subsection must be segregated, apportioned and expended by the commission for the purposes of this section. Any portion of the filing fee that is received from any utility or utilities and is not expended by the commission to process the petition for a certificate of public convenience and necessity must be returned to the utility or utilities.
[PL 1999, c. 398, Pt. A, §47 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

9. Imported power.
[PL 1999, c. 398, Pt. A, §47 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

10. Renewal of contracts for purchase or conversion.
[PL 1993, c. 91, §4 (RP).]

10-A. Renewal of contracts for purchase originally subject to commission approval. The requirements of this section apply to any amendment, extension or renewal of any contract between the

utility and other parties governing the terms of their participation in a purchase subject to this section, if the original contract was subject to approval by the commission.
[PL 1999, c. 398, Pt. A, §47 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

10-B. Renewal of contracts not originally subject to commission approval. For any amendment, extension or renewal of any contract otherwise subject to this section for which the original contract was not subject to approval by the commission, the utility shall file a copy of the proposed amendment, extension or renewal with the commission within 7 days of the day when the utility receives notice of the proposal, but approval under this section is not required.
[PL 1993, c. 91, §5 (NEW).]

11. Waiver of approval requirements. The commission may waive the notice and approval requirements of this section on its own motion or upon request of any party. The commission shall rule on a request for a waiver within 60 days. Prior to considering a waiver, the commission shall ensure that notice by mail has been sent, and an opportunity to be heard permitted, to persons who commonly participate in commission proceedings and persons whose contracts the commission determines may be affected by the agreement. The commission may prescribe by rule the content of a request for waiver and procedures for the expeditious processing of the request in certain circumstances.
[PL 1999, c. 398, Pt. A, §47 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 378, §1 (AMD). PL 1987, c. 387, §3 (AMD). PL 1987, c. 490, §§A6,B4 (AMD). PL 1987, c. 769, §§A138,A139 (AMD). PL 1993, c. 91, §§4,5 (AMD). PL 1995, c. 357, §§3-5 (AMD). PL 1999, c. 398, §A47 (AMD). PL 1999, c. 398, §§A104,105 (AFF).

§3133-A. Significant agreements and contracts relating to transmission capacity prohibited without prior order of the commission

1. Certificate of public convenience and necessity. Except as provided in subsection 3, a transmission and distribution utility may not enter into any significant agreement or contract, as defined in subsection 2, unless the commission has issued a certificate of public convenience and necessity approving the proposed agreement or contract or has waived the approval requirements pursuant to subsection 6. The utility must file a notice with the commission no less than 2 months in advance of submitting its petition for a certificate of public convenience and necessity for the proposed agreement or contract. The commission may require the petitioner to make available such additional information as it determines necessary. The petition must contain such information as the commission may by rule prescribe. The petition must be set down for public hearing. The commission shall issue its order within 12 months after the complete petition is filed. If there is then outstanding a long-range plan for the utility pursuant to section 3134 that includes the agreement or contract, the utility need not provide advance notice of its intent to file the petition and the commission shall issue its order within 9 months after the complete petition is filed.

In its order, the commission shall make specific findings with regard to the agreement or contract. If the commission finds that a need for it exists and it is reasonable and consistent with the public interest, the commission shall issue the certificate of public convenience and necessity.

The issuance of a certificate of public convenience and necessity establishes that, as of the date of issuance, the decision by the utility to enter into the agreement or contract was prudent.
[PL 1999, c. 398, Pt. A, §48 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

2. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Significant agreement or contract" means a contract or other agreement enforceable as a contract that binds the utility to a future course of action with respect to supplying, purchasing or

exchanging transmission capacity or any renewal, amendment or extension of any contract or agreement that is for a period of longer than 3 years and involves one of the following, whichever is less:

(1) More than 5,000 kilowatts of electrical transmission capacity, or 50,000,000 kilowatt hours or more of energy per year, flowing over a transmission line with a capacity greater than 100 kilovolts;

(2) More than 10% of the transmission capacity of the utility; or

(3) The transmission of an amount equal to more than 1.0% of the total annual kilowatt hour sales in the utility's service territory. [PL 1999, c. 398, Pt. A, §48 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

[PL 1999, c. 398, Pt. A, §48 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

3. Exclusions. This section does not apply to any contract or agreement for which commission approval is required under section 3132 or 3133. This section applies to contracts or agreements that take effect on or after the effective date of this section.
[PL 1999, c. 398, Pt. A, §48 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

4. Filing fee. A utility or utilities filing a petition under this section shall pay to the Public Utilities Commission at the time of filing an amount equal to 2/100 of 1% of the estimated cost of the contract or agreement. The utility or utilities, at or before the time of filing of notice of its intent to file the petition, may request the commission to waive all or a portion of the filing fee as unnecessary to help defray the cost of review. The commission shall rule on the request for waiver within 60 days.

Notwithstanding this Title, filing fees paid as required in this subsection must be segregated, apportioned and expended by the commission for the purposes of this section. Any portion of the filing fee that is received from a utility or utilities and is not expended by the commission to process the petition for a certificate of public convenience and necessity must be returned to the utility or utilities.
[PL 1999, c. 398, Pt. A, §48 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

5. Amendments, extensions and renewals.
[PL 1993, c. 91, §6 (RP).]

5-A. Amendments, extensions and renewals. The requirements of this section apply to any amendment, extension or renewal of any significant agreement or contract subject to this section, if the original contract was subject to approval by the commission.
[PL 1995, c. 357, §8 (AMD).]

5-B. Amendments, extensions and renewals of contracts not originally subject to commission approval. For any amendment, extension or renewal of any contract otherwise subject to this section when the original contract was not subject to approval by the commission, the utility shall file a copy of the proposed amendment, extension or renewal with the commission within 7 days of the day when the utility receives notice of the proposal, but approval is not required under this section.
[PL 1993, c. 91, §7 (NEW).]

6. Waiver of approval requirements. The commission may waive the notice and approval requirements of this section upon its own motion or upon the request of any party. The commission shall rule on a request for a waiver within 60 days. Prior to considering a waiver, the commission shall ensure that notice by mail has been sent, and an opportunity to be heard permitted, to persons who commonly participate in commission proceedings and persons whose contracts the commission determines may be affected by the agreement. The commission may prescribe by rule the content of a request for waiver and procedures for expeditious processing of the request in certain circumstances.
[PL 1999, c. 398, Pt. A, §48 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

SECTION HISTORY

PL 1987, c. 387, §4 (NEW). PL 1993, c. 91, §§6,7 (AMD). PL 1993, c. 119, §1 (AMD). PL 1995, c. 357, §§6-9 (AMD). PL 1999, c. 398, §A48 (AMD). PL 1999, c. 398, §§A104,105 (AFF).

§3133-B. Mandatory participation in regional transmission organization

1. Regional transmission organization; definition. For the purposes of this section, "regional transmission organization" has the same meaning as in section 10102, subsection 8.
[PL 2025, c. 646, §1 (NEW).]

2. Participation mandatory. Except as provided in subsection 3, a transmission and distribution utility may not own or control a transmission and distribution plant located in the State unless the transmission and distribution utility participates in a regional transmission organization.
[PL 2025, c. 646, §1 (NEW).]

3. Exceptions. The provisions of this section do not apply to:

A. A consumer-owned transmission and distribution utility as defined in section 3501, subsection 1; or [PL 2025, c. 646, §1 (NEW).]

B. A transmission and distribution utility that owns or controls a transmission and distribution plant located in an area of this State in which the retail electricity market is administered by the independent system administrator for northern Maine. [PL 2025, c. 646, §1 (NEW).]
[PL 2025, c. 646, §1 (NEW).]

SECTION HISTORY

PL 2025, c. 646, §1 (NEW).

§3134. Long-range plan

1. Filing by transmission and distribution utilities. Every transmission and distribution utility in whose service territory total sales of electric energy for purposes other than resale exceeded 300,000,000 kilowatt hours during any calendar year may submit to the commission a long-range plan for the 15-year period subsequent to the date the plan is submitted. This plan shall:

A. Include the utility's annual peak-load forecasts, annual energy forecasts, type and route of major proposed transmission lines and alternatives and an analysis of the cost and financing of the plan, together with such other information as the commission may by rule require; and [PL 1999, c. 398, Pt. A, §49 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

B. List and describe all the assumptions used by the utility in formulating the plan required by this section. [PL 1987, c. 141, Pt. A, §6 (NEW).]
[PL 1999, c. 398, Pt. A, §49 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

2. Hearing and decision. The commission shall set down for public hearing each long-range plan filed in accordance with subsection 1. Notice of the hearing and opportunity to intervene must be provided in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, and the commission's rules of practice and procedure. The commission shall issue a decision approving, disapproving or modifying each plan within one year after the filing of such plan in accordance with this subsection. Each long-range plan as approved or modified by the commission constitutes the plan of the filing utility and, unless altered as the result of judicial review or subsequently modified by commission order, represents the final finding of fact of the matters contained in the plan for the purposes of subsection 3.
[PL 1999, c. 398, Pt. A, §49 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

3. Purchase of transmission capacity. If, at the time the commission issues an order granting a certificate of public convenience and necessity to a utility pursuant to section 3133, there is in existence a long-range plan for the utility approved or modified by the commission 2 years or less before the date

of the order, the certificate may not be granted unless the purchase conforms to that plan. The findings by the commission, as embodied in its order under subsection 2, to the extent relevant represent the commission's findings of fact of the matters contained in the order in any proceeding pursuant to section 3133 that is decided within 2 years from the date of the order.
[PL 1999, c. 398, Pt. A, §49 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

4. Plans of consumer-owned transmission and distribution utilities. The commission may order the filing of a long-range plan, comparable to the plan authorized in this section, by a consumer-owned transmission and distribution utility, as defined in section 3501. The order must allow sufficient time for its preparation. A consumer-owned utility may file a comparable plan on its own initiative. Any plan submitted under this subsection may be filed in concert with other consumer-owned transmission and distribution utilities. A plan is comparable to a plan otherwise authorized in this section if it provides the same or similar data to the fullest extent possible, taking into account the size and resources of the consumer-owned utility.

The plan must be reviewed by the commission in accordance with subsection 2.
[PL 1999, c. 398, Pt. A, §49 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 378, §2 (AMD). PL 1999, c. 398, §A49 (AMD). PL 1999, c. 398, §§A104,105 (AFF).

§3134-A. New England Electric Power Pool Agreement

(REPEALED)

SECTION HISTORY

PL 1987, c. 490, §B5 (NEW). PL 1995, c. 357, §10 (RP).

§3135. Physical connection between lines of utilities authorized

1. Connection with feed lines. A transmission and distribution utility may extend its lines to connect with the feed lines of any other transmission and distribution utility. The commission may fix such terms and conditions as will safeguard the rights and interests of both utilities.
[PL 1999, c. 398, Pt. A, §50 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

2. Emergency connection and transport of energy. The commission, in the interest of public convenience and necessity, may order any utility that is principally engaged in the transmission and distribution of electricity directly to the public or to be used ultimately by the public to transport temporarily electricity over its transmission or distribution facilities at a reasonable charge and in a manner as the commission directs when the transmission will alleviate an electric power shortage within this State that exists by reason of an emergency.

Whenever the commission, upon its own motion or upon application of any transmission and distribution utility, after due notice to all interested parties and an opportunity for a hearing, makes findings based upon substantial evidence that an emergency exists and that action is necessary and appropriate in the public interest and is not detrimental to the interests of investors and consumers, it may order a utility to establish physical connection of its transmission or distribution facilities with the facilities of one or more other utilities to transmit or distribute electricity for any other utility for a temporary period.

The commission may not compel a company to transmit or distribute electricity under this subsection when to do so would impair its ability to render adequate service to its customers.

The commission may prescribe the terms and conditions of the arrangement to be made between the utilities affected by the order, including the compensation or reimbursement reasonably due to any of them, and, in the case of a new physical connection, the apportionment of costs between them or among

them provided that a utility making application for or receiving the benefit of a connection that will inure to its sole benefit assumes the entire cost of the connection.
[PL 1999, c. 398, Pt. A, §50 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1999, c. 398, §A50 (AMD). PL 1999, c. 398, §§A104,105 (AFF).

§3136. Transmission and distribution utilities have eminent domain; approval

1. Land necessary for location of transmission lines carrying 5,000 volts. Subject to approval by the commission under subsection 4 and the requirements of subsection 6, if applicable, a transmission and distribution utility may take and hold by right of eminent domain lands and easements necessary for the proper location of its transmission lines that are designed to carry voltages of 5,000 volts or more and of necessary appurtenances, located within the territory in which the utility is authorized to do public utility business, in the same manner and under the same conditions as set forth in chapter 65. Notwithstanding section 6501, subsection 1 and section 6507, subsection 4, owners are entitled to damages for all property taken by eminent domain in accordance with subsection 5.
[PL 2023, c. 644, §3 (AMD).]

2. Right of eminent domain not applicable. The right of eminent domain granted in subsection 1 does not apply to:

A. Lands or easements located within 300 feet of an inhabited dwelling; [PL 1987, c. 141, Pt. A, §6 (NEW).]

B. Lands or easements on or adjacent to any developed or undeveloped water power; [PL 1987, c. 141, Pt. A, §6 (NEW).]

C. Lands or easements so closely paralleling existing wire lines of other utilities that the proposed transmission lines would substantially interfere with service rendered over the existing lines, except with the consent of the owners; [PL 2001, c. 608, §2 (AMD).]

D. Lands or easements owned or used by railroad corporations, except as authorized pursuant to section 2311; and [PL 2001, c. 608, §2 (AMD).]

E. Lands or easements owned by the State. [PL 2001, c. 608, §2 (NEW).]
[PL 2001, c. 608, §2 (AMD).]

3. Prior right to locate distribution lines and appurtenances in right-of-way limits of public way. Subject to approval by the commission under subsection 4, transmission and distribution utilities may take and hold by right of eminent domain land or easements necessary for the proper location of their distribution lines and the necessary appurtenances, but only where the transmission and distribution utilities had a prior right to locate their distribution lines and necessary appurtenances in the right-of-way limits of a public way and the body having jurisdiction over the public way has caused the utility to remove its distribution lines and appurtenant structures outside the right-of-way limits of the public way. This right does not apply to lands or easements as specified in subsection 2, paragraphs B, C, D and E.
[PL 2007, c. 148, §13 (AMD).]

4. Commission approval required; certificate of public convenience and necessity; offer requirements for high-impact electric transmission line; environmental factors. A location to be taken by eminent domain for such transmission or distribution lines must be approved by the commission before a transmission and distribution utility can exercise the right of eminent domain granted in subsection 1 or subsection 3. The commission may not approve a location to be taken by eminent domain for the construction, rebuilding or relocation of a transmission line that requires a certificate of public convenience and necessity under section 3132, unless the commission has issued a

certificate of public convenience and necessity for that transmission line and, for a high-impact electric transmission line, the transmission and distribution utility has met the offer requirements described in paragraph A. Environmental factors to be considered for proper location of a transmission line are not subject to review by the commission under this section when the location of the transmission line has received site location of development approval under Title 38, section 484.

A. If the transmission and distribution utility is seeking commission approval for the taking of a location by eminent domain for the construction, rebuilding or relocation of a high-impact electric transmission line on a lot or parcel of real property that is 200 contiguous acres or less and the transmission and distribution utility seeks to take less than the entire property, the transmission and distribution utility must demonstrate to the commission that, in its negotiations with the owner of the property for a voluntary acquisition of the location, it made both an offer for the taking of title to the entire property in fee simple absolute and an offer for the taking of only that portion of the property sought by the utility and that the owner did not accept either offer. [PL 2023, c. 644, §4 (NEW).]

[PL 2023, c. 644, §4 (AMD).]

5. Owner entitled to damages. The owner of a property taken by eminent domain by a transmission and distribution utility for the construction, rebuilding or relocation of a transmission line is entitled to damages for all property taken, which must be determined using the methods set forth in Title 23, sections 154 to 154-F.

[PL 2023, c. 644, §5 (NEW).]

6. Taking by transmission and distribution utility of location on property that is 200 acres or less for high-impact electric transmission line; owner option. If the commission, in accordance with subsection 4, approves a taking by eminent domain by a transmission and distribution utility for the construction, rebuilding or relocation of a high-impact electric transmission line when the location subject to the taking is a lot or parcel of real property that is 200 contiguous acres or less and the transmission and distribution utility seeks and the commission has approved a taking of less than the entire property, the following requirements apply:

A. The damages estimated by the county commissioners in accordance with section 6503, subsection 2 must include 2 estimates, one for the taking of title to the entire property in fee simple absolute and one for the taking of only that portion of the property approved for a taking by the commission; and [PL 2023, c. 644, §6 (NEW).]

B. The owner of the property has the option to require the transmission and distribution utility to take the entire property in fee simple absolute and, if the owner elects to require the transmission and distribution utility to take the entire property, the commission shall approve the taking of the entire property. [PL 2023, c. 644, §6 (NEW).]

[PL 2023, c. 644, §6 (NEW).]

7. Property taken for high-impact electric transmission line; notice and educational materials. The commission shall adopt routine technical rules regarding the provision of notice to an owner of real property whose property may be taken by eminent domain for the construction, rebuilding or relocation of a high-impact electric transmission line by an entity selected to construct a high-impact electric transmission line pursuant to section 3210-I, subsection 2, or a transmission and distribution utility as well as to an owner of real property whose property abuts the proposed high-impact electric transmission line. The notice must include educational materials that include, but are not limited to, materials describing the high-impact electric transmission line development process and must be sent by certified mail. The rules must establish requirements for the notice and educational materials including:

A. The appearance and contents of the notice and materials; [PL 2023, c. 644, §7 (NEW).]

B. The appearance of the envelope that includes the notice and materials; [PL 2023, c. 644, §7 (NEW).]

C. The information to be included relating to the high-impact electric transmission line development process; [PL 2023, c. 644, §7 (NEW).]

D. The information that describes the scope of the proposed high-impact electric transmission line; [PL 2023, c. 644, §7 (NEW).]

E. The rights and opportunities of an owner of real property to participate in the development process; [PL 2023, c. 644, §7 (NEW).]

F. Resources that may be available to assist an owner of real property, which may include resources for legal assistance; and [PL 2023, c. 644, §7 (NEW).]

G. The time frame for when the notice and educational materials must be sent to an owner of real property. [PL 2023, c. 644, §7 (NEW).]

The commission shall review and approve the notice and educational materials the transmission and distribution utility or entity is required to send before the notice and educational materials are provided to an owner of real property. The commission may request that a state agency or other commission review any educational materials that address activities relating to the high-impact electric transmission line development process that are undertaken by that other state agency or other commission.
[PL 2023, c. 644, §7 (NEW).]

8. High-impact electric transmission line; fees and expenses incurred by property owner. A transmission and distribution utility that takes a location by eminent domain for the construction, rebuilding or relocation of a high-impact electric transmission line is responsible for a property owner's fees and expenses associated with seeking an award of damages in accordance with this subsection.

A. If the award for damages, as determined by the county commissioners in accordance with section 6503, subsection 2 or the Superior Court in accordance with section 6507, is more than 40% and at least $25,000 greater than the last written offer of compensation prior to the property owner's or transmission and distribution utility's filing of a request for the determination of damages or an appeal of such determination to the Superior Court, the county commissioners or the court shall award the owner reasonable attorney's fees, litigation expenses, appraisal fees, other experts' fees and other related costs in addition to other compensation authorized by this section. [PL 2023, c. 644, §8 (NEW).]

B. If the award for damages is at least 20%, but not more than 40%, and at least $10,000 greater than the last written offer of compensation, the county commissioners or the court may award reasonable fees and expenses described in paragraph A. [PL 2023, c. 644, §8 (NEW).]

C. No attorney's fees may be awarded under this subsection if the award of damages is $25,000 or less. [PL 2023, c. 644, §8 (NEW).]

D. If the award of damages is less than 20% greater than the last written offer of compensation, the owner of the property is responsible for the owner's own costs. [PL 2023, c. 644, §8 (NEW).]

For the purposes of this subsection, "last written offer of compensation" means the last offer of compensation made by the transmission and distribution utility and, in the case of a taking of only a portion of a lot or parcel of real property, the last offer made for the portion of the property sought by the transmission and distribution utility. "Last written offer of compensation" does not include the offer for the taking of title to the entire property in fee simple absolute as required by subsection 4.
[PL 2023, c. 644, §8 (NEW).]

9. Definition. For the purposes of this section, "high-impact electric transmission line" means a transmission line of any length that is:

A. Constructed to transmit direct current electricity; or [PL 2023, c. 644, §9 (NEW).]

B. Capable of operating at 345 kilovolts or more; and

(1) Is not a generator interconnection transmission facility as defined in section 3132, subsection 1-B; and

(2) Is not constructed primarily to provide electric reliability, as determined by the commission. [PL 2023, c. 644, §9 (NEW).]

[PL 2023, c. 644, §9 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1999, c. 398, §A51 (AMD). PL 1999, c. 398, §§A104,105 (AFF). PL 2001, c. 608, §§2,3 (AMD). PL 2007, c. 148, §§12-14 (AMD). PL 2023, c. 644, §§3-9 (AMD).

§3137. Area within which domestic transmission and distribution utility may transmit electricity; taxation by other states

1. Domestic transmission and distribution utility may transmit electricity inside or outside this State. Notwithstanding any limitation imposed by its charter, each domestic transmission and distribution utility may transmit electricity and acquire and operate anywhere inside or outside this State utility facilities or interests in utility facilities of any nature or form used or required to be used in its service to the public, provided that nothing in this section authorizes a utility to distribute electricity in this State to any person or within any area, except as otherwise authorized by its charter or the general statutes of this State.

[PL 1999, c. 398, Pt. A, §52 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

2. Legislative consent to application of laws of other states with respect to taxes. Legislative consent is given to the application of the laws of other states with respect to taxation, payments in lieu of taxes and the assessment of taxes or payments in lieu of taxes to any domestic transmission and distribution utility that is acting outside this State under this section.

[PL 1999, c. 398, Pt. A, §52 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1999, c. 398, §A52 (AMD). PL 1999, c. 398, §§A104,105 (AFF).

§3138. Joint ownership of facility; waiver of right to partition

Notwithstanding Title 14, chapter 719, any domestic transmission and distribution utility or foreign electric utility that acquires or owns a joint or common interest with one or more other utilities or other persons in any property that is used or acquired for use as a utility facility may surrender or waive its right to have a partition by division or partition by sale of the property for a period that does not exceed the period for which the property is used or useful for transmission and distribution utility purposes.

[PL 1999, c. 398, Pt. A, §53 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1999, c. 398, §A53 (AMD). PL 1999, c. 398, §§A104,105 (AFF).

§3139. Powers of foreign electric utility

(REPEALED)

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1997, c. 316, §1 (RP).

§3140. Regulation of foreign electric utility

1. Foreign electric utility to notify commission before acting within this State. A foreign electric utility shall, before constructing, purchasing, owning, controlling, operating, managing or otherwise participating in a joint or common interest in a utility facility within this State:

A. Notify the commission in writing of the action to be taken by the utility; and [PL 1987, c. 141, Pt. A, §6 (NEW).]

B. Provide any information reasonably required by the commission under section 3132. [PL 1987, c. 141, Pt. A, §6 (NEW).]

[PL 1997, c. 316, §2 (AMD).]

2. Annual report of foreign electric utility. After giving notice under subsection 1, a foreign electric utility shall:

A. Annually file with the commission a copy of the annual report filed by it with the appropriate regulatory agency of the State where its operations are principally located; and [PL 1987, c. 141, Pt. A, §6 (NEW).]

B. Furnish to the commission from time to time such other information with respect to its activities within this State as the commission may reasonably require. [PL 1987, c. 141, Pt. A, §6 (NEW).]

[PL 1987, c. 141, Pt. A, §6 (NEW).]

3. Registered office and agent; service of process. A foreign electric utility:

A. Shall designate and continuously maintain in this State a registered office and a registered agent in accordance with Title 5, section 105; and [PL 2007, c. 323, Pt. G, §3 (AMD); PL 2007, c. 323, Pt. G, §4 (AFF).]

B. Is subject to service of process, notice or demand as provided in Title 5, section 113. [PL 2007, c. 323, Pt. G, §3 (AMD).]

[PL 2007, c. 323, Pt. G, §3 (AMD); PL 2007, c. 323, Pt. G, §4 (AFF).]

4. Certificate of agency with regulatory jurisdiction over foreign electric utility. Upon the filing with the commission of a certificate of the appropriate regulatory agency of the state of domicile or principal locus of a foreign electric utility, or of the United States, stating either that the agency has regulatory jurisdiction over the issuance of stocks, bonds or other evidences of indebtedness payable more than 12 months from date of issue by that foreign electric utility to finance a utility facility in this State or that the agency has general supervision of that foreign electric utility in the conduct of its electric utility business, that foreign electric utility may not be deemed a "transmission and distribution utility" as defined in section 102, subsection 20-B, merely by reason of the exercise by it of the authority granted in former section 3139.

[PL 1999, c. 398, Pt. A, §54 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

5. Exemption.

[PL 1999, c. 398, Pt. A, §55 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1997, c. 316, §2 (AMD). PL 1997, c. 710, §7 (AMD). PL 1999, c. 398, §§A54,55 (AMD). PL 1999, c. 398, §§A104,105 (AFF). RR 2001, c. 2, §B55 (COR). RR 2001, c. 2, §B58 (AFF). PL 2007, c. 323, Pt. G, §3 (AMD). PL 2007, c. 323, Pt. G, §4 (AFF).

§3141. Taxation

1. Utility facilities owned by domestic transmission and distribution utility. All utility facilities, real and personal, situated within this State and owned by a domestic transmission and

distribution utility are subject to assessment and taxation to the same extent and in the same manner as provided in Title 36.
[PL 1999, c. 398, Pt. A, §56 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

2. Utility facilities owned by foreign electric utility. All utility facilities situated within this State and owned by a foreign electric utility other than a municipal or quasi-municipal corporation or other political subdivision of a state or province are subject to assessment and taxation to the same extent and in the same manner as though owned by a domestic transmission and distribution utility.
[PL 1999, c. 398, Pt. A, §56 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

3. Foreign utility facility that is a municipal or quasi-municipal corporation exempt from taxation. All utility facilities situated in this State and owned by a foreign electric utility that is a municipal or quasi-municipal corporation or other political subdivision of a state or province are exempt from taxation. In lieu of taxes the owner shall on or before September 1st of each year pay to the municipality where the utility facility lies the amount which would be assessable as property taxes if the utility facility were the property of a foreign electric utility other than a municipal or quasi-municipal corporation or other political subdivision of a state or province.
[PL 1987, c. 141, Pt. A, §6 (NEW).]

4. Procedures relating to payment in lieu of taxes. The assessment, abatement and appellate procedures and all other procedures relating to the payment in lieu of taxes shall be as provided in Title 36 with respect to taxes.
[PL 1987, c. 141, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1999, c. 398, §A56 (AMD). PL 1999, c. 398, §§A104,105 (AFF).

§3142. Registration required to market retail electric service

(REPEALED)

SECTION HISTORY

PL 1997, c. 447, §A1 (NEW). PL 1997, c. 710, §8 (AMD).

§3143. Declaration of policy on smart grid infrastructure

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Smart grid" means the integration of information and communications innovations and infrastructure, including nonwires alternatives, with the electric system to enhance the efficiency, reliability and functioning of the system through smart grid functions. [PL 2019, c. 298, §16 (AMD).]

B. [PL 2019, c. 298, §16 (RP).]

C. "Smart grid functions" means those functions that advance the policy of the United States as specified in the federal Energy Independence and Security Act of 2007, Public Law 110-140, Section 1301, including functions that enable consumers to access information about and to manage and adjust their electricity consumption or to generate and store electricity and functions specified in Section 1306(d) of that Act. [PL 2009, c. 539, §2 (NEW).]
[PL 2019, c. 298, §16 (AMD).]

2. Legislative findings. The Legislature finds that:

A. The cost of electricity to consumers in this State is high in comparison to costs in similar markets and impedes economic development; [PL 2009, c. 539, §2 (NEW).]

B. The State has recognized the consequences of climate change and has committed to policies to reduce emissions of greenhouse gases; [PL 2009, c. 539, §2 (NEW).]

C. The State's electric grid and long-term infrastructure investment are vital to continued security and economic development, and smart grid functions will deliver electricity from suppliers to consumers using modern technology to increase reliability and reduce costs in a way that saves energy and to enable greater consumer choice; [PL 2009, c. 539, §2 (NEW).]

D. The State currently lacks a comprehensive smart grid policy but faces critical decisions regarding the implementation of smart grid functions and associated infrastructure, technology and applications, and the commission and the Legislature will play central roles in making those decisions; [PL 2019, c. 298, §17 (AMD).]

E. It is vital that a smart grid policy be developed in order to ensure that all ratepayers and the State as a whole are afforded the benefits of smart grid functions and associated infrastructure, technology and applications; and [PL 2019, c. 298, §17 (AMD).]

F. It is in the public interest to establish a nonwires alternative coordinator for the State. [PL 2019, c. 298, §18 (NEW).]

[PL 2019, c. 298, §§17, 18 (AMD).]

3. Smart grid policy; goals. In order to improve the overall reliability and efficiency of the electric system, reduce ratepayers' costs in a way that improves the overall efficiency of electric energy resources, reduce and better manage energy consumption and reduce greenhouse gas emissions, it is the policy of the State to promote in a timely and responsible manner, with consideration of all relevant factors, the development, implementation, availability and use of smart grid functions and associated infrastructure, technology and applications in the State through:

A. Increased use of digital information and control technology to improve the reliability, security and efficiency of the electric system; [PL 2009, c. 539, §2 (NEW).]

B. Deployment and integration into the electric system of renewable capacity resources, as defined in section 3210-C, subsection 1, paragraph E, that are interconnected to the electric grid at a voltage level less than 69 kilovolts; [PL 2009, c. 539, §2 (NEW).]

C. Deployment and integration into the electric system of demand response technologies, demand-side resources and energy-efficiency resources; [PL 2009, c. 539, §2 (NEW).]

D. Deployment of smart grid technologies, including real-time, automated, interactive technologies that optimize the physical operation of energy-consuming appliances and devices, for purposes of metering, communications concerning grid operation and status and distribution system operations; [PL 2009, c. 539, §2 (NEW).]

E. Deployment and integration into the electric system of advanced electric storage and peak-reduction technologies, including plug-in electric and hybrid electric vehicles; [PL 2009, c. 539, §2 (NEW).]

F. Provision to consumers of timely energy consumption information and control options; and [PL 2009, c. 539, §2 (NEW).]

G. Identification and elimination of barriers to adoption of smart grid functions and associated infrastructure, technology and applications. [PL 2009, c. 539, §2 (NEW).]

It is the policy of the State to promote the development, implementation, availability and use of smart grid functions in accordance with this subsection in a manner that is consistent with applicable standards for reliability, safety, security and privacy and that takes into account the implementation of smart grid functions in other jurisdictions.

The commission may adopt rules regarding the implementation of smart grid functions in the State in accordance with this subsection, including, but not limited to, rules regarding cybersecurity and protection of consumer privacy, and access to smart grid infrastructure and information, including, but not limited to, open access issues, coordination between smart grid users and methods to address financial disincentives for transmission and distribution utilities to promote smart grid functions. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.
[PL 2009, c. 539, §2 (NEW).]

4. Resource assessment policy. In order to meet the goals of the smart grid policy as specified in subsection 3, it is the policy of the State that all available energy resources be assessed, including but not limited to the following types of resources:

A. Energy efficiency; [PL 2009, c. 539, §2 (NEW).]

B. Demand management, including but not limited to establishment of time-of-use tariffs and performance-based rates; [PL 2009, c. 539, §2 (NEW).]

C. Renewable resources, as defined in section 3210, subsection 2, paragraph C; [PL 2009, c. 539, §2 (NEW).]

D. Energy resources, other than those listed in paragraph C, that are located in the State and are interconnected to the electric grid at a voltage level of less than 69 kilovolts; and [PL 2009, c. 539, §2 (NEW).]

E. Transmission lines for which a certificate of public convenience and necessity is required under section 3132, subsection 2. [PL 2009, c. 539, §2 (NEW).]
[PL 2009, c. 539, §2 (NEW).]

5. Smart grid coordinator; authorization by the Public Utilities Commission; rules.

[PL 2019, c. 298, §19 (RP).]

6. Transition plan; displaced employees. If an investment in smart grid infrastructure by a transmission and distribution utility will lead to the displacement of 20 or more employees within a 3-year period, the transmission and distribution utility must file a transition plan for the displaced employees with the commission for approval and may not displace those employees unless the commission has approved a transition plan in accordance with this subsection.

A. If a transition plan filed with the commission has been agreed to by a collective bargaining agent representing the employees to be displaced, the commission must approve the plan. If a transition plan filed with the commission has not been agreed to by a collective bargaining agent representing the employees to be displaced, the commission may approve that plan only if the plan:

(1) Prioritizes the transition of the employees to employment within the transmission and distribution utility, to the extent feasible;

(2) Provides funds for worker education, training and support, including but not limited to tuition, fees, books, supplies, tools, equipment, child care, transportation and other assistance needed to obtain relevant remedial or prerequisite education or training, and maximizes the extent to which such education and training can be pursued while employed rather than after termination of employment;

(3) Demonstrates appropriate coordination with the Department of Labor; and

(4) Prevents unnecessary retraining and public assistance costs to the State, to the extent feasible. [PL 2009, c. 539, §2 (NEW).]

B. In applying for federal or other grants for workforce training to support smart grid implementation, the commission, the Department of Labor, the Efficiency Maine Trust and any

other agency or instrumentality of the State shall, to the extent permissible and feasible under the terms of the grant, give priority to assisting employees that are displaced as a result of the investment in smart grid infrastructure. [PL 2009, c. 539, §2 (NEW).]

C. The commission shall permit a transmission and distribution utility to adjust its rates to recover costs incurred pursuant to this subsection. [PL 2009, c. 539, §2 (NEW).]

For purposes of this subsection, "displaced employee" means an employee who is terminated from employment with a transmission and distribution utility; reduced to less than 75% of the hours traditionally required for the employee's position; involuntarily transferred to another position within the utility for less pay; or transferred to another position within the utility at a site more than 50 miles away from the employee's current site of employment.
[PL 2009, c. 539, §2 (NEW).]

7. Compliance with safety, security and reliability standards. In implementing the policies specified in this section, the commission and other agencies and instrumentalities of the State shall ensure that applicable regional, national and international grid safety, security and reliability standards are met. The commission and other agencies and instrumentalities of the State shall seek to cause standards that promote cost-effective technologies and practices supporting smart grid functions to be integrated into national and international grid safety, security and reliability standards.
[PL 2009, c. 539, §2 (NEW).]

8. Cost recovery. The commission shall, upon petition, permit a transmission and distribution utility to adjust its rates to recover the utility's prudently incurred incremental costs associated with implementing smart grid functions and associated infrastructure, technology and applications or otherwise taking reasonable actions consistent with the policies of this section, to the extent that the costs are not already reflected in the utility's rates and the adjustment does not result in rates that are unjust or unreasonable. A grant by a utility in an amount approved by the commission to the University of Maine System for smart grid research and development is deemed to be a prudently incurred incremental cost associated with implementing smart grid functions.
[PL 2009, c. 539, §2 (NEW).]

9. Report.
[PL 2023, c. 77, §6 (RP).]

10. Consumer education. If a transmission and distribution utility or the Efficiency Maine Trust implements smart grid functions, the utility or the trust shall, to the extent the commission determines appropriate, provide information to customers about the purpose and goals of smart grid functions, the ways in which smart grid functions, including but not limited to time-of-use pricing, may involve customer interaction and how the implementation of smart grid functions can benefit customers.
[PL 2019, c. 298, §20 (AMD).]

11. Savings clause. Nothing in this section limits any other authority of the commission with respect to smart grid implementation.
[PL 2009, c. 539, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 539, §2 (NEW). PL 2019, c. 298, §§16-20 (AMD). PL 2023, c. 77, §6 (AMD).

§3144. Emergency response plans

The commission, by rule or order, shall require each investor-owned transmission and distribution utility to establish an emergency response plan for recovery and restoration in response to an emergency in accordance with this section. The plan must be based on the United States Department of Homeland Security, Federal Emergency Management Agency's National Incident Management System publication, issued on October 17, 2017, or an updated version published subsequent to that date. For

the purposes of this section, "emergency" means an event in which widespread outages have occurred in the service territory of the investor-owned transmission and distribution utility due to weather events or other causes beyond the control of the utility. [PL 2019, c. 120, §1 (NEW).]

1. Priorities. The prioritization process under the emergency response plan required by this section must follow the statewide comprehensive emergency management plan under Title 37-B, chapter 13 in coordination with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, as established in Title 37-B, section 701, and county emergency management agencies and must include consideration of steps to ensure the safety of electric facilities, road opening and service restoration. Priorities for service restoration must consider facilities critical to protection of life, health and safety.
[PL 2019, c. 120, §1 (NEW).]

2. Plan requirements. The emergency response plan required by this section must detail a coordinated approach to providing an effective and efficient emergency response. The plan must include, but is not limited to:

A. Priorities for emergency response and service restoration, consistent with subsection 1; [PL 2019, c. 120, §1 (NEW).]

B. Provisions for internal and external staffing, including identification of management staff roles and responsibilities and identification of field employee roles and responsibilities, for utility operations during an emergency, for ensuring sufficient local knowledge of the system and for implementation of the emergency response plan, including a process for acquiring additional external resources required to address the emergency; [PL 2019, c. 120, §1 (NEW).]

C. Provisions for communication and coordination with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, as established in Title 37-B, section 701, and relevant municipal, interjurisdictional, county and regional emergency management agencies, as described in Title 37-B, section 781, during an emergency, including designation of staff responsible for these efforts. These provisions must address, but are not limited to, communication and coordination concerning emergency conditions, road opening and service restoration; [PL 2019, c. 120, §1 (NEW).]

D. Systems for customer communications during an emergency, including the provision for information regarding estimated time of service restoration; [PL 2019, c. 120, §1 (NEW).]

E. Procedures for deployment of internal and external resources during an emergency, including field employees, supplies and equipment needed; [PL 2025, c. 36, §1 (AMD).]

F. Provisions to ensure the safety of the employees and external contractors engaged in emergency response efforts; and [PL 2025, c. 36, §2 (AMD).]

G. Procedures for the identification of and outreach plans regarding customers who have a documented need of electricity for essential medical equipment, including an apnea monitor for an infant, a cuirass respirator, a hemodialysis machine, an intravenous feeding machine, an intravenous infusion machine, an oxygen concentrator, a positive-pressure respirator, a respirator or ventilator, a rocking bed respirator, an aspirator, a tank-type respirator or any other medical equipment necessary for an individual whose medical condition is likely to be significantly triggered or exacerbated by a continued loss of electricity in a way that will adversely impact that individual's health. [PL 2025, c. 36, §3 (NEW).]
[PL 2025, c. 36, §§1-3 (AMD).]

3. Filing of plan; commission review; public records exception. An investor-owned transmission and distribution utility shall submit to the commission, no later than May 15th of each even-numbered year, the emergency response plan required by this section. The commission shall review the emergency response plan for compliance with this section and rules adopted or orders issued

pursuant to this section. If, based on its review, the commission finds that a utility's emergency response plan does not comply with this section and rules adopted or orders issued pursuant to this section, the commission shall direct the utility to amend and resubmit the plan. An investor-owned transmission and distribution utility shall provide a copy of the emergency response plan and any amendments to the plan to the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency. The Maine Emergency Management Agency shall provide a copy of the plan to each county emergency management agency. In accordance with section 1311-A, the commission may designate portions of the emergency response plan as confidential through issuance of a protective order.
[PL 2019, c. 120, §1 (NEW).]

4. Emergency response performance review. After an emergency, the commission may open an investigation to review the emergency response performance of an investor-owned transmission and distribution utility. If, after investigation, the commission finds that the utility failed to implement its emergency response plan in a prudent manner, the commission shall take any action the commission determines appropriate under this Title to remedy that failure, including but not limited to denying the recovery through rates of all, or any part of, the emergency response and service restoration costs.
[PL 2019, c. 120, §1 (NEW).]

5. Annual report to Legislature. The commission shall include in its annual report pursuant to section 120, subsection 7 to the joint standing committee of the Legislature having jurisdiction over public utilities matters information regarding the activities conducted by the commission pursuant to this section and the performance of investor-owned transmission and distribution utilities in meeting the requirements of this section.
[PL 2019, c. 120, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 120, §1 (NEW). PL 2025, c. 36, §§1-3 (AMD).

§3145. State energy storage policy goals

The state goal for energy storage system development is at least 300 megawatts of installed capacity located within the State by December 31, 2025 and at least 400 megawatts of installed capacity located within the State by December 31, 2030. Beginning January 15, 2027, and every 2 years thereafter, when updating the state energy plan in accordance with section 10305, subsection 1, the Department of Energy Resources shall reevaluate and may increase the state goal for energy storage system development and shall, in the state energy plan, report any increase to the goal to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters. For the purposes of this section, "energy storage system" has the same meaning as in section 3481, subsection 6. [PL 2025, c. 597, Pt. A, §19 (AMD).]

SECTION HISTORY

PL 2021, c. 298, §1 (NEW). PL 2021, c. 676, Pt. A, §49 (AMD). PL 2023, c. 374, §1 (AMD). PL 2025, c. 105, §1 (AMD). PL 2025, c. 597, Pt. A, §19 (AMD).

§3146. Climate change protection plan

No later than May 1, 2027, and every 5 years thereafter, a transmission and distribution utility shall submit to the commission a 10-year plan that includes specific actions for addressing the expected effects of climate change on the utility's assets needed to transmit and distribute electricity to its customers. The commission shall provide a process to allow for the input from interested parties on the transmission and distribution utility's plan. The commission may use the plan and the input received from interested parties in rate cases or other proceedings involving the transmission and distribution utility. [PL 2025, c. 54, §1 (AMD).]

SECTION HISTORY

PL 2021, c. 702, §7 (NEW). PL 2025, c. 54, §1 (AMD).

§3147. Integrated grid planning

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Covered utility" means a large investor-owned transmission and distribution utility as defined in section 3201, subsection 12. [PL 2021, c. 702, §8 (NEW).]

A-1. "Advanced conductor" means an electrical conductor that has a direct current electrical resistance at least 10% lower than existing conductors of a similar diameter on the electric system. [PL 2025, c. 293, §2 (NEW); PL 2025, c. 293, §8 (AFF).]

B. "Environmental justice" means the fair treatment and meaningful involvement of all persons regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, rules, regulations and policies. [PL 2021, c. 702, §8 (NEW).]

B-1. "Grid-enhancing technology" has the same meaning as in section 3148, subsection 1, paragraph A. [PL 2025, c. 293, §3 (NEW); PL 2025, c. 293, §8 (AFF).]

C. "Grid plan" means a 10-year integrated grid plan developed in accordance with this section designed to improve system reliability and resiliency and enable the cost-effective achievement of the greenhouse gas reduction obligations and climate policies pursuant to Title 38, section 576-A and section 577, subsection 1. [PL 2021, c. 702, §8 (NEW).]

D. "Hosting capacity" means a threshold at a circuit at which new distributed energy resources will trigger upgrades or changes to the electrical distribution system and cost considerations of related upgrades and changes. [PL 2021, c. 702, §8 (NEW).]

[PL 2025, c. 293, §§2, 3 (AMD); PL 2025, c. 293, §8 (AFF).]

2. Priorities identified; stakeholder input. Beginning November 1, 2022, then every 5 years thereafter, the commission shall initiate a proceeding to identify the priorities to be addressed in a filing by a covered utility regarding a grid plan that will assist in the cost-effective transition to a clean, affordable and reliable electric grid. The commission shall hold technical conferences or stakeholder workshops before the filing to identify priorities, assumptions, goals, methods and tools that will assist the covered utility in developing a grid plan.
[PL 2021, c. 702, §8 (NEW).]

3. Commission order. At the conclusion of the technical conferences and stakeholder workshops held under subsection 2, the commission shall issue an order directing a covered utility to submit a filing to the commission that addresses the priorities identified in the proceeding initiated pursuant to subsection 2 and includes the additional components identified in subsection 4.
[PL 2021, c. 702, §8 (NEW).]

4. Additional components; submission. A covered utility shall submit a filing to the commission within 18 months of the issuance of an order by the commission pursuant to subsection 3. In addition to addressing the priorities specified in the commission order, the filing must:

A. Assess the electric system of the covered utility and its relationship to the regional grid; [PL 2021, c. 702, §8 (NEW).]

B. For elements of the filing related to customer energy consumption and usage characteristics, reference and incorporate relevant elements of the Efficiency Maine Trust triennial plan developed under section 10104, subsection 4, including all of the trust's analysis of cost-effective energy efficiency potential and plans to implement energy efficiency programs, demand management

programs, beneficial electrification programs such as heat pump and electric vehicle initiatives, energy storage initiatives and analysis of nonwires alternatives; [PL 2021, c. 702, §8 (NEW).]

C. Include at least 2 potential planning scenarios, at a minimum, a baseline scenario and a scenario of high-penetration distributed energy resources and end-use electrification. When applicable, the planning scenarios must incorporate mechanisms for achieving the priorities established pursuant to subsection 2, including, but not limited to, cost-effective policies, programs, rates, use of software or technology and infrastructure planning, including nonwires alternatives; [PL 2021, c. 702, §8 (NEW).]

D. Include, at a minimum, the following:

(1) Forecasts of projected load, including forecasts of end-use electrification, energy efficiency and distributed energy resources and, when appropriate, consideration of the energy forecasting method used to prepare the comprehensive state energy plan required pursuant to section 10305, subsection 1;

(2) Baseline energy supply data and assessments, including but not limited to planned generation retirements; new generation that is planned or needed, including generation of electricity from renewable sources; and energy storage installations;

(3) Analysis of hosting capacity, including locational benefits of distributed energy resources and areas of existing or potential system congestion;

(4) Analysis of available and emerging technologies necessary to enable load management and flexibility and those technologies necessary to improve efficiency and reliability of and reduce congestion of the grid, including, but not limited to, the use of advanced conductors and grid-enhancing technologies, taking into consideration the commission's review pursuant to section 3148;

(5) An assessment of the environmental, equity and environmental justice impacts of grid plans;

(6) An identification of cost-effective near-term grid investments and operations needed to achieve the priorities identified in subsection 2; and

(7) Consideration of the use of low-voltage sensors to improve grid monitoring capacity, including data related to grid power quality, transformer status and distributed energy resource capacity by location; and [PL 2025, c. 597, Pt. A, §20 (AMD).]

E. Reference and incorporate, as appropriate, all relevant analysis conducted as part of the State's climate action plan under Title 38, section 577 and relevant information from reports and analysis completed by other state agencies and quasi-independent state entities. [PL 2021, c. 702, §8 (NEW).]

The commission shall make the filing for each covered utility available for public comment for a period of no less than 60 days. The commission may order a covered utility to revise the filing to address any deficiencies. The commission may use the filing and the input received from interested parties in rate cases or other proceedings involving the covered utility. In a competitive solicitation conducted by the commission, the commission may use the filings submitted pursuant to this subsection to develop requests for proposals, evaluate bids and negotiate agreements in order to optimize grid capacity.
[PL 2025, c. 597, Pt. A, §20 (AMD).]

5. Access to information. Consistent with section 1311-A, a covered utility shall ensure to the greatest extent practicable that any information related to the filing is provided in a forum accessible to interested parties and all relevant data and distribution planning modeling tools are available to interested parties.
[PL 2021, c. 702, §8 (NEW).]

Nothing in this section prohibits the commission from holding additional proceedings if the commission determines it is necessary to meet the purposes of this section. [PL 2021, c. 702, §8 (NEW).]

SECTION HISTORY

PL 2021, c. 702, §8 (NEW). PL 2025, c. 293, §§2-5 (AMD). PL 2025, c. 293, §8 (AFF). PL 2025, c. 597, Pt. A, §20 (AMD).

§3148. Periodic review of grid-enhancing technology

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Grid-enhancing technology" means any hardware or software technology that enables enhanced or more efficient flow of electricity across the existing electric transmission and distribution system. "Grid-enhancing technology" does not include generation assets or energy storage. [PL 2023, c. 553, §1 (NEW).]

B. "Large investor-owned transmission and distribution utility" has the same meaning as in section 3201, subsection 12. [PL 2023, c. 553, §1 (NEW).]

[PL 2023, c. 553, §1 (NEW).]

2. Periodic review. Beginning January 15, 2027, and every 5 years thereafter, the commission shall conduct a review or update a previous review or contract with a consultant to conduct a review or update a previous review of available grid-enhancing technology that could be implemented by a large investor-owned transmission and distribution utility to reduce or defer the need for investment in grid infrastructure in the State. The commission may produce a report or contract with a consultant to produce a report describing the grid-enhancing technology identified in the review. The commission may file information or the report for use in rate cases or other proceedings involving a large investor-owned transmission and distribution utility, including the integrated grid planning proceeding required pursuant to section 3147, subsection 2.

[PL 2025, c. 54, §2 (AMD).]

SECTION HISTORY

PL 2023, c. 553, §1 (NEW). PL 2025, c. 54, §2 (AMD).

§3149. Negative pricing

The commission may not approve a contract for energy resulting from a competitive solicitation conducted by the commission under this Title unless the contract includes a provision that requires the reduction of payments under the contract by the absolute value of the applicable negative price multiplied by the energy produced and delivered under the contract during negative price intervals. The commission may grant an exception from the inclusion of such a negative price provision if the bidder demonstrates good cause for the exception and the commission finds that the contract is cost-effective, includes other price protections for ratepayers and will avoid to the maximum extent possible the curtailment of existing renewable resource generators. [PL 2025, c. 681, §4 (AMD).]

SECTION HISTORY

PL 2025, c. 392, §1 (NEW). PL 2025, c. 681, §4 (AMD).

SUBCHAPTER 3

ELECTRIC RATE REFORM ACT

§3151. Title

This subchapter shall be known and may be cited as the "Electric Rate Reform Act." [PL 1987, c. 141, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW).

§3152. Policy and findings

1. Increased efficiency. The Legislature declares and finds that improvements in transmission and distribution utility rate design and related regulatory programs have great potential for reducing the cost of electric utility services to consumers, for encouraging energy conservation and efficient use of existing facilities and for minimizing the need for expensive new electric transmission capacity. It is the purpose of this chapter to:

A. Require the commission to relate transmission and distribution rates more closely to the costs of providing transmission and distribution service; [PL 2013, c. 369, Pt. F, §2 (AMD).]

B. [PL 1999, c. 398, Pt. A, §57 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

C. Require the commission to consider the ability of low-income residential customers to pay in full for electric services as transmission and distribution rates are redesigned consistent with these policies; and [PL 2013, c. 369, Pt. F, §3 (AMD).]

D. Require the commission to set rates to the extent practicable to achieve economic efficiency. [PL 2013, c. 369, Pt. F, §4 (NEW).]

[PL 2013, c. 369, Pt. F, §§2-4 (AMD).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 769, §A140 (AMD). PL 1991, c. 253, §§1-3 (AMD). PL 1993, c. 402, §1 (AMD). PL 1999, c. 398, §A57 (AMD). PL 1999, c. 398, §§A104,105 (AFF). PL 2013, c. 369, Pt. F, §§2-4 (AMD).

§3153. The Public Utilities Commission to develop proposals to improve electric utility rate design

(REPEALED)

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 451, §1 (RP). PL 1987, c. 490, §B6 (AMD). PL 1987, c. 769, §A141 (AMD).

§3153-A. Public Utilities Commission to develop proposals to improve transmission and distribution utility rate design

1. Proposals and programs developed. The commission, as it determines appropriate, shall order transmission and distribution utilities to develop and submit specific rate design proposals and related programs for implementing energy conservation and energy efficiency techniques and innovations, either in conjunction with or independent of any rate-making proceeding pending before the commission. The proposals, as the commission determines, must be designed to encourage energy conservation, minimize the need for new transmission and distribution capacity, minimize costs of transmission and distribution service to consumers, minimize transmission and distribution rates over the long term or short term and take into account the needs of low-income customers. In approving a proposal under this section, the commission shall give equivalent consideration to the goals of minimizing costs and minimizing transmission and distribution rates to consumers. Proposals must include, but are not limited to, proposals that provide for the development and implementation of:

A. Load management techniques; [PL 1991, c. 253, §4 (AMD).]

B. Rates that reflect marginal costs of services at different voltages, times of day or seasons of the year, including long-run marginal costs associated with the construction of new transmission and distribution facilities; [PL 1999, c. 398, Pt. A, §58 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

C. [PL 1999, c. 398, Pt. A, §58 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

D. Rates or other regulatory policies that encourage transmission and distribution utility system reliability; [PL 1999, c. 398, Pt. A, §58 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

E. Transmission and distribution utility financing or subsidization of capital improvements undertaken by ratepayers to conserve electricity used by the ratepayers in the future. This paragraph applies to future programs for utility financing of energy conservation or load management as long as the goal of such programs is to economically defer or eliminate the need for transmission and distribution plant upgrades. In addition to programs undertaken pursuant to this paragraph, programs may be undertaken pursuant to section 10110 to achieve goals other than that identified in this paragraph; [RR 2009, c. 2, §103 (COR).]

F. As defined by the commission by rule, cost-effective conversions of electric space heat systems to systems relying on other fuels and other techniques for enabling homeowners and tenants to replace on-peak, winter period electric usage with less expensive sources of heat; [PL 1993, c. 402, §2 (AMD).]

G. Rates or bill payment assistance programs for residential customers who have been certified eligible for state or federal fuel assistance that take into account the difficulty these customers have paying in full for electric service or that target assistance to these customers in the most efficient manner, taking into account the necessity of maintaining electric service; and [PL 1993, c. 402, §2 (AMD).]

H. Rates that allow incremental use or maintenance of existing use when those rates serve to minimize rate levels for all transmission and distribution customers. In approving any proposal for rates that allow incremental use or maintenance of existing use, the commission shall seek to ensure that rates for all customer classes will be lower than they would have been had the commission not approved the proposal. [PL 1999, c. 398, Pt. A, §58 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

[RR 2009, c. 2, §103 (COR).]

2. Hook-up fee prohibited.
[PL 1993, c. 177, §1 (RP).]

3. Implementation of rebate structures. The Public Utilities Commission may require a transmission and distribution utility to implement rebate structures for installation or upgrade of an electric service entrance to encourage energy efficient buildings and discourage energy inefficient buildings. In designing these programs, the commission shall give due consideration to safety.
[PL 1999, c. 398, Pt. A, §58 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

4. Economic efficiency. In designing rates for transmission and distribution utilities, the commission shall set rates to the extent practicable to achieve economic efficiency.
[PL 2013, c. 369, Pt. F, §5 (NEW).]

SECTION HISTORY

PL 1987, c. 451, §2 (NEW). PL 1987, c. 769, §A142 (AMD). PL 1989, c. 246 (AMD). PL 1991, c. 253, §4 (AMD). PL 1993, c. 177, §1 (AMD). PL 1993, c. 402, §2 (AMD). PL 1999, c. 398, §A58 (AMD). PL 1999, c. 398, §§A104,105 (AFF). PL 2001, c. 624, §2 (AMD). RR 2009, c. 2, §103 (COR). PL 2013, c. 369, Pt. F, §5 (AMD).

§3154. The Public Utilities Commission to require the necessary improvements

1. Rate design and conservation improvements. The commission shall mandate, after notice and hearing on the proposed schedule, a scheduled phasing-in of the improvements in transmission and distribution utility rate design and related regulatory programs submitted and approved under section 3153-A and is authorized to order utilities to implement transmission and distribution utility rate design improvements approved by the commission on a temporary, pilot and experimental basis, affecting either a portion or all of any class of consumers of any utility as the commission may determine is appropriate to carry out the purposes of this subchapter, and order other energy conservation techniques, programs and innovations relating to transmission and distribution utility service that, in the commission's judgment, are practicable, just and reasonably related to fulfilling the purposes of this chapter. In ordering any rate design improvements or any other programs for implementing energy conservation techniques and innovations referred to in section 3153-A, the commission shall consider rate design stability and shall ensure the revenue requirements of the utility.
[PL 1999, c. 398, Pt. A, §59 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

2. Initial cost recovery. In assuring the revenue requirements of the utility with respect to programs for implementing energy conservation techniques or innovations, the commission shall, upon petition, permit the utility to adjust rates to recover the reasonable incremental costs associated with implementing those programs to the extent that the costs are not already reflected in the utility's rates and provided that that adjustment does not result in rates that are unjust or unreasonable. The adjustment shall include reasonable costs of all programs ordered under this subchapter incurred as of the time of the adjustment and reasonable estimated costs of operating the conservation programs.
[PL 1987, c. 141, Pt. A, §6 (NEW).]

3. Rules. The commission shall adopt rules implementing the requirements of subsection 2. Notwithstanding any other provision of this Title, such rules may include:

A. Procedures to periodically reconcile or adjust any rate adjustment ordered under subsection 2 or similar costs reflected in the utility's existing rates; [PL 1987, c. 141, Pt. A, §6 (NEW).]

B. Procedures which provide incentives and disincentives for the effective implementation of this subchapter; and [PL 1987, c. 141, Pt. A, §6 (NEW).]

C. Procedures to provide for the financial cost or benefit of under-collection or over-collection. [PL 1987, c. 141, Pt. A, §6 (NEW).]
[PL 1987, c. 141, Pt. A, §6 (NEW).]

4. Federal standards.
[PL 1999, c. 398, Pt. A, §60 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

5. Load management devices. The commission shall mandate, in any transmission and distribution utility rate schedule approved or taking effect after January 1, 1983, a rate for any user who installs a load management device, approved by the commission, that reflects the savings to the utility resulting from the use of the device.
[PL 1999, c. 398, Pt. A, §61 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

6. Conservation investments in rate base. Upon petition by the public utility in any general rate change request pursuant to section 307, filed on or after January 1, 1988, the commission may in its discretion include in the utility's rate base and permit a fair return on the utility's rate base, any electric plant to the extent financed by the utility which constitutes a cost effective investment in conservation or load management and which was installed on the premises of a customer.
[PL 1987, c. 613, §3 (NEW).]

7. Interruptible rates. In any general rate design case pending on or initiated after April 1, 1992, the commission, upon request, shall determine interruptible rates consistent with and by reference to its determination of utility transmission and distribution capacity costs. Interruptible rates must be

designed so as to encourage the long-term availability of interruptible resources, including interruptible options for all customer classes.
[PL 1999, c. 398, Pt. A, §62 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

8. Incentive rates.

[PL 1999, c. 398, Pt. A, §63 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 613, §3 (AMD). PL 1991, c. 769, §1 (AMD). PL 1991, c. 769, §3 (AFF). PL 1993, c. 91, §8 (AMD). PL 1993, c. 262, §1 (AMD). PL 1999, c. 398, §§A59-63 (AMD). PL 1999, c. 398, §§A104,105 (AFF).

§3155. The Attorney General authorized to intervene before the commission to protect consumer interest

The Department of Attorney General may: [PL 1987, c. 141, Pt. A, §6 (NEW).]

1. Make assessments. Make general factual assessments of the impact of proposed rate changes and other proposed regulatory actions upon all affected consumers;
[PL 1987, c. 141, Pt. A, §6 (NEW).]

2. Assist consumers. Assist consumers in the presentation of their positions before utility regulatory commissions;
[PL 1987, c. 141, Pt. A, §6 (NEW).]

3. Advocate position. Advocate, on its own behalf, a position which it determines represents the position most advantageous to consumers, taking into account developments in rate design reform; and
[PL 1987, c. 141, Pt. A, §6 (NEW).]

4. Obtain grants. Obtain grants pursuant to Public Law 94-385, Section 205(a), 42 United States Code, Section 6805 and the funds made available are to be in addition to, and not in substitution for, funds made available to that department from other sources.
[PL 1987, c. 141, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW).

§3156. Certificates of approval

The commission may issue a certificate of approval for an electric rate stabilization agreement, following submission to it of an application for approval, in the form and with any supporting data as the commission may require. The commission shall issue or deny the certification within 120 days of receipt of an application. [PL 1997, c. 593, §1 (AMD).]

The commission may not, in any rate proceeding or other context, disallow or otherwise prevent the recovery of costs incurred by the electric utility, including costs projected to be paid by an electric utility to a qualifying facility as defined in section 3303, under the terms of an agreement certified under this section based solely on the execution of the certified agreement. The commission shall take all reasonable action to ensure that amounts required to be paid pursuant to an agreement certified under this section are available. [PL 1997, c. 492, §2 (AMD); PL 1997, c. 492, §7 (AFF).]

The commission shall issue a certificate upon application by a utility pursuant to this section only if it finds that: [PL 1993, c. 712, §6 (NEW).]

1. Benefits. The agreement, and any assistance in financing the agreement to be provided by the Finance Authority of Maine, will provide substantial net benefits to ratepayers of the utility that will be reflected in rates paid by the electric utility's customers. The commission may consider whether alternative arrangements providing greater net benefits to ratepayers are reasonably likely to be

available to the utility and may not issue a certificate if the commission concludes that such an alternative arrangement is reasonably likely to be available;
[PL 1997, c. 593, §2 (AMD).]

2. Rate impacts. Near-term benefits to ratepayers will substantially exceed future adverse impacts estimated by the commission;
[PL 1997, c. 593, §3 (RPR).]

3. Protection of certain facilities. The agreement does not have as a necessary or probable consequence the permanent cessation of operations of a qualifying facility with a capacity of more than 50 megawatts;
[PL 1993, c. 712, §6 (NEW).]

4. Consistent with energy policy.
[PL 1999, c. 398, Pt. A, §64 (RP); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

5. Protection of energy resources. The agreement will not adversely impact the availability of a diverse and reliable mix of electric energy resources and will not significantly reduce the long-term electric energy or capacity resources available to the electric utility and needed to meet future electric demand. To the extent consistent with the long-term interests of ratepayers, an agreement resulting in a modification of an existing contract and that preserves electric energy or capacity resources is preferred over an agreement that results in the permanent cessation of operations of a qualifying facility.
[PL 1993, c. 712, §6 (NEW).]

For purposes of this section, the term "qualifying facility" has the same meaning as in section 3303. For purposes of this section, the term "electric rate stabilization agreement" means any agreement by an electric utility with a qualifying facility that will result in the reduction of costs to the electric utility and includes, but is not limited to, agreements proposed to be supported with financing made available under Title 10, chapter 110, subchapter III. [PL 1993, c. 712, §6 (NEW).]

A certificate may not be issued under this section after July 31, 2040. [PL 2025, c. 650, Pt. TT, §3 (AMD).]

SECTION HISTORY

PL 1993, c. 712, §6 (NEW). PL 1995, c. 120, §2 (AMD). PL 1995, c. 120, §5 (AFF). PL 1995, c. 698, §1 (AMD). PL 1995, c. 698, §4 (AFF). PL 1997, c. 492, §§2,3 (AMD). PL 1997, c. 492, §7 (AFF). PL 1997, c. 593, §§1-3 (AMD). PL 1997, c. 781, §2 (AMD). PL 1999, c. 398, §A64 (AMD). PL 1999, c. 398, §§A104,105 (AFF). PL 2025, c. 650, Pt. TT, §3 (AMD).

SUBCHAPTER 4

OLDER CITIZENS TRANSMISSION AND DISTRIBUTION SERVICE POLICY

§3171. Title

This subchapter may be known and cited as the "Older Citizens Transmission and Distribution Service Policy." [PL 1999, c. 398, Pt. A, §66 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). RR 1993, c. 1, §104 (COR). PL 1999, c. 398, §A66 (AMD). PL 1999, c. 398, §§A104,105 (AFF).

§3172. Policy

It is declared that it is a policy of the State to insure an adequate transmission and distribution utility service to older citizens at a price they can afford. Older citizens today face a special crisis in surviving

under the constant increase in the cost of living and particularly in the cost of fuel and utility services. It is the purpose of lifeline transmission and distribution service to alleviate the upward spiral in the cost of transmission and distribution service to older citizens and at the same time to encourage as well as reward the conservation of scarce energy supplies by adopting the approach of constant per unit cost for the use of electricity. It is the policy of the State that older citizens be able to receive transmission and distribution service for basic necessities of modern life, such as lighting and refrigeration, at a stable, fair and reasonable minimum cost and to encourage the reduction of electricity consumption for all other uses beyond such basic necessities. [PL 1999, c. 398, Pt. A, §67 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1999, c. 398, §A67 (AMD). PL 1999, c. 398, §§A104,105 (AFF).

SUBCHAPTER 5

BULK POWER TRANSACTIONS AND WHEELING

§3180. Definitions

As used in this subchapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1987, c. 490, Pt. B, §7 (NEW).]

1. Affiliate. "Affiliate" means any person who, as determined by the commission:

A. Directly controls, is controlled by or is under common control with an electric generation enterprise; or [PL 1987, c. 490, Pt. B, §7 (NEW).]

B. Substantially owns, is substantially owned by or is substantially under common ownership with, an electric generation enterprise. [PL 1987, c. 490, Pt. B, §7 (NEW).]

[PL 1987, c. 490, Pt. B, §7 (NEW).]

SECTION HISTORY

PL 1987, c. 490, §B7 (NEW).

§3181. Purchase and resale of electricity by Public Utilities Commission

(REPEALED)

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1999, c. 398, §A68 (RP). PL 1999, c. 398, §§A104,105 (AFF).

§3182. Transmission or wheeling of electricity

(REPEALED)

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 490, §§B8,B9 (AMD). PL 1999, c. 398, §A69 (RP). PL 1999, c. 398, §§A104,105 (AFF).

SUBCHAPTER 6

THE MAINE ENERGY POLICY ACT OF 1988

§3191. Energy policy

(REPEALED)

SECTION HISTORY

PL 1987, c. 671, §2 (NEW). PL 1991, c. 769, §2 (AMD). PL 1999, c. 398, §A70 (RP). PL 1999, c. 398, §§A104,105 (AFF).

SUBCHAPTER 7

INCENTIVE RATEMAKING

§3195. Commission authority to promote transmission and distribution utility efficiency

1. Rate-adjustment mechanisms. This Title may not be construed to prohibit the commission from or to restrict the commission in establishing or authorizing any reasonable rate-adjustment mechanisms to promote efficiency in transmission and distribution utility operations and least-cost planning. Rate-adjustment mechanisms may include, but are not limited to:

A. Decoupling of utility profits from utility sales through revenue reconciliation; [PL 1991, c. 413, §1 (NEW); PL 1991, c. 413, §2 (AFF).]

B. Reconciliation of actual revenues or costs with projected revenues or costs, either on a total or per customer basis; [PL 1991, c. 413, §1 (NEW); PL 1991, c. 413, §2 (AFF).]

C. Adjustment of revenues based on reconciled, indexed or forecasted costs; and [PL 1991, c. 413, §1 (NEW); PL 1991, c. 413, §2 (AFF).]

D. Positive or negative financial incentives for efficient operations. [PL 1991, c. 413, §1 (NEW); PL 1991, c. 413, §2 (AFF).]

[PL 1999, c. 398, Pt. A, §71 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

2. Just and reasonable rates. In determining the reasonableness of any rate-adjustment mechanism established under this subchapter, the commission shall apply the standards of section 301 to ensure that the rates resulting from the implementation of the mechanism are just and reasonable. Prior to the adoption of a new or replacement alternative rate plan or renewal of any existing alternative rate plan, the commission shall, in order to ensure that rates at the starting point of the plan are just and reasonable, conduct a revenue requirement and earnings review pursuant to the standards of section 301. In conducting such a review under this subsection, the commission, at its discretion, may conduct the review in a manner designed to minimize the cost of the review to ratepayers.

[PL 2003, c. 45, §1 (AMD).]

3. Value of utility property. Notwithstanding section 303, rate-adjustment mechanisms established under this section may be used to establish the value of the transmission and distribution utility's property.

[PL 1999, c. 398, Pt. A, §71 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

4. Ratepayer protection. In determining the reasonableness of any rate-adjustment mechanisms, the commission shall consider the transfer of risks associated with the effect of the economy and the weather on the utility's sales. To the extent these risks are transferred from the utility to its customers, the commission shall consider in a rate proceeding the effect of the transfer of risk in determining a utility's allowed rate of return.

[PL 1991, c. 413, §1 (NEW); PL 1991, c. 413, §2 (AFF).]

5. Report. The commission shall include in its annual report pursuant to section 120, subsection 6 any significant developments with respect to any actions taken or proposed to be taken by the commission under this section.
[PL 2009, c. 122, §13 (AMD).]

6. Rate flexibility. Notwithstanding sections 307 and 703, the commission, in an adjudicatory proceeding, may authorize a transmission and distribution utility to implement a program under which:

A. The utility may change its schedule of rates with limited notice to the commission; and [PL 1993, c. 614, §1 (NEW).]

B. The utility may enter into contracts for the sale of transmission and distribution services and related management services with limited or no prior express approval by the commission. [PL 1999, c. 398, Pt. A, §71 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

The commission shall render its decision in any adjudicatory proceeding held for the purposes of authorizing a utility to implement a program consistent with this subsection within 9 months of the initiation of the proceeding. In the adjudicatory proceeding, the commission shall establish the terms and conditions under which a program is authorized under this subsection. The authority granted to the commission under this subsection is in addition to the authority of the commission granted under other provisions of this Title and nothing in this subsection may be construed to limit the authority of the commission under any other provision of this Title.
[PL 1999, c. 398, Pt. A, §71 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

SECTION HISTORY

PL 1991, c. 413, §1 (NEW). PL 1991, c. 413, §2 (AFF). PL 1993, c. 614, §1 (AMD). PL 1999, c. 398, §A71 (AMD). PL 1999, c. 398, §§A104,105 (AFF). PL 2003, c. 45, §1 (AMD). PL 2009, c. 122, §13 (AMD).

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