

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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Legislative Document

No. 2409

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H.P. 1703

House of Representatives, January 10, 2000

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**An Act to Amend the Renewable Resources Requirement for Electricity Providers under the Electric Restructuring Laws.**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TOWNSEND of Portland.  
Cosponsored by Senator TREAT of Kennebec and  
Representatives: DUNLAP of Old Town, ETNIER of Harpswell, MARTIN of Eagle Lake,  
SAXL of Portland, SHIAH of Bowdoinham, Senators: GOLDTHWAIT of Hancock,  
KILKELLY of Lincoln, RUHLIN of Penobscot.

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

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4       **Sec. 1. 35-A MRSA §3210, sub-§2, ¶C**, as repealed and replaced  
by PL 1999, c. 398, Pt. I, §2, is amended to read:

6       C. "Renewable resource" means a source of electrical  
generation:

8               (1) That qualifies as a small power production  
10               facility under the Federal Energy Regulatory Commission  
12               rules, 18 Code of Federal Regulations, Part 292,  
Subpart B, as in effect on January 1, 1997; or

14               (2) Whose total power production capacity does not  
16               exceed 100 megawatts and that relies on one or more of  
the following:

18                       (a) Fuel cells;

20                       (b) Tidal power;

22                       (c) Solar arrays and installations;

24                       (d) Wind power installations;

26                       (e) Geothermal installations;

28                       (f) Hydroelectric generators; A hydroelectric  
30                       power generating facility qualifies for inclusion  
32                       in a provider's portfolio of supply sources under  
34                       subsection 3 only if the facility:

36                               (i) Is licensed under the Federal Power Act,  
38                               16 United States Code, Section 791 et seq.,  
40                               for a term of not less than 30 years;

42                               (ii) Has constructed and fully operational  
44                               fishways and other facilities required under  
46                               16 United States Code, Section 803(j) and 16  
48                               United States Code, Section 811 in compliance  
with the terms of the facility's license; and

(iii) Has all permits for a hydroelectric  
power generating facility required under  
Title 38, chapter 5, article 1, subarticle  
1-B and is in compliance with the terms of  
all such permits;

(g) Biomass generators; or

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(h) Generators fueled by municipal solid waste in conjunction with recycling.

### SUMMARY

Under this bill, a dam will not qualify for inclusion under the renewable resources requirements in the electric restructuring laws unless the dam has all necessary and applicable regulatory approvals for upstream and downstream fish passage, a federal license for a minimum of 30 years and fish passage facilities constructed and operational.