

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 589

S.P. 205

In Senate, March 3, 2015

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**An Act To Increase the Beneficial Reuse of Waste Materials and To  
Promote Community-based Renewable Energy**

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Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

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

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.  
Cosponsored by Senator: DILL of Penobscot, Representatives: BLACK of Wilton,  
DUCHESNE of Hudson.

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

2 **Sec. 1. 35-A MRSA §3210, sub-§2, ¶B-3**, as enacted by PL 2009, c. 542, §3, is  
3 amended to read:

4 B-3. "Renewable capacity resource" means a source of electrical generation:

5 (1) Whose total power production capacity does not exceed 100 megawatts and  
6 relies on one or more of the following:

7 (a) Fuel cells;

8 (b) Tidal power;

9 (c) Solar arrays and installations;

10 (d) Geothermal installations;

11 (e) Hydroelectric generators that meet all state and federal fish passage  
12 requirements applicable to the generator; or

13 (f) Biomass generators that are fueled by wood or wood waste, landfill gas  
14 or anaerobic digestion of ~~agricultural products, by products or wastes~~; or

15 (2) That relies on wind power installations.

16 **Sec. 2. 35-A MRSA §3602, sub-§3-A** is enacted to read:

17 **3-A. Net generating capacity.** "Net generating capacity" means the output of a  
18 generating facility delivered to the transmission and distribution utility system excluding  
19 any generation consumed by the generator for internal or on-site use.

20 **Sec. 3. 35-A MRSA §3603, sub-§2, ¶¶A and B**, as enacted by PL 2009, c. 329,  
21 Pt. A, §4, are amended to read:

22 A. The ~~installed~~ net generating capacity of a program participant may not exceed 10  
23 megawatts.

24 B. The total ~~installed~~ net generating capacity of all program participants combined  
25 may not exceed 50 megawatts.

26 **Sec. 4. Community-based renewable energy pilot program projects.**

27 Notwithstanding the Maine Revised Statutes, Title 35-A, section 3609, a community-  
28 based renewable energy project that has been certified by the Public Utilities Commission  
29 by December 31, 2015 as a program participant under the community-based renewable  
30 energy pilot program established in Title 35-A, section 3603 remains authorized to  
31 operate as a program participant as long as the program participant continues to take  
32 reasonable steps to develop and operate the project as determined by the commission.

33 **SUMMARY**

34 This bill allows biomass generators that are fueled by any type of anaerobic  
35 digestion, instead of anaerobic digestion of agricultural products, by-products and wastes

1 only, as a new renewable capacity resource under the electricity generation supply source  
2 portfolio requirements.

3 The bill specifies that the basis to be used for determining capacity under the  
4 community-based renewable energy pilot program is net generating capacity, rather than  
5 installed generating capacity. It also provides that projects authorized and certified by the  
6 Public Utilities Commission before December 31, 2015 retain those approvals as long as  
7 the project continues to develop and operate.