

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 554

S. P. 174

In Senate, February 6, 1975

Referred to Committee on Energy. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Speers of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Protect Tidal Resources as a Source of Power Generation.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the current energy crisis threatens the citizens of this State with high cost and potential unavailability of necessary fuel supplies; and

Whereas, the development of alternate energy resources is of the utmost importance as a means to meet this crisis at the earliest possible time; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

12 MRSA, § 3406 is enacted to read:

§ 3406. Tidal power resources preserved

1. Findings and purpose. The Legislature finds that the current energy crisis is causing severe problems for the State, including high costs and potential unavailability of necessary fuel supplies; that development of alternate energy resources is critical to limit the adverse effects of the energy crisis and protect the health and welfare of the citizens of the State; that the State has available to it an important and unique alternative energy source in the tides in certain areas of the State, which may be used to generate electric power and reduce current dependence on petroleum supplies; that

tidal power generation is becoming increasingly feasible, economically and technically, in comparison with current energy sources; and that legislation is needed to assure that those waters of the State which may be used for tidal power continue to be available for such use without compromise by incompatible uses.

2. **Prohibition.** No person shall develop or operate any industrial or commercial facility in such a manner that the facility itself or any activities necessary for the construction or operation of such facility will be incompatible with or will increase the economic costs of any existing or potential use of any waters of the State, in areas where the normal tide rise exceeds 15 feet or where the normal tidal current exceeds 1.5 knots, for purposes of generating electrical power by action of the tides, provided that, such person may develop or operate such a facility only if prior to commencement of development of such facility, such person files with the Secretary of State an agreement, approved by the Attorney General, that at the time of the commencement of actual construction of any tidal power project, it will at its own cost remove any facilities or terminate any activities which are incompatible with or will increase the costs of such project.

3. **Enforcement.** The Attorney General shall be responsible for overseeing compliance with this section and may institute injunction proceedings to enjoin violations hereof and enforce agreements made hereunder.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

This bill will assure that those waters of the State which may be used for tidal power continue to be available for such use without compromise by incompatible uses.