

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (After Deadline)

3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE
6

7 Legislative Document

No. 2234

8
9 S.P. 833

In Senate, March 13, 1984

10 Approved for introduction by a majority of the Legislative Council
11 pursuant to Joint Rule 27.

12 Referred to the Committee on Energy and Natural Resources. Sent down
for concurrence and ordered printed.

Presented by Senator Kany of Kennebec.
JOY J. O'BRIEN, Secretary of the Senate

13 Cosponsors: Representative Carter of Winslow, Representative Joseph of
Waterville and Representative Matthews of Winslow.

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-FOUR
18

19 AN ACT Encouraging an Alternative to
20 Landfill Disposal of Solid Waste.
21

22 **Emergency preamble.** Whereas, Acts of the Legis-
23 lature do not become effective until 90 days after
24 adjournment unless enacted as emergencies; and

25 Whereas, municipal solid waste recovery projects
26 provide a threefold public benefit of diversifying
27 energy sources, stabilizing and reducing long-term
28 municipal disposal costs and reducing environmental
29 degradation of limited ground water resources; and

30 Whereas, these municipal solid waste recovery
31 projects can benefit more than 100 municipalities
32 participating in regional projects throughout Maine;
33 and

1 Whereas, the viability of these public projects
2 can affect the health, safety and cost of disposal of
3 more than 50% of Maine's people; and

4 Whereas, the municipal waste to energy projects
5 are publically accountable and therefore face a much
6 longer and more exhaustive decision-making process;
7 and

8 Whereas, the Public Utilities Commission's rates,
9 rules and decisions have not sufficiently recognized
10 the greater public benefit and greater competitive
11 disadvantages that municipal solid waste recovery
12 projects have; and

13 Whereas, the public benefits offered by these
14 projects make it imperative that they be given top
15 priority by enactment of this legislation as emergen-
16 cy legislation; and

17 Whereas, in the judgment of the Legislature,
18 these facts create an emergency within the meaning of
19 the Constitution of Maine and require the following
20 legislation as immediately necessary for the preser-
21 vation of the public peace, health and safety; now,
22 therefore,

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

25 Sec. 1. 35 MRSA §2322, first ¶, as enacted by PL
26 1979, c. 421, §2, is amended to read:

27 §2322. Purpose

28 The Legislature finds that it is in the best in-
29 terest of the State to reduce the state's dependence
30 upon fossil fuels for its energy needs. It is neces-
31 sary to diversify energy producing systems and energy
32 sources to ensure an adequate and reliable supply of
33 energy for Maine citizens. The Legislature further
34 finds that the development of small energy production
35 facilities using renewable resources and cogeneration
36 facilities will have a significant and beneficial ef-
37 fect upon this State. The Legislature further finds
38 that the replacement of fossil fuels by municipal

1 solid waste reduces dependence upon fossil fuels,
2 diversifies energy sources, reduces municipal costs
3 and reduces the negative environmental effects of
4 solid waste disposal.

5 Sec. 2. 35 MRSA §2323, as amended by PL 1981, c.
6 698, §173, is further amended to read:

7 §2323. Definitions

8 As used in this chapter, unless the context oth-
9 erwise indicates, the following terms shall have the
10 following meanings.

11 1. Cogenerator. "Cogenerator" means a municipal-
12 ity, person or corporation:

13 A. Owning or operating a facility which gener-
14 ates electricity and steam or other useful forms
15 of energy which are used for commercial, indus-
16 trial, heating or cooling purposes; and

17 B. Not primarily engaged in the generation or
18 sale of electric power, other than the power gen-
19 erated at the cogeneration facility.

20 For purposes of this chapter, a cogenerator shall be
21 considered not primarily engaged in the generation or
22 sale of electric power if 50% or less of the equity
23 interest in the cogeneration facility is owned by a
24 public utility, a subsidiary of a public utility or
25 an affiliate of a public utility.

26 1-A. Associate. "Associate" means any person or
27 corporation other than a public utility that substan-
28 tially participates in the ownership or operation of
29 a cogeneration or small power production facility, or
30 any person or corporation that contracts to receive
31 the thermal output of a cogeneration facility.

32 1-B. Existing transmission and distribution line
33 improvement costs. "Existing transmission and distri-
34 bution line improvement costs" means any costs the
35 utility reasonably incurs for upgrading and improving
36 transmission and distribution lines and related fa-
37 cilities that are already operable as part of that
38 utility's existing power grid.

1 1-C. Interconnection costs. "Interconnection
2 costs" means the reasonable costs incurred solely due
3 to connecting the qualifying facility with the exist-
4 ing facilities of the electric utility purchasing the
5 power. Interconnection costs do not include the costs
6 of improvements to existing transmission and distri-
7 bution lines.

8 1-D. Municipal solid waste. "Municipal solid
9 waste" means solid waste emanating from domestic and
10 commercial sources over which municipalities are au-
11 thorized to exercise control.

12 1-E. Municipal solid waste energy recovery fa-
13 ility. "Municipal solid waste energy recovery fa-
14 cility" means a "small power producer," as defined by
15 this chapter, which depends upon municipal solid
16 waste for its primary source of energy. For the pur-
17 poses of this definition, "primary" means at least
18 50%.

19 2. Renewable resources. "Renewable resources"
20 mean resources that are capable of being reproduced,
21 replenished or restored following the use of these
22 resources and resources that are inexhaustible. Re-
23 newable resources shall include biomass, wood, water,
24 waste, solid waste, as defined by Title 38, section
25 1303, solar and wind, but shall exclude nuclear fuel
26 sources, coal and oil.

27 3. Small power producer. "Small power producer"
28 means a municipality, person or corporation owning or
29 operating a power production facility with a power
30 production capacity which, together with any other
31 facilities located at the same site, does not exceed
32 80 megawatts of electricity and which depends upon
33 renewable resources for its primary source of energy.
34 For purposes of this chapter, a power producer shall
35 not be considered a "small power producer" if more
36 than 50% of the equity interest in the power produc-
37 tion facility is owned by a public utility, a subsid-
38 iary of a public utility or an affiliate of a public
39 utility.

40 Sec. 3. 35 MRS §2326, as repealed and replaced
41 by PL 1981, c. 450, §7, is amended to read:

