

MAINE STATE LEGISLATURE

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(New Draft of S.P. 790, L.D. 2126)
(New Title)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2383

S.P. 879

In Senate, March 27, 1984

Reported by Senator Kany of Kennebec from the Committee on Energy and Natural Resources. Printed under Joint Rule 2.

Original bill presented by Senator Pearson of Penobscot. Cosponsored by Representative Cooper of Windham, Representative Mayo of Thomaston and Representative Mitchell of Freeport.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

AN ACT to Encourage the Use of Wood and
Solid Waste as a Source of Energy in
State-owned Buildings.

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

5 MRSA §1766 is enacted to read:

§1766. Use of biomass and solid waste fuels in state facilities

For the purposes of the installation, development or operation of any energy production improvement at or in connection with a state facility, and not withstanding any other provision of law, the Bureau of Public Improvements may enter into an agreement with a private party under which the private party

1 may, for consideration, lease or otherwise acquire
2 property interest, exclusive of ownership in fee, in
3 land, buildings or other existing heating facilities
4 and right of access thereto; provided that any im-
5 provement to the land, buildings or other existing
6 heating facility installed, erected, owned, developed
7 or operated by the private party utilizes biomass,
8 solid waste or some combination of biomass and solid
9 waste for at least 50% of its total energy input.
10 The duration of the agreement shall not exceed 20
11 years.

12 The private party undertaking the installation,
13 erection, ownership, development or operation of such
14 an improvement may cogenerate thermal energy and
15 electricity and may sell thermal energy to a state
16 facility located at or near the site of the improve-
17 ment. The private party may sell thermal energy in
18 excess of the requirements of the state facility to
19 any other customer and may sell cogenerated electric-
20 ity to the state facility or to an electric public
21 utility, subject to the provisions of Title 35, chap-
22 ter 172.

23 A forest harvest operation to supply biomass fuel
24 to the improvement shall be conducted in accordance
25 with a landowner's forest management plan approved by
26 a registered professional forester. The private par-
27 ty undertaking the improvement shall make available
28 the services of a registered professional forester at
29 no cost to a landowner whose land will be harvested
30 to provide biomass fuel to the improvement.

31 The Bureau of Public Improvements, at the termi-
32 nation of the agreement with the private party pursu-
33 ant to this section, may acquire, operate and main-
34 tain the improvement, may renew the agreement with
35 the private party or may make an agreement with an-
36 other private party to operate and maintain the im-
37 provement.

38 The provisions of section 1587 shall not apply to
39 an agreement for the ultimate acquisition of the en-
40 ergy production improvements contemplated in this
41 section.

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STATEMENT OF FACT

2 The new draft clarifies the authorization for the
3 sale of various energy products (eg. steam, elec-
4 tricity) by the private party to state facilities,
5 public utilities or other customers. The require-
6 ments for professional forestry management are speci-
7 fied; a landowner providing biomass fuel must have a
8 management plan approved by a registered forester of
9 the landowner's choosing. The new draft further re-
10 quires the operator of the energy facility to make
11 professional forestry services available to the land-
12 owner at no cost. The new draft also enables the use
13 of solid waste for fuel in the energy facilities op-
14 erated under the authorization of this bill.

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